Country Advice
South Africa

South Africa – ZAF37709 – South African Police Service – Judiciary – Family violence – State protection – HIV/AIDS – Pakistanis – Ethnic Indians – Xenophobic attacks

25 November 2010

1. Please provide detailed information on the structure, organisation and effectiveness of the South African Police Service (SAPS) and other law enforcement bodies. Please include information on bodies or organisations with responsibility to oversee or hold the police accountable, as well as South Africa's judicial system.

The South African Police Service (SAPS) has primary responsibility for internal security and reports to the Ministry for Safety and Security. In April 2010 it changed its name to the South African Police Force (SAPF) to reflect the militarisation of its rank structure. The SAPF/SAPS has Metropolitan Police Departments (MPDs), established in partnership with local councils, which are responsible for general crime prevention and crowd management. Although SAPF/SAPS is making efforts to increase its effectiveness it is hampered by equipment shortages, under-staffing, poor training and corruption. Overseeing the police are the Independent Complaints Directorate (ICD) and the Secretariat for Safety and Security. Private security firms also operate in affluent neighbourhoods.

In respect of the judicial system, South Africa's constitution and law provide for an independent judiciary. The government generally respects judicial independence. The judiciary, however, is also under-staffed and under-funded which hampers its efficiency.

The SAPF/SAPS has primary responsibility for internal security[1] and reports to the Ministry for Safety and Security.[2] Although the police are still referred to as the SAPS, the department's title was changed to the SAPF on 1 April 2010. The name change reflects a militarisation of the police title and rank structure.[3] The national Police

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[1] US Department of State 2010, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1.

[2] UK Home Office 2010, *Country of Origin Information Report – South Africa*, 9 July, p.19/para. 8.03 – Attachment 2.

[3] Momberg, Eleanor 2010, 'Can the 'New' Police Force Catch Most Wanted?', *Cape Argus*, 4 April, allAfrica.com website http://allafrica.com/stories/printable/201004050699.html – Accessed 12 November 2010 – Attachment 3; Overseas Security Advisory Council (OSAC) 2010, *South Africa 2010 Crime & Safety Report*, 9 June https://www.osac.gov/Reports/report.cfm?contentID=118165 – Accessed 11 November 2010 – Attachment 4.

Minister has reportedly stated that he wanted a "single police service" which would involve merging South Africa's metropolitan police forces into the SAPF.[4]

MPDs are responsible for general crime prevention, crowd management and other joint duties with the SAPF. They are established and structured in partnership with local councils.[5]

The SAPF MPDs are making efforts to increase their operational capacity by increasing staff, providing more professional training and acquiring necessary resources to combat crime.[6] SAPF's effectiveness is still hampered by equipment shortages, under-staffing, poor training and corruption.[7] Nevertheless, a US Federal Advisory Committee the Overseas Security Advisory Council (OSAC) notes that the SAPF's ability to respond to serious emergency calls has improved. For commercial and residential properties in the more affluent neighbourhoods, however, the use of private security firms has "become the norm for first response to crimes in progress".[8]

Overseeing the SAPF are an Independent Complaints Directorate and a Secretariat for Safety and Security.[9] The ICD was established to hear complaints against the police.[10] The Secretariat for Safety and Security was established "to promote democratic accountability and transparency in the SAPS".[11] In September 2010 a bill was introduced into parliament for a Civilian Secretariat for Police to provide for civilian oversight of police.[12]

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[4] William, Murray and Lewis, Esther 2010, 'Cape to Fight for Metro Cops', *Cape Argus*, 11 May, allAfrica.com website http://allafrica.com/stories/201005120038.html – Accessed 12 November 2010 – Attachment 5.

[5] Faull, Andrew 2008, *City Blues: Corruption and Corruption Management in South Africa's Metropolitan Police Departments*, Iss. Paper 170, November, p.1, Institute for Security Studies website http://www.issafrica.org/dynamic/administration/file_manager/file_links/PAPER170.PDF?link_id=14&slink_id=6950&link_type=12&slink_type=23&tmpl_id=3 – Accessed 5 December 2008 – Attachment 6.

[6] Overseas Security Advisory Council (OSAC) 2010, *South Africa 2010 Crime & Safety Report*, 9 June https://www.osac.gov/Reports/report.cfm?contentID=118165 – Accessed 11 November 2010 – Attachment 4.

[7] Jooste, Bronwynne 2010, ''Force to Be Reckoned With'', *Cape Argus*, 22 April, allAfrica.com website http://allafrica.com/stories/printable/201004230043.html – Accessed 12 November 2010 – Attachment 7; US Department of State 2010, 'Role of the Police and Security Apparatus' and 'Official Corruption and Government Transparency' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1; UK Home Office 2010, *Country of Origin Information Report – South Africa*, 9 July, p.19/para. 8.03 – Attachment 2.

[8] Overseas Security Advisory Council (OSAC) 2010, *South Africa 2010 Crime & Safety Report*, 9 June https://www.osac.gov/Reports/report.cfm?contentID=118165 – Accessed 11 November 2010 – Attachment 4.

