POLICING AND NON-NATIONALS

Training manual on strengthening the role of community police forums to address xenophobic violence

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Table of contents

Foreword

In 2019, South Africa launched the National Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) to address xenophobia and hate crimes, signaling Government's clear position on combatting discrimination of any form. Community Police Forums (CPFs) have an important role to play, and this training manual is aimed at supporting the capacity of the CPFs and others.

I wish to extend my gratitude to the African Policing Civilian Oversight Forum (APCOF) for facilitating the development of this capacity building training manual for CPFs, and the European Union and the Sigrid Rausing Trust for their financial support.

Chris Nissen
South African Human Rights Commissioner

Training schedule

Day 1

Time	Activity
08h00–09h00	Registration
09h00–10h00	Welcome, introduction and pre-assessment
10h00–11h00	**Module 1:** Who are non-nationals in South Africa?
	Tea
11h00–13h00	**Module 2:** Understanding xenophobia, discrimination and 'othering'
	Lunch
14h00–15h30	**Module 3:** National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerances
15h30–16h00	Question and answer session

Day 2

Time	Activity
08h00–08h30	Recap of Day 1
08h30–11h00	**Module 4:** How can CPF and other community safety stakeholders further the outcomes of the NAP?
	Tea
11h30–13h00	**Module 5:** Practical tools for preventing and responding to xenophobia: Prevention
	Lunch
14h00–16h30	**Module 5:** Practical tools for preventing and responding to xenophobia: Early warning
16h30–17h00	Close

Abbreviations and acronyms

CBO Community-based organisation

CPF Community Police Forum

CSF Community Safety Forum

CSO Civil society organisation

FBO Faith-based organisation

UNHCR United Nations High Commissioner for Refugees
(also known as the UN Refugee Agency)

NAP National Action Plan to Combat Racism, Racial Discrimination,
Xenophobia and Related Intolerance

NGO Non-governmental organisations

SAPS South African Police Service

**For the purpose of this training manual, and guided by
the National Action Plan, the term 'non-national' refers to any
person who is not a citizen of South Africa by birth who may be
perceived as foreign, and includes migrants, immigrants, foreign
nationals, undocumented immigrants, refugees and asylum-
seekers, and South Africans who are perceived as foreign,
including naturalised citizens and those from ethic groups
not originally from South Africa.**

Learning outcomes for this training

1 CPF members will have a deeper understanding and acceptance of the challenges that non-nationals face in their communities, particularly xenophobia and other forms of direct and indirect discrimination

2 CPF members will be familiar with the international, regional and South African legal frameworks that apply to non-nationals, especially the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance

3 CPF members will become familiar with some of the principles and tools they can use to prevent and respond to xenophobic-related violence and to ensure a satisfactory response to xenophobic situations

Methodology

We will achieve these learning outcomes through:

Discussions	Role plays	Case studies	Self-reflection

Pre-assessment

It is interesting to find out what participants know and feel about the subject we are about to cover.

Let's do this by individually thinking about the questions below. We will discuss them briefly as a group afterwards, as well as at the end of the training.

How much do you know about the National Action Plan?
- A lot
- A little
- Nothing!

To what extent do you consider xenophobia to be an issue in your community?
- A lot
- A little
- Not at all
- Other (specify)

To what extent are non-nationals represented in your CPF at present?
- Good representation
- Some representation
- No representation

If you answered 'No representation', is that because:
- There are no non-nationals living in your community
- They don't need to be specifically represented on the CPF because they are not citizens
- They don't need to be specifically represented on the CPF for another reason
- CPFs can't have everyone in the community represented – it would be too unwieldy
- Other (specify)

Which of these statements do you agree with regarding the role of CPFs?
- The priority should be to safeguard the interests of taxpayers in the community
- Working with the SAPS is the priority
- CPFs can only function well if they represent everyone in the community, including non-nationals
- CPFs should serve documented non-nationals, but not the illegal foreigners
- CPFs should not get involved in xenophobic-related incidents

MODULE 1

Who are non-nationals in South Africa?

When we talk in this training manual about non-nationals, we are not referring to tourists who are only here for a short time. We are referring to people who are in South Africa for the long-term, although many are not permanently settled here – they return to their county of origin frequently and plan to return 'home' eventually.

Why do people leave their countries?

Just as there are South African-born people living in all corners of the world, so there are many non-South Africans living in South Africa. The phenomenon of moving around the world is as old as humans themselves.

Discuss the following questions with participants:

- Have you ever lived anywhere other than in South Africa?
- Have any members of your family lived in another country?
- Would you like to live in another country?
- What are some of the reasons you lived outside of South Africa?
- Why do people emigrate from South Africa?

These are called PUSH and PULL FACTORS.

Examples of push factors:

- Political turmoil and war
- A lack of economic opportunities
- Economic crises

Can you think of any other push factors?

Examples of pull factors:

- Better economic opportunities
- Better healthcare
- Better climate
- Cheaper to live

Can you think of any other pull factors?

Ultimately, the decision to leave one's home country is difficult, and people often face many dangers and obstacles. It is hard for people to leave their families and what they know to travel to a new country where their future is uncertain. The journey is also often long, expensive and difficult; many people have died trying to reach and enter South Africa and other countries. Given the choice, many would stay in their home country, but they are forced to leave by circumstances beyond their control. It is important that we as South Africans understand that people's decision to come to South Africa is not an easy one.

Legal status of non-nationals in South Africa

Discuss the following questions with participants:

How much do you know about these categories of non-nationals? What South African laws govern their rights and obligations? What rights do they have, for example, to work, get healthcare, educate their children, or vote? Discuss and read the readings below for answers.

Status	Relevant South African laws	Permit/Certificate/Visa	Rights in SA law
Economic migrant			
Refugee			
Asylum seeker			
Stateless person			

Citizens, foreigners and illegal foreigners

The Immigration Act (2002) defines the three basic categories of citizen, foreigner and illegal foreigner, as you can see in the first layer of Diagram 1 on page 6. In this training, we are concerned with the last two categories: foreigner and illegal foreigner.

The second layer of the diagram gives examples of what documents or attributes an individual must have to qualify as a foreigner or as an illegal foreigner.

Immigration Act 13 of 2002

CITIZEN:
A person who is South African by birth or descent, as defined by the South African Citizenship Act (1994)

FOREIGNER:
An individual who is neither a citizen nor a resident, but is not an illegal foreigner

Holder of a permanent or temporary resident permit, such as:

Study, tourist, business, spouse, work visa

Asylum seeker's permit

Refugee permit

ILLEGAL FOREIGNER:
A foreigner who is in South Africa in contravention of the Immigration Act

Prohibited person
Someone who has committed criminal acts in another country
People with certain infectious diseases

Person who enters or who tries to enter the country without any permit or any consent or authorisation

Migrant who does not fulfil or no longer fulfils the conditions of entry, stay or residence in the country

Migration, asylum and refugees under South African and international law

Who is an economic migrant?

An **economic migrant** is a person who has come to South Africa for primarily economic reasons. They are here because they have been offered a job, hope to find work or want to conduct business. Economic migrants are generally in South Africa temporarily and do not hope to make South Africa their permanent home. In many cases, people keep contact with their home countries and travel backwards and forwards between South Africa and their own country.

Economic migrants can be in South Africa legally or illegally. Many economic migrants have legal documents allowing them to be in the country; they have work permits, corporate permits, or are here as traders or shoppers. Others are here without the proper documentation, either because they entered South Africa illegally or because their permits have expired.

Who is a refugee or asylum seeker?

Under international law

The South African government is a signatory to key international policy documents on refugees. These are:

- The 1951 **United Nations Convention Relating to the Status of Refugees** and the UN-aligned 1967 **Protocol Relating to the Status of Refugees**. Under these UN frameworks, South Africa is obliged to protect refugees and asylum seekers living here and afford them the same rights given to South Africans. It is also obliged to cooperate with the UN Refugee Agency (UNHCR) in matters relating to the implementation of the Convention itself and to any laws, regulations or decrees that could affect refugees.
- The African Union's 1969 **Convention Governing the Specific Aspects of Refugee Protection in Africa**. Under the AU Convention, the government is expected to proactively receive refugees and secure somewhere for them to live. It cannot expel or repatriate them against their will.

Under South African law

South Africa's Refugees Act of 1998 makes provision for refugees.

A refugee is someone who has sought and has been granted sanctuary in another country. In legal terms, they have been granted asylum and given refugee status by their host state. In South Africa, this is something that can be done only by the Department of Home Affairs. A person is only granted refugee status if they meet certain criteria. Like most other countries, South Africa follows the **United Nations Refugee Convention** of 1951. This states that someone is only a refugee if they have fled or cannot return to their country of birth, or have been left stateless due to:

- a well-founded fear of persecution due to their race, religion, nationality, membership of a particular social group or their political opinion; or
- serious threats to their life, physical integrity or freedom.

Under the Act, refugees and their dependents are entitled to live in South Africa. They can work and have the same rights to protection, healthcare and education as someone born in South Africa. They can also apply to become a permanent resident if they have lived here continuously for five years or more from the date they receive refugee status.

Who is an asylum seeker under South African law?

South Africa's **Refugees Act** of 1998 also provides for asylum seekers.

