



HUMAN RIGHTS INSTITUTE OF SOUTH AFRICA

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ITEM 4: SITUATION OF HUMAN RIGHTS AND DEMOCRACY IN AFRICA

56TH SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS BANJUL, 21 APRIL – 7 May 2015

Honourable Chairperson of the African Commission on Human and peoples' Rights,
Honourable Commissioners,
Distinguished State Delegates,
Distinguished Representatives of National Human Rights Institutions,
Colleagues, Ladies and Gentlemen;

Thank you Madam Chair, for providing my organisation the opportunity to present this statement and to congratulate the African Commission for consideration of over 7 State periodic reports and wish you a successful deliberation of the session

Madam Chair, the Human Rights Institute of South Africa condemns in the strongest terms the Xenophobic violent attacks against, and the disregard of the human rights, of migrants living in South Africa. These attacks against migrants are negatively affecting South Africa's relations with the rest of the continent.

We witnessed with shock the on-going violent attacks over the last two weeks on migrants living in South Africa. Irrespective of the underlying socio-economic challenges, the right to life must be respected. Indeed, it is an inherent and non-derogable right of all individuals that is enshrined in Chapter 2 of the Bill of Rights of the Constitution of the Republic of South Africa.

South Africa as a State Party to the African Charter on Human and People's Rights as well as a State Party to numerous human rights instruments that oblige it to take all necessary steps to protect migrants from xenophobic attacks.

We are deeply concerned by these barbaric and senseless killings that degrade human dignity, instil fear and cause internal displacement as well as freedom of movement of all persons living in South Africa. While human rights are enshrined in the progressive Constitution of our country and reflect the core values of Africans.

We note that these attacks on our fellow brothers and sisters, sons and daughters, only serve to perpetuate stereotypes about the human rights situation in Africa. They also serve to divide us and erase our gains related to the promotion of human rights throughout the continent. We also

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regret the dark shadow cast over the continent by such acts of violence that undermine our African value of Ubuntu that united us to rid the Continent of the scourge of colonialism, tribalism, and apartheid.

HURISA calls on the African Commission to:

- urge the government of South Africa to implement Resolution 131/2008 adopted by the African Commission in May 2008, by taking all necessary steps to protect the lives and properties of migrants living in South Africa and to prosecute all perpetrators of these acts of violence;
- to issue an official invitation to the African Commission's Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons to visit South Africa to assist the country in curbing and eradicating all forms of violence directed at migrants which cause severe harm and suffering to them; and,
- to educate all citizens about the African Charter in implementation of Article 25 to overcome the ignorance on the Charter's and other provisions embodying the principle of non-discrimination as well as means of implementation.

We urge the Commission to call on the government of South Africa:

- to work with organs of civil society to address the root causes of xenophobia and eliminate all forms of violence in accordance with the Durban Declaration and Plan of Action resulting from the Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance to build a culture of human rights and respect of migrants living in the country, a process that South Africa spearheads at United Nations;
- to appraise this Commission of its progress in addressing Xenophobia at the 57th Session of the ACHPR; and,
- to submit its five overdue periodic reports to the African Commission.