[9] UK Home Office 2010, *Country of Origin Information Report – South Africa*, 9 July, p.19/para. 8.03 – Attachment 2.

[10] 'Introduction' (undated), South African Police Service website http://www.saps.gov.za/docs_publs/publications/10years/intro.pdf – Accessed 12 November 2010 – Attachment 8. US Department of State 2010, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1.

[11] 'Introduction' (undated), South African Police Service website http://www.saps.gov.za/docs_publs/publications/10years/intro.pdf – Accessed 12 November 2010 – Attachment 8.

[12] 'Bill Proposes Civilian Oversight on Police' 2010, *BuaNews* (Tshwane), 15 September, allAfrica.com website http://allafrica.com/stories/printable/201009150673.html – Accessed 11 November 2010 – Attachment 9.

In respect of the judicial system, the South Africa's constitution and law provide for an independent judiciary. The government generally respects judicial independence. The judiciary, however, is under-staffed and under-funded[13] which hampers its efficiency.

2. Please provide detailed information on measures adopted by the South African authorities to combat family violence and protect victims.

Family violence and protection in South Africa is encompassed within the *Domestic Violence Act 1998* (DVA). Under the Act the definition of a "domestic relationship" includes "family members related by consanguinity, affinity or adoption". Protection orders are facilitated under the DVA. Violating a protection order is punishable by a prison sentence of up to five years and up to 20 years if further criminal charges are brought. Police are required to take victims to a safe place and are also allowed to seize firearms and arrest abusers without a warrant. In addition, a police unit (the Family Violence, Child Protection and Sexual Offences Unit) dealing with intra-familial family violence, previously disbanded, has been reinstated. There have been, however, complaints against police for failing to arrest persons not complying with protection orders, failing to advise complainants of available options under the DVA and "chasing away" complainants.

Definitions in the DVA indicate that violence by family members against another family member may come under the provisions of the Act. "Domestic violence" under the DVA includes violence which causes harm, or imminent harm, to the safety, health or wellbeing of a complainant. A "complainant" is any person who has been in a domestic relationship with a respondent. The definition of a "domestic relationship" includes "family members related by consanguinity, affinity or adoption". Relevant definitions of the *Domestic Violence Act 1998* are outlined below.

Section 1(viii) of the *Domestic Violence Act 1998* defines "domestic violence" as:

> (viii) "domestic violence" means,-
> (a) physical abuse;
> (b) sexual abuse;
> (c) emotional, verbal and psychological abuse;
> (d) economic abuse;
> (c) intimidation;
> (f) harassment:
> (g) stalking;
> (h) damage to property;
> (i) entry into the complainant's residence without consent, where the parties
> do not share the same residence; or
> (j) any other controlling or abusive behaviour towards a complainant,
> where such conduct harms, or may cause imminent harm to, the safety, health
> or wellbeing of **the complainant**;[14]

Section 1(iii) of the Act defines "complainant" as:

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[13] US Department of State 2010, 'Denial of Fair Public Trial' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1.

[14] *Domestic Violence Act 1998* 1998, Republic of South Africa Government Gazette, 2 December, Sect. 1(viii) http://www.info.gov.za/view/DownloadFileAction?id=70651 – Accessed 15 November 2010 – Attachment 10.

(iii) "complainant" means any person who is or has been in **a domestic relationship with a respondent** and who is or has been subjected or allegedly subjected to an act of domestic violence, including any child in the care of the complainant;[15]

In Section 1(vii)(d) includes in the definition of a "domestic relationship":

(vii) "domestic relationship" means a relationship between a complainant and a respondent in any of the following ways:
…
(d) they are **family members related by consanguinity**, affinity or adoption;[16]

The US State Department reports that the DVA facilitates the issuing of protection orders against abusers, requires police to take victims to a safe place and also allows them to seize firearms and arrest abusers without a warrant. The violation of a protection order is punishable by up to five years imprisonment or 20 years if further criminal charges are brought.[17]

In addition, a police unit (the Family Violence, Child Protection and Sexual Offences Unit) dealing with intra-familial family violence, previously disbanded, has been reinstated.[18] Amnesty International, however, has reported that there have been substantiated complaints against police for failing to arrest persons for not complying with protection orders, failing to advise complainants of available options under the DVA and "chasing away" complainants.[19]

3. Please provide detailed information on whether protection is available to all South Africans, regardless of their race, gender or HIV status.

The South African constitution states that everyone has the right to equal protection and thus protection is available to all South Africans, regardless of race, gender or HIV status. As mentioned in Question 1, however, police effectiveness is hampered by equipment shortages, under-staffing, poor training and corruption which could result in inadequate responses by police.

Section 9 of the Bill of Rights, Chapter 2 of the South African constitution, provides the right to equal protection for all:

1. **Everyone is equal before the law and has the right to equal protection and benefit of the law**.