An asylum seeker is a person who has lodged a formal claim for asylum with the Department of Home Affairs and is waiting for the claim to be processed and a decision to be made on their refugee status.

Some asylum seekers do not have documents because of administrative delays in lodging their application for asylum with the Department of Home Affairs. Under the law, these people are not considered **illegal immigrants** as they have a right to apply for asylum. They fall into a category known as **undocumented migrants.**

Under the Refugees Act, asylum seekers are entitled to live in South Africa while their application is being assessed. While refugees can work, asylum seekers are not allowed to work or run businesses during their first six months in the country but are allowed to work and trade if they remain in the country any longer. Asylum seekers cannot be detained as illegal immigrants and cannot be deported while the government assesses their application. People who have been determined, under a fair procedure, not to be in need of international protection are in a situation similar to that of illegal immigrants and may be deported. However, all assessments should allow for the person to appeal this decision before they are deported, as the consequences of a faulty decision could be life-threatening for the person involved.

The international legal definition of a stateless person is 'a person who is not considered as a national by any State under the operation of its law'. In other words, a stateless person does not have nationality of any country. A person can be born stateless, or they can become stateless.

There are many reasons why a person may be born or become stateless. The UN Refugee Agency explains that these include:

'1. Gaps in nationality laws: Every country has laws which establish under what circumstances someone acquires nationality or can have it withdrawn. If these laws are not carefully written and correctly applied, some people can be excluded and left stateless. An example is children who are of unknown parentage in a country where nationality is acquired based on descent from a national. Fortunately, most nationality laws recognise them as nationals of the state in which they are found.

2. Another factor that can make matters complicated is when people move from the countries where they were born. A child born in a foreign country can risk becoming stateless if that country does not permit nationality based on birth alone and if the country of origin does not allow a parent to pass on nationality through family ties. Additionally, the rules setting out who can and who cannot pass on their nationality are sometimes discriminatory. The laws in 27 countries do not let women pass on their nationality, while some countries limit citizenship to people of certain races and ethnicities.

3. Another important reason is the emergence of new states and changes in borders. In many cases, specific groups can be left without a nationality as a result and, even where new countries allow nationality for all, ethnic, racial and religious minorities frequently have trouble proving their link to the country. In countries where nationality is only acquired by descent from a national, statelessness will be passed on to the next generation.

4. Finally, statelessness can also be caused by loss or deprivation of nationality. In some countries, citizens can lose their nationality simply from having lived outside their country for a long period of time. States can also deprive citizens of their nationality through changes in law that leave whole populations stateless, using discriminatory criteria like ethnicity or race.'

The documentation challenge

Obtaining the correct documentation is an ongoing challenge in South Africa. Despite efforts by the **Department of Home Affairs** to build the capacity of staff, non-nationals often find it difficult to access officials and published procedures are not adhered to.

Corruption is also a major challenge, with personnel often demanding payment for services that should be provided for free. These problems mean that many people with a legal right to live in South Africa have no documentation or permits that have expired. This makes it difficult for them to obtain work and leaves them open to abuse and deportation.

There have been many instances where the SAPS and CPFs have targeted non-nationals based on the lack of correct documentation, with little to no understanding of the challenges and processes entailed in securing refugee status documentation.

Read the articles below and discuss:

Two refugees' stories

During the *Daily Dispatch*'s investigation into the killing of Somalis we travelled to Port Elizabeth's Refugee Reception Centre with two refugees trying to renew their documents and were present when bribes were paid. 'We had to each give the official inside R400 to get our permits renewed for two years. I know this is corruption, but we did not have a choice, otherwise we would have been here longer,' said one of the two men.

On Tuesday the *Dispatch* reporter at the centre witnessed how the two men were rudely turned away by one of the officials and escorted out of the premises by a security guard. 'This is not Shoprite – go away,' shouted an official sitting in the foyer.

The two were chased by a security guard who said only 250 refugees were to be attended to each day and that the quota had been reached for the day.

The two men were left stranded and desperate after a three-hour drive in a packed taxi from East London, 300km away. 'These (permits) are expiring today. We have to renew them today. I cannot go back to East London without a new permit,' explained the refugee to the security guard. But the guard would not hear any of it and told them they should return the following day. They did not understand what the officials were going to be doing for the rest of the day as it was only 1.30 pm and there were few refugees waiting outside. 'I can be arrested with this now. I do not understand why they cannot help us because it is still early and they are not doing anything,' said the disappointed man.

The two found accommodation with fellow Somalis in Port Elizabeth and awoke the next morning to try again. A cousin of the pair, hearing of their problems, offered to introduce them to some officials at the refugee office. On the Wednesday morning the two men and their cousin skipped past the queue and walked straight inside the refugee centre without encountering the problems of the previous day. The cousin told the security guard they were there to see a certain official. After a few hours the two came back with broad smiles on their faces and two-year permits in their hands.

'This is supposed to be done for free but they make us pay. There is nothing we can do about it because if we want to be in the country we have to pay,' said one of the men.

* * *

A Somali refugee who arrived in the country in 2006 but who still holds an asylum-seeker permit said there are 'middlemen', or 'brokers', inside the refugee centre.

He said the brokers pretend to be interpreters but are actually the link between other refugees and the corrupt officials. 'These are my countrymen and I know what they do exactly but it is difficult for a stranger to understand their dealings. If you do not pay you end up being in my situation and live with asylum-seeker status. There are people from my country who came here last year but have refugee status and I do not because I do not have the money,' he said.

He had to stay four days in Port Elizabeth awaiting yet another asylum-seeker permit, which was eventually renewed for three months. Another Somali refugee who had been to the centre recently to renew his wife's permit said he paid an official R200. 'I do not waste my time any more … in the queue. I just pay whatever they want because that is how we survive. You can spend days there, because officials turn you away if you do not give them money,' he said.

One of two Zimbabwean women waiting outside the centre for a compatriot said she had to return twice in one week. 'We have been sleeping here but they just take 24 people and tell us to come back tomorrow.'

The refugee centre's head, Sipho Lucas, said the bribes and payments were completely illegal. 'Asylum-seeker and refugee permits are completely free, there is no charge. Refugees are vulnerable, so any person who uses them as a means to make money is a criminal,' said Lucas. He promised to take action against the official if the two men came forward and identified him. 'We are trying our level best to fight corruption. We will take every measure to deal with corrupt officials,' he said.

Source: Thandukolo Jika. Inside the Corridors of Corruption, Dying to Live, Daily Dispatch Online Special Report, 6 March 2009. Available at http://blogs.dispatch.co.za/dying/2009/03/06/inside-the-corridors-of-corruption/#more-859.

MODULE 2

Understanding xenophobia, discrimination and 'othering'

Are you biased?

Yes, of course you are! We all have biases, for example, we may prefer to date a short person rather than a tall one, or prefer someone with 'a bit of something to hold onto' rather than a 'thin person'.

These are biases related to the things we prefer given a choice. They are harmless and natural!

It's only when biases become prejudices that unfairly discriminate against other people that a problem arises.

What does discrimination mean?

Discrimination is when people are thought about and treated differently based on traits such as gender, age, race or faith. Discrimination is based on 'othering' people. This involves dividing the world into 'good' and 'bad' elements, usually 'us' (the good, normal ones) and 'them' (the ones who are different, the foreigners, the threat).

Discrimination may be practised directly or indirectly:

- **Direct discrimination** occurs when a person is treated less favourably than another person would be in the same situation on grounds of a particular characteristic, such as their race or where they come from. Preventing girls from attending school is an example of direct discrimination.
- **Indirect discrimination** occurs where a seemingly neutral practice, policy measure or rule puts a person at a disadvantage compared to others. A government office or school regulation that prevents people from wearing a headscarf, for example, may exclude devout Muslims.

What other examples of direct and indirect discrimination can you think of?

You may have thought of some of these ways that people discriminate against others because:

- They have a different skin tone
- They look different
- They dress differently
- They come from a particular ethnic group

- They have disabilities or special needs
- They are older than the children in their class or grade
- They are poor, or come from poor schools
- They speak a different language, or do not speak the official language, English, well
- They practise a different religion
- They have an illness, such as HIV/AIDS, or associate with people with an illness

What is xenophobia?

The word 'xenophobia' comes from the Greek words 'xenos' and 'phobos'. 'Xeno' means 'foreign' and 'phobia' means 'fear'. Put the two words together and 'xenophobia' is a fear of what is foreign, including people from other countries. Xenophobia can also be defined as the attitudes, prejudices and behaviour that reject, exclude and vilify people because they are outsiders or come from a different community, society or country.

In this sense, xenophobia is no different from any other discrimination based on race, sex, gender identity or ethnicity; the discrimination is simply directed towards people from other countries.

Myths and stereotypes

What do we mean by myths?

A myth is a commonly held belief, idea or explanation that is not true. Myths attempt to explain events or situations that are difficult to understand in ways that fit our preconceived notions about the world. They often reinforce stereotypes. For example, people may attribute illness to having upset the gods or the ancestors.

What do we mean by stereotypes?

A stereotype is a generalisation in which characteristics possessed by a part of the group are extended to the group as a whole. When we stereotype, we put people into boxes that we have made up in our own minds. For example, it is a stereotype that people from rural areas are more conservative, that women in the business world are all secretaries, or that all men like beer and sports. Stereotypes are usually negative.

What is the relationship between myths and xenophobia in South Africa?

Studies over the last 15 years show that xenophobia is frequently underpinned by stereotypes and myths about non-nationals. A report by Human Rights Watch in 1998, for example, found that unfounded perceptions that non-nationals were responsible for a range of social ills, including unemployment, crime and disease, were fuelling anger against foreigners. A 2004 report by the South African Human Rights Commission (SAHRC) similarly found that many South Africans viewed non-nationals as an economic and physical threat, with non-nationals used as a

political scapegoat for the slow pace of service delivery. Research in 2008 by the Consortium for Refugees and Migrants in South Africa (CoRMSA), reinforced these findings and noted that criminals and others frequently exploited anti-foreigner sentiments for their own ends.

What myths have you heard about non-nationals?
Brainstorm and write them down.

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You may have included some of these myths about non-nationals:

- There are huge numbers of non-nationals flooding into South Africa.
- Non-nationals are taking away jobs and business opportunities from South Africans.
- Non-nationals are taking housing, particularly low-cost houses, meant for locals.
- Non-national men are attracting local women away from South African men.
- Non-nationals are responsible for crime and get away with crime because they are undocumented and untraceable.

These myths are based on a range of stereotypes. These include the following:

- Non-nationals arriving in South Africa with cash and skills are better at creating opportunities for themselves.
- Non-national men work harder than locals and are prepared to take lower-paid, menial work that South Africans will not take because they are too proud.
- Non-nationals, particularly people from Somalia, are more successful in business than locals and sell products more cheaply than locals.
- Young women admire non-national men for creating opportunities for themselves and being prepared to do whatever work is available to make a living.
- South African men are too acquisitive and materialistic.
- Non-nationals in the country are involved in criminal networks, as seen in the common view that Nigerians are involved in drugs and organised crime.
- Most non-nationals are in the country illegally.

These stereotypes are applied usually to migrants from other African countries. Non-nationals from other parts of the world – particularly European countries and America – are perceived to be in South Africa for legitimate reasons and are usually thought to be making a positive contribution to South African society. This is a kind of racism, not unlike the racial hierarchies that flourished under apartheid: how a person is seen is determined by where they come from and the colour of their skin.

Discuss the case study below. How might this have played out differently if Steven and Jane were black people from, for example, Malawi?

Steven and Jane are a young white couple who are in the country illegally from the US. They are wanted for serious crimes including murder and fraud. They are in Kempton Park and are in possession of drugs. The SAPS is conducting a raid in the area for illegal migrants, drugs and wanted criminals. Steven and Jane see the police but show no fear at all. They greet the police officers politely and ask the police what is happening in the area. The police advise them to leave this area immediately as it is a dangerous area and not safe for them. The police even provide a safe passage for Steven and Jane. They are not asked their names, where they come from or searched.

While most myths and stereotypes involve people from other parts of Africa, they are not confined to other Africans. Xenophobic attitudes sometimes extend to people from other countries, such as **China** and **Pakistan**. Many South Africans have also been targeted, particularly people from minority language groups, such as those speaking Pedi or Tsonga. The South African spouses of non-nationals have also experienced xenophobia. It is estimated, for instance, that one out of every three of the approximately 60 people killed during the violence in May 2008 were South African citizens.

How does xenophobia impact on non-nationals?

Xenophobia impacts on foreign nationals physically, economically and emotionally, in ways that are often themselves violent.

Read the article below and discuss some of the physical, economic and emotional impacts on:

- Fortune and the other children in this story
- Michelle Booth

Ten-year-old Fortune watched a man being shot dead in front of him as he accompanied his mother to the grocer's store. Another 10-year-old saw men armed with clubs and guns preparing for an attack. 'I was scared,' he says, 'so I prayed.'

Both children have been receiving counselling after a wave of anti-immigrant attacks in South Africa last month. Their school called in art therapist Michelle Booth when teachers realised that many pupils had been traumatised by violence – which they had either suffered directly or witnessed.

When Ms Booth asked the children to depict what they had experienced, she was shocked by their disturbed drawings. 'This was war,' she told the BBC at Troyeville Primary in central Johannesburg. 'There was fighting on the streets – and that's something that happens in other countries, not in South Africa. Some of the children had come from conflict zones already and they've been re-traumatised.'

'Some have seen ugly things that no adult should have to witness. We've had people burned out of their homes. I don't think the students will get over their experiences easily.' One child drew a man in a burning house, screaming for help. Another wrote: 'I am hated. I am hated. I am hated ... What did we do to deserve this?'

The picture showed broken hearts. In another drawing, a speech bubble comes from a stick man, saying: 'U will die, u people.' A Congolese boy told Ms Booth, the art therapist, that he now runs to school, rather than walking, because he is scared that the violence will resume and that he will be targeted. Twelve-year-old Carmel, whose uncle was shot during the violence, says: 'We are not safe any more even in our own houses. We just don't know what to do. When you hear a noise, you think that maybe they are coming for you.'

But many of the children who came forward for counselling were South Africans, ashamed by the violence perpetrated by adults. 'It was totally unfair what happened,' says Fortune. 'Because what is South Africa without Africa? Foreigners too have blood and minds and hearts.' Another boy wrote that he 'felt guilty' and 'disappointed' at what had happened, although he had originally 'almost agreed' with the attacks. 'Then I put myself in the shoes of the foreign people,' he says, adding that he missed his 'refugee friends'.

But Ms Booth suspects that some pupils' parents may have supported the attacks.

'I don't know for sure,' she says, 'but I've heard that there are some children who tease the foreigners and say that they are "going to get you again".' 'I feel sad because I know that many South Africans were hosted in other African countries during the anti-apartheid struggle. They were welcomed with open arms. And the people who were attacked had sought refuge here.'

Source: Caroline Hawley, 2008. Children terrified by SA xenophobia, BBC News.

The physical effects on non-nationals

- People are beaten and killed by South Africans for being foreign.
- South Africans are attacked because they are perceived to be non-nationals.
- People are denied access to treatment in the public healthcare system.
- Children are prevented from going to school.

The economic effects on non-nationals

- Loss of property and possessions because of burning, looting and other crimes specifically directed at non-nationals.
- Loss of property and possessions because of communities fleeing for fear of being attacked.
- Loss of their businesses and therefore their livelihoods.
- Crimes orchestrated by South African traders against non-national competitors.
- Intimidation and attempted illegal evictions of non-national shopkeepers by South African competitors.
- Theft and robbery by police during shop search operations.
- Looting of non-national shops by residents during strikes, service delivery protests and xenophobic attacks.
- Hijackings of non-nationals en route to wholesalers.
- Harassment, abuse and extortion by state institutions and community leaders.
- Job applicants being rejected even though they are legally entitled to work in South Africa.
- Government officials not following published procedures or making it difficult for non-nationals to obtain the necessary permits and documentation.
- Non-nationals finding it difficult to find work and frequently being paid very low wages.

The emotional effects on non-nationals

- Experiencing physical and verbal abuse, or simply feeling unwelcome in the country, leaves people feeling afraid, confused, angry and traumatised.

Policing and non-nationals

Police, and policing structures, including community-based structures such as CPFs, set an important example to communities in South Africa, as to how non-nationals are perceived. There are numerous examples where police, and in some cases, structures such as CPFs, have been implicated in acts of **violence and targeted harassment** against non-nationals, particularly non-nationals earning their living through formal and informal business and trading:

- In Limpopo, in 2012, police were accused of selectively and intentionally targeting and shutting down shops owned by asylum seekers and refugees by selectively enforcing trading licences and regulations.[1]
- In Durban, in 2013, police targeted non-national street traders, beat and kicked them, confiscated corn, and were later seen eating the confiscated corn.[2]
- In general, people have been attacked, harassed or threatened by the public and by police and law enforcement officials.
- People have been arrested, detained and deported without the due process of law being followed.
- The police have failed to record or investigate properly crimes against non-nationals.

Police responses to non-nationals reporting crimes:

- Many shop-owners are scared of going to the police or informal community justice structures for fear of intimidation, harassment or even arrest, leaving them even more vulnerable to further crimes after the attack.
- In some instances, police respond to reports of crimes against these businesses by the shop-owners by clamping down on these businesses, rather than investigating and pursuing cases against the perpetrators of the crimes.[3]
- Police response can lead to these shops closing down, traders being deported or arrested, or having goods confiscated by police, or simply, to more threats of, or acts of, violence against the shop-owners and their spaza shops.

The value of diversity

Diversity means the presence of a variety of **differences** within a setting or community.

Diversity implies the inclusion of people of different national, racial, cultural, religious, social and economic backgrounds, and people of different gender and sexual orientations, and different abilities and disabilities. Honouring and respecting these differences allows us to harvest the benefits and value of our differences. Some of the most successful societies were built on the creative contributions of migrants from around the world. Taking positive advantage of the differences between individuals and working against discrimination involves:

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1 Available online at https://www.refworld.org/docid/5034c58b2.html

2 Available online at http://streetnet.org.za/2013/05/28/case-opened-against-police-by-informal-traders-in-durban-for-assault/

3 Gastrow, V (2018). Problematizing the foreign shop: Justifications for restricting the migrant spaza sector in South Africa. SAMP Migration Policy Series No 80. South African Migration Programme. Available online at https://www.academia.edu/37012512/Problematizing_the_Foreign_Shop_Justifications_for_Restricting_the_Migrant_Spaza_Sector_in_South_Africa

- Accepting that everyone is on the same level and has fundamental human rights that need to be respected
- Affirming and respecting the humanity, equality and dignity of every human being
- Building better and safe communities
- Reinforcing social cohesion
- Enriching and building resilient diverse communities
- Getting to know each other better, engaging in discussion and learning about other people's stories, cultures and experiences
- Doing things together, including different people in our activities and helping each other
- Comparing and exchanging ideas, cultures and viewpoints.

Encouraging diversity can help to build a tolerant, welcoming and humane society. Even more importantly, given South Africa's history, appreciating diversity is essential to living out the values and principles contained in South Africa's Bill of Rights and continuing the legacy of all those who fought for South Africa's freedom from oppression.

CPFs have an important role to play in understanding diversity within the communities they serve, in promoting diversity within the community and their own institutions, and in fostering an acceptance and tolerance of diversity amongst South Africans within their communities. This starts with the constitution of the CPF itself, the language that is used, the actions taken, and the messages that the CPF conveys to the community and to the SAPS.

MODULE 3

The National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance

What is the NAP in a nutshell?

The National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance provides the basis for a comprehensive policy to combat the different forms of racism, xenophobia and discrimination that dominate many aspects of South African society.

How was it developed?

The NAP was developed after South Africa hosted the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 through a comprehensive consultation process involving government, the Chapter Nine institutions and civil society.

Is it a policy or a law?

The NAP is government's plan for dealing with racism, racial discrimination, xenophobia and related intolerances. It is a plan that sets priorities and timeframe of how the problem of racism, xenophobia and related intolerances will be tackled. For instance, the plan intends to address the root causes of all intolerances by collecting data on racism and racist discrimination to build evidence-based interventions to tackle the problem. Critically, the plan calls on South Africans to embrace and value behaviour that will break away from past discriminatory practices and intolerances and build an equal society where every human being is valued and their rights protected.

What are these mechanisms aimed at?

The mechanisms are aimed at the identification, monitoring and reporting of racism, racial intolerance, xenophobia and other forms of discrimination, along with the circumstances, dynamics and situations that breed and promote these forms of violence.

Identify
Monitor
Report
Implement

NAP

Racial violence
Racism
Xenophobia
Other discrimination that
can lead to violence
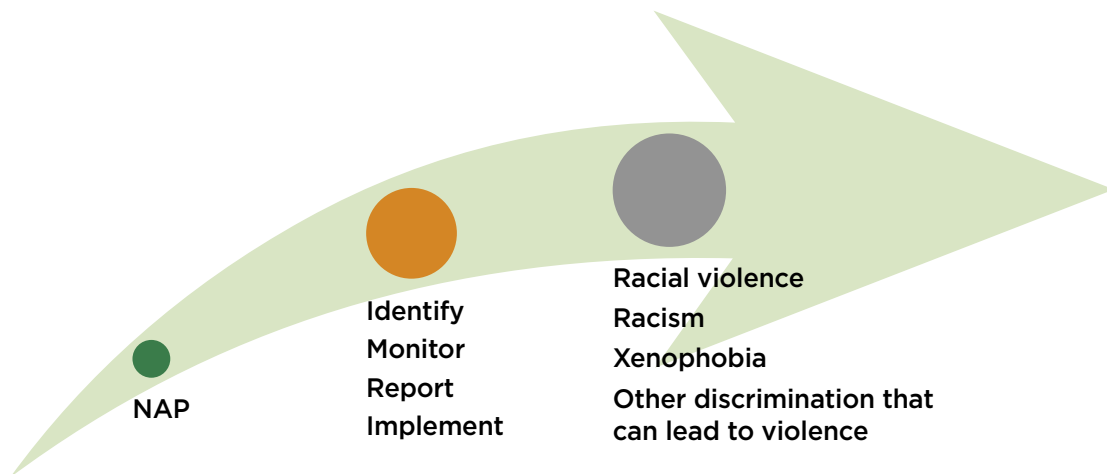
The NAP provides guidance for all those involved in its implementation and in monitoring particular groups considered at-risk or vulnerable to these forms of discriminatory violence, to ensure that specific measures are taken to safeguard their safety and well-being.

Which stakeholders are responsible for implementing the NAP?

The NAP identifies the role and responsibilities of all sectors of society, as you can see below:

Chapter 9
institutions

The media

Responsibility for
implementing
the NAP

National
government

Civil society

Local
government,
including
CPFS
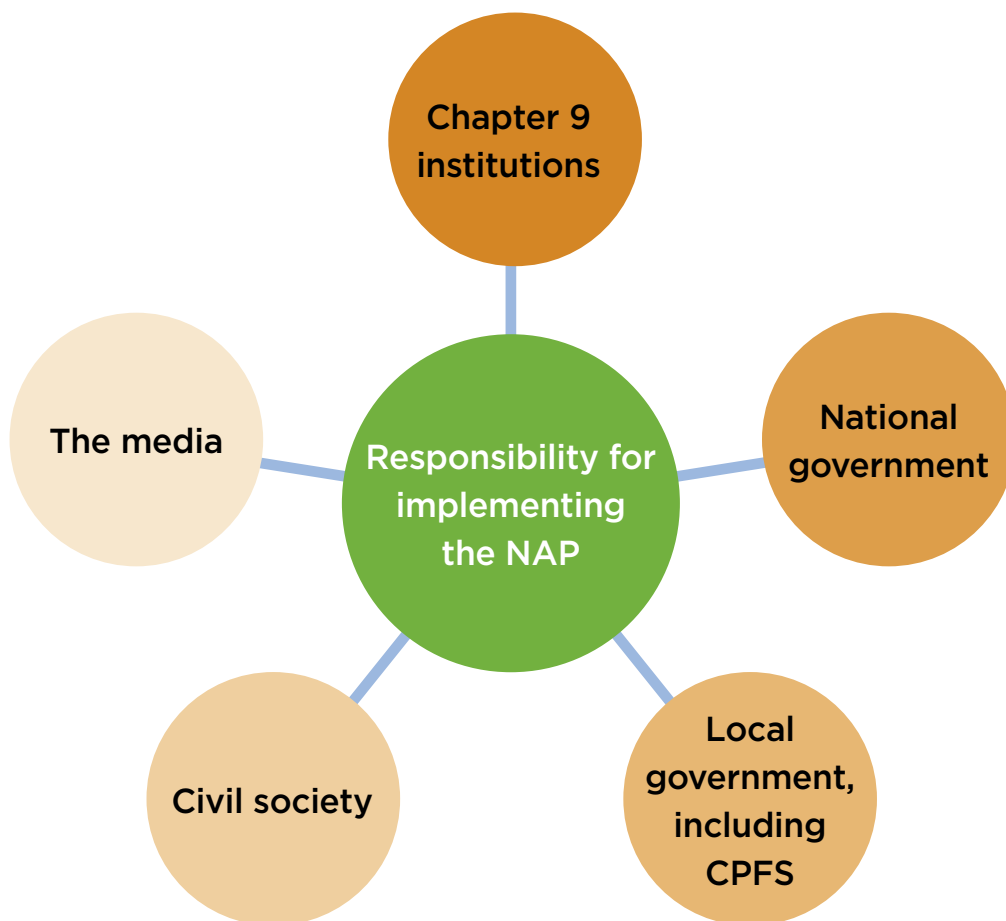
How should each sector implement the NAP?

The NAP points to four ways to implement its aims:

1 Strengthen programmes and interventions

for those encountering racism, intolerance, xenophobia and other discrimination within communities

2 Address the concerns

of those encountering these forms of intolerance and discrimination

3 Ensure access to services

for those experiencing these forms of violence

4 Identify the early warning signs

of these forms of violence, along with indications of escalation

What does the NAP say about the role of local government?

As the organ of government closest to communities, **local government has a critical role to play in fostering social cohesion within communities** – cohesion that is a prerequisite for both preventing and ensuring an adequate response to racial violence and xenophobia. The NAP highlights several important activities aimed at achieving this end. Local governments should be:

- Undertaking **community mapping** in targeted communities;
- Engaging and mobilising communities through **community dialogues and conversations**;
- Rolling out **social mobilisation campaigns**; and
- Coordinating participatory processes to foster **inclusive social cohesion**.

We will discuss these in more detail later.

The NAP also identifies the importance of education, through both the formal school curriculum and informal systems offered through schools and communities, in promoting inclusive human rights-based societies that are intolerant of any form of xenophobia, racism or discrimination. It also recognises the importance of working with education structures to ensure policies that reflect the same values.

Other policy documents

The **White Paper on Safety and Security** (2016) and the Department of Social Development's **Integrated Social Crime Prevention Strategy** (2011) emphasise the importance of the social drivers of crime and violence, including education, housing, social cohesion and inequality.

Both instruments also draw attention to the importance of adequate service delivery and access to services, including Early Childhood Education and support to children and young people, as a means of preventing the onset of offending behaviour, and building resilience and protective factors to combat crime and violence victimisation.

Yet these are services that non-nationals and other vulnerable populations are often explicitly excluded from, either through discriminatory service provision, lack of access or by virtue of their status within the community (either legal or perceived).

The policy architecture relating to the prevention of and response to crime and violence in South Africa all explicitly emphasises the importance of supporting marginalised and vulnerable populations within South Africa, including women and children, youth, people with disabilities and LGBTQI+ individuals. The **White Paper on Policing** (2016, p. 17) says that key to reaching vulnerable populations is:

> '…the implementation of community education and outreach programmes to enhance community safety.'

How can CPFs and other community safety stakeholders further the activities and outcomes of the NAP?

CPFs play a pivotal role in identifying the safety needs, priorities and concerns within communities, and, if perceived as legitimate, accountable, inclusive and participative, can provide important community intelligence relating to many of the drivers of crime and violence, as they are the closest institutions to the community itself.

To play this role adequately, CPFs need to follow these principles, which we discuss in detail below:

Inclusion

What does inclusion mean to a CPF, in your opinion?

Are any groups of people excluded from your CPF at present, for example, the homeless, sex workers, non-nationals and informal traders? Why?

Does representation at your CPF look more like A, B or C? Or none? Or a bit of all?

CPF A
- SAPS
- Business
- Neighbourhood Watch
- Civic association

CPF B
- SAPS
- Business
- Neighbourhood Watch
- The homeless
- Faith-based organisations
- Schools

CPF C
- SAPS
- Informal traders
- Non-nationals
- Business
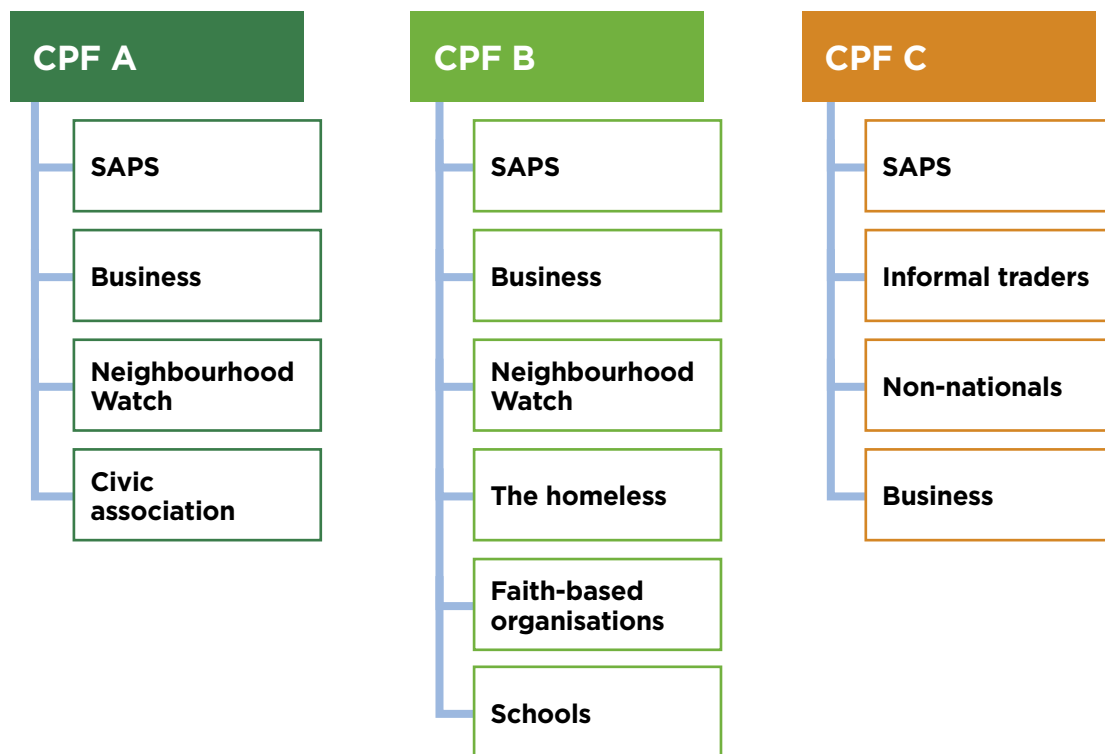
Draw your CPF's representation as it is currently:

My CPF currently
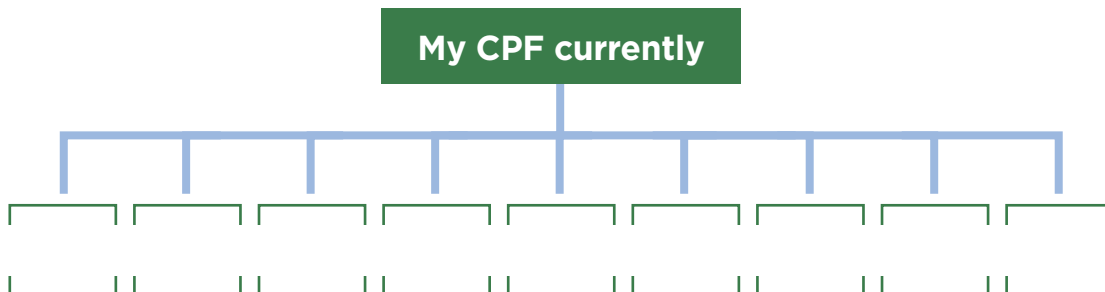
Talking about non-nationals specifically: Are there specific challenges to including this group? Or perhaps including non-nationals has not been considered as important?

Inclusion is explicitly addressed in the **South African Police Service (SAPS) Interim Regulations** (Interim Regulations), and the **South African Police Service Amendment Bill**. The Interim Regulations note that in establishing CPFs, Stations Commanders should

> *'identify community-based organizations, institutions and interest groups under their jurisdiction',*

while the SAPS Amendment Bill required that CPFs should be

> *'broadly representative of the local community'…*

[and that]

> *'the Minister will prescribe adequate representation … representative of women, youth and vulnerable groups.*

In contrast, **exclusion** both creates and reinforces discriminatory practices, often resulting in xenophobic violence within communities. This violence in turn results in further exclusion, entrenching many of the risk factors within communities that lead to escalations in further violence.

Steps in inclusion

Intentionality
+
Active engagement
+
Active participation
+
Continuous self-reflection
→
Inclusion = Representation
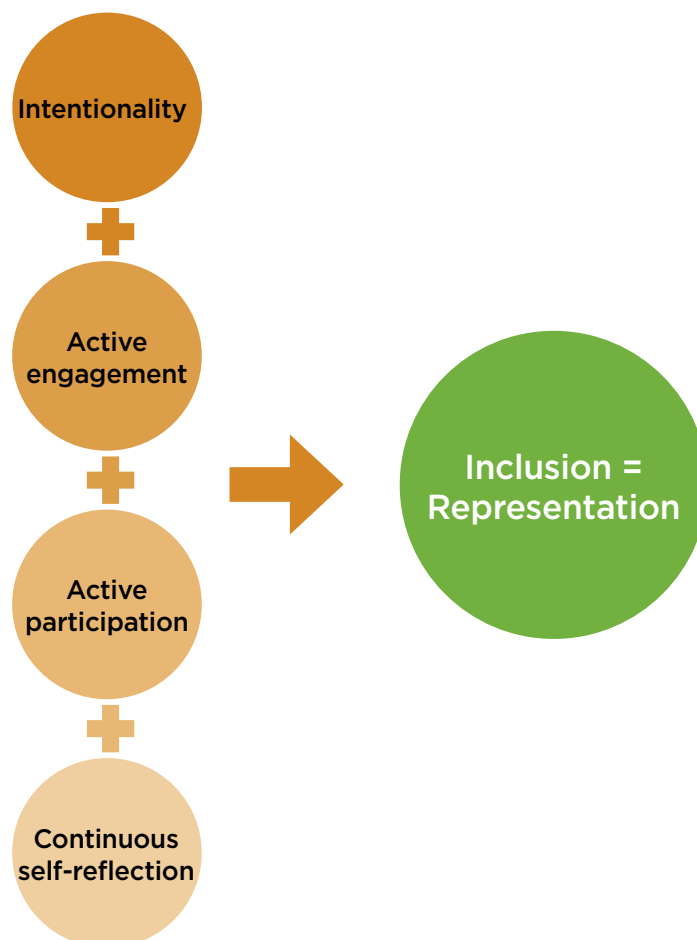
Intentionality

Inclusion rarely happens automatically. It requires specific steps to ensure that all members of society, regardless of race, gender, ethnicity, sexual orientation or any other characteristics by which individuals either define themselves, or are defined by others, are engaged in any processes or structures.

This starts with **the intentional inclusion** of all members of society within structures such as the CPFs. Only through inclusion can we ensure that all members of society are catered for equally in fostering community safety and policing.

Active engagement

This refers to the way the CPF approaches inclusivity. It needs to actively engage with members of the community so that they feel they want to be part of the CPF.

Active participation

Inclusivity is only truly achieved when diverse stakeholders and interest groups actively participate in all aspects of that body or process.

Active participation, as compared to passive participation, requires that **individuals or stakeholders are actively and regularly involved in decision-making, agenda-setting, implementation and reporting of any body or institution**. It is easy for a body or institution to claim inclusion, simply by co-opting or allowing diverse stakeholders into their organisation, but inclusion only becomes real when those stakeholders actively engage in everyday activities and have a say in those activities, or processes.

Active participation of diverse stakeholders, including non-nationals, is required to ensure that the safety interests, concerns and priorities of those groups within the community are noticed, accurately represented, and appropriately addressed.

Self-reflection in words and actions

It is also important to consider the example that is set by the CPF through its **actions and language**. CPF members themselves need to be mindful of being inclusive in the language that they use, and in their own behaviour, both when carrying out CPF activities, and within their daily lives within the community.

There are examples of members of the SAPS and CPF **using discriminatory language to refer to non-nationals and other minority groups**, both in direct dealings with individuals and in passing reference. Any language that serves to 'other' an individual or a group of people within a community simply reinforces the perception among community members that those people are 'outside of', or different to, the majority of members in that community.

What terms (in English or other languages) have you heard people use when discussing non-nationals or talking to them?

Go through the table below and discuss what is problematic with each of these examples.

Examples	What is wrong with this?
Referring to a 'deluge' or 'tsunami' of people 'pouring' or 'flocking' into South Africa	
Calling people names like 'makwerekwere', 'nyampane', 'grigamba' and 'kom–ver'	
Referring to all non-nationals as 'illegal immigrants', 'refugees' and 'aliens'	
Referring to people as 'foreigners'	
Talking about how people look (how dark their skin is, for example)	
Unnecessarily commenting on someone's actual or perceived nationality	
Referring to non-nationals only as 'victims of xenophobia'	

Being aware of how words prejudice non-nationals is a first step in combatting xenophobia. By being careful about what we say, and explaining to others the effect that language has, we can reduce stereotyping and begin to see people for who they really are.

Exclusion by the SAPS

There are also examples of CPFs being **dismissive** of the safety needs and concerns of non-nationals, and **not acting on intelligence** provided by non-nationals. This can further serve to marginalise non-nationals and portray to others in the community that they do not deserve or are not entitled to the same services and respect. This can serve to marginalise non-nationals even further, while also reinforcing the fact that they should be treated differently.

What are the benefits of inclusion?

Benefits of inclusion of non-nationals for CPFs

- All members of society are serviced, rather than just those that we identify with, or whom we choose to prioritise over others.
- The work of the CPF is legitimised among non-nationals.
- The views and experiences of the non-national community are heard and tapped into. In this way, non-nationals can become an important resource for intelligence gathering.
- Inclusion provides a clear indication to the broader community that non-nationals are as much a part of the community as others.

Can you think of any other benefits?

Here are some examples of the many steps towards inclusion that CPFs can take and act upon. Can you think of others?

Specific steps a CPF can take towards the inclusion of non-nationals

In the CPF STRATEGIC PLAN, build in active recruitment and participation of non-nationals

Purposive RECRUITMENT of non-nationals into the CPF and APPOINTMENT into the executive

Establish a CODE OF CONDUCT that clearly respects equal rights for all and stipulates equal treatment and the use of non-discriminatory language

Establish a COMPLAINTS MECHANISM for community members regarding discriminatory practices towards non-nationals

Ensure CONSEQUENCES and REMEDIES for members who engage in discriminatory or exclusionary practices towards non-nationals

Whole-of-society approach

What do we mean by a whole-of-society approach? Who are the actors?

A whole-of-society approach refers to the range of actors, interest groups, constituents and components of any society, community or public life, and the individual and collective role that each has to play in achieving any particular societal good. It is a broad representation of the notion that it 'takes a village' to achieve a certain positive outcome and it is an explicit recognition of the insufficiencies of government-only approaches.

A whole-of-society approach to preventing and responding to crime and violence is fundamental to the legislative and policy architecture that addresses crime and violence in South Africa and underpins the National White Paper on Safety and Security, the White Paper on Policing, the National Action Plan on Ending Violence Against Women and Children, and the National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. The White Paper on Policing notes that partnerships across business, civil society, government and academia are critical for achieving safety within communities:

> community-oriented policing remains the operating paradigm of the SAPS and Community Police Forums. Delivering on this requires … CPFs to forge cooperative partnerships to facilitate regular communications and information-sharing. (WPP, p. 17)

A whole-of-society approach also underpins specific tools and approaches that have been developed to support community-based approaches to crime and violence prevention, such as safety auditing and planning – tools which are fundamental in the CPF's and local government's toolbox.

Active participation

Active participation is closely linked to the principle of inclusion. While inclusion refers to the incorporation and representation of different stakeholders and interest groups into a body or process, inclusivity is only truly achieved when diverse stakeholders and interest groups actively participate in all aspects of that body or process.

Active participation, as compared to passive participation, requires that **individuals or stakeholders are actively and regularly involved in decision-making, agenda-setting, implementation and reporting** of any body or institution. It is easy for a body or institution to claim inclusion, simply by co-opting or allowing diverse stakeholders into their organisation, but inclusion only becomes real when those stakeholders actively engage in the everyday activities, and have a say in those activities, or processes.

Active participation of diverse stakeholders, including non-nationals, is required to ensure that the safety interests, concerns and priorities of those groups within the community are noticed, accurately represented and appropriately addressed.

Accountability

CPFs need to be accountable for all aspects of their behaviour and actions; for ensuring that the principles of inclusion, active participation and a whole-of-society approach are adhered to; for ensuring that the voices, interests, concerns and priorities of non-nationals and all stakeholders are represented; and for ensuring that the institution of the CPF consistently and at all times upholds the values of inclusion envisaged in the Constitution of South Africa.

Accountability is **central in the legislative and policy framework governing the functioning of the CPFs in South Africa.** Accountability among CPFs is most commonly thought of in terms of the role of the CPF in keeping the SAPS accountable and conducting oversight of the police (although this role may often lead to a breakdown in relations between the police and the CPF).[4]

However, CPFs are also required to ensure that the **values and principles** of inclusion and representation of all sectors and members of the community are adequately represented within the CPF, from members to executive, and that the **actions and priorities** of the CPF respond to and take into account the experiences and voices of non-nationals as well as all those who may historically be excluded from representation, including groups most at risk or vulnerable to violence, such as non-nationals, young people, the LGBTQI+ community, among others.

Accountability should be considered as operating both downwards, with the CPF being responsible to their constituents for adequately representing and responding to the diversity of lived experiences and priorities, and upwards with the CPF reporting to the Civilian Secretariat of Police (CSP) and provincial Departments of Community Safety.

Partnering

Partnerships are required to fully address the specific needs of any community.

What are some of the partners your CPF could work with in civil society?

How could you work together? What benefits would there be to working with partners in your community or even at a provincial or national level?

Examples include:

- Organisations that advance human rights and can provide training to CPF members and members of the community on combatting xenophobia and discrimination.
- Faith-based organisations that are often closest to communities and integral to the daily lives of many and that are critical in promoting, fostering and facilitating inclusion at a community level, as well as supporting and caring for those who may be victimised.

Benefits of working with partners:

- They help to raise awareness and promote inclusivity and equality.

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4   Edwards et al. p. 6

- They may provide more direct services, particularly to victims of xenophobic violence and racially motivated hate crimes.
- They can reach many sectors, e.g. schools, children and parents.
- They may be able to anticipate when and where xenophobic violence might occur by offering insight, or 'intelligence'.

A list of partners and service providers who can provide support in both anticipating xenophobic violence, in raising awareness and in responding to violence if it occurs, is also envisaged by the NAP as an important measure in preventing and responding to violence.

Summary

In short, some of the steps that CPFs should undertake to address xenophobic violence within communities:

1. Ensure that the CPF itself is **inclusive and representative** of all of the community, **including non-nationals**. This means including non-nationals within the CPF, and within the executive of the CPF.

2. Ensure that the **guiding policies, mandates and constitution of the CPF** clearly detail expectations of equality and inclusiveness, explicitly addressing the expected attitudes, behaviours and language of CPF members towards non-nationals and other minorities, to ensure equality and respect for human rights, and to ensure that no services are denied to non-nationals on the basis of their status, nationality or identity.

3. Ensure **training for CPF members on inclusiveness and equality**, and on combatting xenophobia and hate crimes.

4. Identify **partners** within communities who can work on raising awareness within the community, and those with particular expertise in working with children and in schools, on inclusion, equality and human rights, and conversely on combatting xenophobia and discrimination; as well as those who can provider trauma and psycho-social support services to victims of violence.

MODULE 5
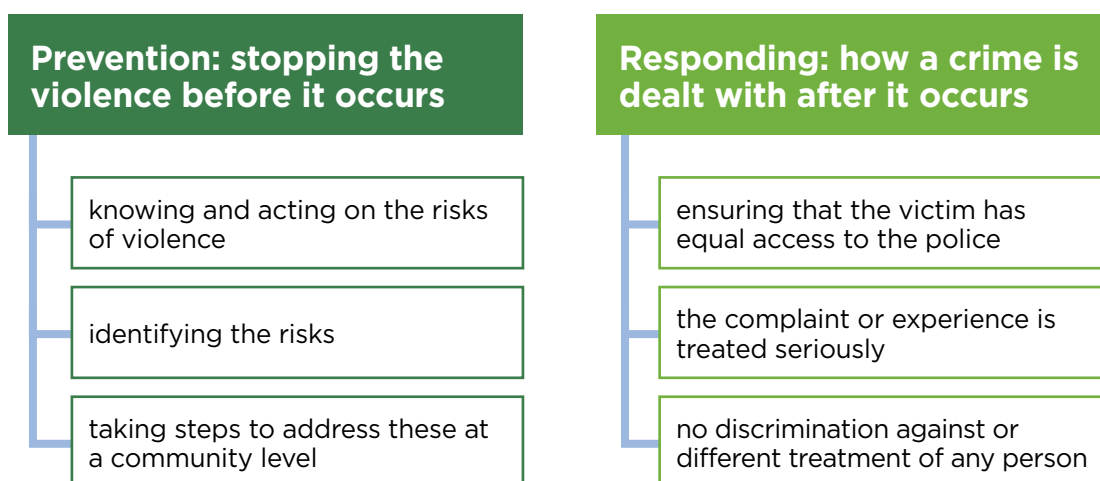# Practical tools for preventing and responding to xenophobia

CPFs often focus their work on **responding** to crime, rather than actively engaging in communtiy measures to **prevent** crime. CPFs are in a unique position to tap into and utilise community 'intelligence' or networks amongst both nationals and non-nationals, as well as among other vulnerable populations, to prevent crime and violence before it occurs, rather than simply responding to it when it does.[5]

> *The NAP envisages the collection and monitoring of baseline data, as well as ongoing research, on all aspects of racism and xenophobia, many of which are best evidenced at a community level. These include patterns of racism, obstacles to overcoming racism and xenophobia, and access to justice for victims of racism and xenophobia.* (NAP, para 188)

The NAP identifies a number of methods to be used in addressing xenophobia. These include acknowledging and condemning acts of bias-motivated violence, strengthening law enforcement and prosecuting offenders, and engaging with communities where incidents of xenophobia appear.

What is the difference between preventing crime and responding to crime?

The diagram below points out some of the differences.

Prevention: stopping the violence before it occurs	**Responding: how a crime is dealt with after it occurs**
knowing and acting on the risks of violence	ensuring that the victim has equal access to the police
identifying the risks	the complaint or experience is treated seriously
taking steps to address these at a community level	no discrimination against or different treatment of any person

How has your CPF typically seen its role: as a responder, a preventer or both?
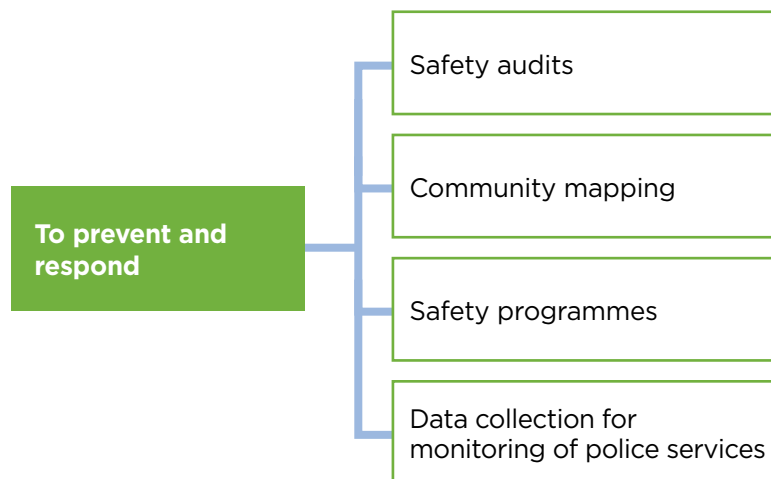
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5   Edwards et al. p. 9

Preventing xenophobic violence through safety planning

The NAP explicitly adopts a **strong preventative** approach to crime, both through the analysis of the drivers of xenophobia, racism and hate crimes, and through the establishment of an 'early warning system, linked to a Rapid Response Mechanism' (NAP, para 189).

This reflects a similar approach, and is aligned with one of the core businesses of CPFs in identifying and preventing crime and violence before it happens. The CPFs as are in a strong position to do this if they are close to the community and have the networks, knowledge and information to share.

It is critical that the information at the disposal of the CPF is current, and can be merged with other data to provide a comprehensive picture of the community in its entirety, including the less tangible social dynamics and relationships that may define that community at any point in time (recognising that these dynamics also change over time).

There are several mechanisms a CPF can employ to both prevent and respond to crime:

```
                                    ┌──────────────────────────────┐
                                    │ Safety audits                │
                                    └──────────────────────────────┘
                                    ┌──────────────────────────────┐
┌──────────────────┐                │ Community mapping            │
│ To prevent and   │                └──────────────────────────────┘
│ respond          │                ┌──────────────────────────────┐
└──────────────────┘                │ Safety programmes            │
                                    └──────────────────────────────┘
                                    ┌──────────────────────────────┐
                                    │ Data collection for          │
                                    │ monitoring of police services│
                                    └──────────────────────────────┘
```

These are discussed below.

Safety auditing and planning

What is a safety audit?

A safety audit is a tool to assess current and potential safety risks within a community.

It helps identify:

- **current experiences of crime and violence** (even those that are unreported to the police).
- **risks of crime and violence** including spatial and social risks.
- how **different interest groups and people experience crime and violence**.

- how these **experiences affect people's lives**.
- the **potential for realising all their rights** as guaranteed under the Constitution and the Bill of Rights, as well as other national and international human rights instruments.

Has your CPF conducted safety audits in your community?

Which groups were part of the audits? Did the audits include the participation of non-nationals, such as those in the table below?

	YES, please give more information	NO, please give more information
Residential non-national/minority households		
Non-national business owners		
Non-national informal shopkeepers and informal traders		
Non-national school children		
Non-nationals working as domestic workers or labourers		
Non-national seasonal workers		

If your CPF has not conducted safety audits with non-nationals, what would be some of the benefits of including them?

Get to know the whole community

Get buy-in …

If non-nationals were represented on the CPF when you were planning your safety audit, what might they want to know? Here are a few possible questions. You can brainstorm others:

What are the specific experiences of crime and violence you experience as non-nationals?

Are these crimes xenophobic in nature or ordinary criminality?

Do non-nationals tend to report crimes to the police? Why/why not?

Do non-national victims feel safe reporting incidents to the police?

Are there specific geographical areas where non-nationals live within specific communities that place you more at risk of crime and violence?

What are the levels of service delivery offered by other local government/municipalities in communities where non-nationals or other at-risk minorities may cluster? For example, think about environmental and geographical factors like street lighting, recreational areas, condition of open spaces, refuse disposal, and even the provision of water and electricity.Are there adequate social service provisions, such as day-care and healthcare services, in areas where non-nationals may cluster?

Is there relatively easy access to police and law enforcement, or are they removed from such services?

How much does country of origin, nationality, language, sexual identity or even age provide important information on the lived experiences of these minority populations, their safety concerns, and the risks that may escalate, exacerbate or catalyse xenophobia and hate violence against them?

Non-nationals and other victims of discrimination, racism and xenophobia often do not report their experiences of violence to formal authorities, for many reasons. These could include fear of reprisals, lack of faith or trust in the police or authorities, and fear of further persecution by those same authorities. They may also feel that their victimisation will not be taken very seriously, or that nothing will be done. Alternative mechanisms, particularly those that are community-based, are significantly more likely to be able to collect reliable, ongoing data on the experiences of non-nationals of violence and victimisation, simply because they are closer to the community and are also seen as less threatening.

Importantly, the NAP also explicitly adopts a strong preventative approach, both through the analysis of the drivers of xenophobia, racism and hate crimes, and through the establishment of an 'early warning system, linked to a Rapid Response Mechanism' (NAP, para 189). This reflects a similar approach and is aligned with one of the core businesses of CPFs, in identifying and preventing crime and violence before it happens, through its proximity to local communities, and the networks, knowledge and information sharing that the CPF is in a position to foster and share.

Benefits of a safety audit focusing on non-nationals

Community safety audits can:

- Ensure **active engagement** with non-national populations in a community;
- Ensure that the **particular safety concerns of non-nationals** are adequately addressed in community safety initiatives;
- Result in the use of a range of mechanisms, such as promoting **more visible policing** in residential communities where non-nationals are particularly vulnerable to crime;
- Result **in community outreach and education programmes around community safety** that involve or engage non-nationals with South Africans within the community;
- Create safety through **community policing initiatives that foster safety for non-national informal or small business owners**;
- Help **identify the range of individuals** who live in our communities, and what **their needs and priorities** are. They can help us understand different communities, and the differences within those communities, including understanding where different people are from;Help us understand how the **safety needs and concern**s of some might be different from others, specifically children and young people, LGBTQI+ individuals and non-nationals, who are often at risk of specific forms of violence, including child abuse, hate crimes and xenophobic attacks;Help establish **where different people feel safe and unsafe** so that the CPF can assist in developing strategies and plans to make those areas safer;Help us identify where non-nationals and other minority populations might experience barriers to accessing services, including access to police services and justice;Help us implement safety plans that adequately address the needs of non-nationals and other vulnerable population groups and incorporate activities that seek to change community attitudes to non-nationals, directly address xenophobia and hate speech so as to keep non-nationals safe from targeted harassment or hate crimes;
- Bring non-nationals (as well as other minority groups) into conversations about community safety, giving them a forum for their voices and experiences to be heard, and an opportunity to participate actively in the safety planning process.

Community mapping

We spoke earlier about partnering with community or even provincial and national organisations that can contribute training or awareness of concrete services to CPFs and members of the community.

Community mapping is a tool that can be used to identify these different resources and capacities within any one community to enhance safety.

These include mapping organisations that:

- Monitor the lack of or exclusion from formal education systems; and
- Address the specific needs of children, young people or women within any one community.

Types of organisations

NGOs that offer services such as Early Childhood Development, parenting programmes, skills training, youth sports programmes, support for non-nationals or work-placement programmes.

Identify key individuals

It may be useful, through the community mapping and resource identification process, to identify key individuals within non-national and other targeted minorities, at-risk or excluded groups within the community, who are seen by the community as trusted representatives of those interests, and who can serve as key liaisons with the CPF.

Get buy-in

These consultation processes also allow communities – and all those different interest groups within communities to prioritise their safety needs – and to ensure cooperative buy-in and support of different actors and agencies required to address those priorities, as well as the mapping of concrete actions, through safety planning, within explicit timeframes, to address those priorities.

Safety programming

What is safety programming?

Safety programming refers to the **specific programmes and activities** that are to be undertaken within a community, drawing on the resources identified and mobilised through the safety plan, to address the safety needs and priorities of the community.

It is part of the safety planning and implementation process following on from the safety audits and plans addressed above.

Safety programmes need to reflect and incorporate specific activities that support and address the needs of those most vulnerable to crime and violence. There are a range of activities that can be undertaken to address the safety needs of non-nationals and to address xenophobia, racial violence and exclusion, and other forms of discrimination within communities. These should ideally include a range of stakeholders and community resources to maximise their effect, impact and sustainability.

What examples of safety programmes can you think of that would address the needs of non-nationals?

Some examples you may have given include:

- **Non-formal interventions through schools and educational institutions**, such as school visits by NGOs and the CPF to talk about hate crimes, racism within communities and social inclusion.

- **Formal intervention in schools** such as the inclusion of these topics within the **formal curriculum**, and through more formal interventions by the Department of Basic Education and provincial Education Department programmes.
- **Community meetings and dialogue** to address xenophobia and racism. This involves identifying key actors and partners within communities through safety mapping. These activities can be once-off or ongoing, such as road shows, rallies or community campaigns.
- Programmes can also focus on **increasing access to, and trust in, both formal and informal criminal justice and policing services**. Improving trust in police may be a medium-term process that is best illustrated through increased police action when reports are made, and so shorter-term programmes that can be run concurrently to increase reporting can draw on identified (by non-national and other minority and at-risk populations) trusted community leaders within the community to facilitate reporting and follow-up.
- Where **other partners** implement universal and targeted programmes that address xenophobia, the CPF should possibly play an active role in these, to help build trust in the CPF as an institution that is visibly committed to addressing discrimination and discriminatory violence within communities.

Implementation plan

Importantly, a safety plan should also include a clear implementation plan that allows for:

- **monitoring and evaluation tools** to monitor implementation and outcomes of the safety plan; and
- **regular updating** of the plan to ensure that the changing needs, priorities and concerns of communities and community interest groups are taken into account. This is an important consideration as communities evolve and change as their demographic, social and physical profiles change.

> *Remember: Programmes that target either xenophobia or other forms of exclusion and discrimination should NOT be presented as unique to one specific set of victims or at-risk groups, but their relevance to other at-risk or discriminated populations should be emphasised, to ensure consistency of the application of human rights across vulnerable populations.*

Early warning system

The National Action Plan calls for the establishment of an early warning system linked to a Rapid Response Mechanism. Any early warning system requires a combination of qualitative and quantitative data that maps both communities, risks and protective factors, and the ongoing current experiences of all members and interest groups within that community.

Data collection to monitor and ensure accountability of an effective police service

CPFs have an important role to play in ensuring **community-led accountability of police service delivery** and provide an important intermediary between community members, interest groups

and the police to raise and address non-delivery of police response and service. They are also ideally positioned to **use community intelligence and information to identify gaps in other services** that may impact on the safety, security and well-being of different interest groups within communities.

The degree to which they are able to do this, and the legitimacy they are provided by those interest groups within the community, however, may largely depend on the extent to which the **CPF itself reflects the institutional inclusivity and representation that is required**.

We have already discussed in detail the need for the **CPF to embody the principles of non-discrimination, inclusion and representation.**

There also has to be **visible evidence** in the community that the CPF itself takes the reports, concerns and experiences of non-nationals and other minority populations seriously and acts on any such reports equally; and that the **CPF itself values the participation and inclusion of non-nationals** and others into the broader community.

CPFs can gain legitimacy if they do these things.

Once achieved, the CPF can **provide an important 'interface' between non-nationals and the police.**

The CPF can **collect information on perceptions and experiences of police service delivery, and its impact on all within the community**. However, this should **also not replace the direct reporting of crime and violence by non-nationals to the police**, but should rather be seen as **an additional resource** for that community, particularly where trust between those populations and the police may have eroded or broken down completely.

What kinds of questions could a CPF ask non-nationals in order to monitor service delivery by the police? Write some examples below:

_____

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You might have included some of the following questions:

- Do you feel that police **do not respond, or respond slower** than the norm for that community, to reports by non-nationals to reports of crime and violence?
- Do you feel that police **do not respond or respond slower** than the norm for that community, where threats have been made of crime or violence against those individuals, their interests or their families?

- Have you experienced or do you know of a non-national who has experienced a situation where police would **not take reports of crime or violence** at the police station?
- Have you experienced or do you know of a non-national who has been refused **assistance by the police on the basis of their status, place of birth, nationality, language or identity?**
- Have you experienced or do you know of a non-national who has been **harassed** when seeking help or assistance from the police, on the basis of their status, place of birth, nationality, language or identity?
- Have you experienced or do you know of a non-national who has been repeatedly harassed or **stopped by the police without reason** on the streets or in their homes or place of work demanding papers or identity documents?

All of the above are common examples of the experiences of non-nationals and other groups targeted by xenophobia, hate crimes and discrimination at the hands of the police.

They are also indicative of a broader sense of discrimination and xenophobia that is likely to exist within that particular community. Police are more likely to reflect the same values and attitudes of the community they serve. As such, the lived experiences of these individuals or groups of individuals within any community serve as important warning signals – red flags – that other acts of intolerance, hate and exclusion are occurring and are likely to occur, and may escalate to serious violence and criminality.

Note: Where these acts of targeted harassment by police are identified or reported within any community, and co-exist with other individual and community risk factors, such as a lack of access to service delivery, high levels of inequality, and a community tolerant of violence, firearms and drugs, for example, as identified through community safety audits, this coexistence of factors should be considered a critical indicator of potential serious individual and community, violence and criminality.

Identify a senior contact in the police station

Each CPF should have an **identified senior contact within their police station** – ideally the Station Commander – to report any issues of police service delivery targeting non-nationals and other minority groups or individuals, to ensure speedy resolution and action. The individual may vary between police stations, but the officer must hold a senior management position. However, it should be noted that the NAP also requires the reporting of such instances and so the issues may need to be escalated beyond the station level.

Clear lines of communication

Any early warning system is only as good as the action that is taken on the basis of that system. There need to be **very clear, actionable lines of communication between the community, the CPF, the SAPS, local government structures and departments, and the different stakeholders within the community**. This can be facilitated through the CPF, and the CSF, with clear lines of

reporting and actions to be taken when the early warning system suggests that any form of xenophobic violence is imminent, or when intervention might be required from non-formal actors, such as community or faith-based leaders to facilitate dialogue or conflict resolution processes, before escalation to actual violence.

Keep a checklist

One way of monitoring police services as well as any indications of xenophobia or potential xenophobic violence is to keep a checklist.

This is a basic checklist. What would you add to it?

Has the information been verified?	Yes	No	Notes:
	By whom?	Reason?	
Who has been notified? How (by phone, SMS, WhatsApp, email or meeting)?			Notes:
What crisis protocols are in place?			Notes:

Other resources

- South African government's National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), available from https://www.gov.za/documents/national-action-plan-combat-racism-racial-discrimination-xenophobia-and-related-0

- South Africa's Refugees Act (1998), available from the government's website at www.info.gov.za/view/DownloadFileAction?id=70666

- South Africa's Immigration Act (2002), available from the government's website at www.info.gov.za/view/DownloadFileAction?id=68047

- The UN Convention Relating to the Status of Refugees (1951), available at https://www2.ohchr.org/english/law/pdf/refugees.pdf

- The AU Convention on the Specific Aspects of Refugee Protection in Africa (1969), available at www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/Refugee_Convention.pdf

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ABOUT THIS TRAINING MANUAL

This training course was developed under the auspices of a Memorandum of Understanding between the South Africa Police Service (SAPS) and the South African Human Rights Commission (SAHRC), with technical assistance from the African Policing Civilian Oversight Forum (APCOF), and support from the European Union and the Sigrid Rausing Trust. This training is specifically designed to support continuing efforts towards providing more effective and equitable police services to all who reside in South Africa.

ABOUT APCOF

The African Policing and Civilian Oversight Forum (APCOF) is a network of African policing practitioners from state and non-state institutions. It is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF believes that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community.

APCOF achieves its goals through undertaking research and providing technical support and capacity building to state and non-state actors including civil society organisations, the police and new and emerging oversight bodies in Africa.

APCOF was established in 2004, and its Secretariat is based in Cape Town, South Africa.

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