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[15] *Domestic Violence Act 1998* 1998, Republic of South Africa Government Gazette, 2 December, Sect. 1(iii) http://www.info.gov.za/view/DownloadFileAction?id=70651 – Accessed 15 November 2010 – Attachment 10.

[16] *Domestic Violence Act 1998* 1998, Republic of South Africa Government Gazette, 2 December, Sect. 1(vii)(d) http://www.info.gov.za/view/DownloadFileAction?id=70651 – Accessed 15 November 2010 – Attachment 10.

[17] US Department of State 2010, 'Women' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1.

[18] 'Family Violence, Child Protection and Sexual Offences Unit (FCS)' (undated), South African Police Service website http://www.saps.gov.za/org_profiles/core_function_components/fcs/establish.htm – Accessed 15 November 2010 – Attachment 11; Brandon, Melody and Jianmin, Li 2010, 'South Africa rejoices at drop in crime statistics', *Xinhua News Agency*, 19 September – Attachment 12; Wilson, Gareth 2010, 'Revival of former police unit hailed by welfare groups', *The Herald*, 7April – Attachment 13.

[19] Amnesty International 2010, *Amnesty International Report 2010 – South Africa*, p.297 – Attachment 14.

2.	Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

3.	The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.[20]

As mentioned in Question 1 police effectiveness is hampered by equipment shortages, under-staffing, poor training and corruption.[21] The US State Department notes that although SAPS has made efforts to improve coverage in rural and township areas, most law enforcement activities remain concentrated on wealthy residential and business districts.[22] The UK Home Office provides examples of inadequate responses by the police in protecting women in domestic violence situations:

…women experiencing violence have reported inadequate responses from some police officials. While some police facilitate women's access to protection orders, others reportedly refer complaints back to families, fail to seize dangerous weapons, or refuse to take any steps unless the complainant lays criminal charges first.[23]

**4.	Please provide detailed information on the level of public and private care and on-going treatment available to people with positive HIV status both in rural and urban centres, particularly in Cape Town. Please include information on recent changes in the attitude of the South African government towards HIV sufferers.**

Antiretroviral therapies (ART) are the medical treatment of choice for people with HIV and South Africa's ART programme, the largest in the world, includes blood testing to monitor patient responsiveness to drugs. South Africa, however, also has more HIV-positive persons than any other country. Recent reports indicate that many South Africans have trouble securing reliable access to antiretroviral drugs and quality medical care. Service delivery is poor in the public health care system on which the ART program relies. Rural areas have less access to healthcare and poor HIV-positive women from rural areas have particular difficulty accessing ART and health services. The issue of treatment available to people with positive HIV status is covered in

[20] *Constitution of the Republic of South Africa, 1996*, Chapter 2 – Bill of Rights, Sect. 9, South African Government Information website http://www.info.gov.za/documents/constitution/1996/96cons2.htm#7 – Accessed 15 November 2010 – Attachment 15.

[21] Jooste, Bronwynne 2010, ''Force to Be Reckoned With'', *Cape Argus*, 22 April, allAfrica.com website http://allafrica.com/stories/printable/201004230043.html – Accessed 12 November 2010 – Attachment 7; US Department of State 2010, 'Role of the Police and Security Apparatus' and 'Official Corruption and Government Transparency' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1; UK Home Office 2010, *Country of Origin Information Report – South Africa*, 9 July, p.19/para. 8.03 – Attachment 2.

[22] US Department of State 2010, 'Role of the Police and Security Apparatus' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1.

[23] UK Home Office 2009, *Operational Guidance Note – South Africa*, 11 June, p.5/para.3.7.4 – Attachment 16.

question 1 of RRT *Country Advice ZAF37218*, dated September 2010.[24] Large private sector corporations also play a key role in tackling HIV/AIDS.[25]

Cape Town municipality runs HIV/AIDS health care programmes. Many patients, however, prefer not to go public clinics fearing that they will be seen by people they know and endure the consequent stigma of being identified as being HIV-positive. The government, under President Jacob Zuma, has launched new initiatives to deal with the HIV problem. It aims to make ARTs available to 80% of the population by 2012. Progress, however, will be slow and costly.

Health care is available to HIV-positive South Africans in Cape Town. A November 2010 news article stated that Cape Town municipality is finding implementation of the government's new policies on integrating HIV/AIDS and tuberculosis (TB) care challenging. Historically, public health care facilities had run separate programmes. According to the article the head of Cape Town's HIV, TB and sexually transmitted infections unit, of 29,526 new TB patients who started treatment in Cape Town in 2010, 83% took a HIV test, half were HIV-positive.[26] One "creative" way of providing HIV testing introduced in Cape Town is a colourful camper-van touring neighbourhoods which tests some 50 people a day. This method has been successful because it offers testing for a number of chronic illnesses; many HIV patients prefer not to go to public clinics for an HIV test because they are afraid they will be seen by people they know.[27]

In respect of the South African government's attitude towards HIV sufferers, President Jacob Zuma has launched new initiatives to tackle the problems of infection and associated stigma.[28] He has accepted the science of AIDS transmission, prevention and treatment. Zuma himself was also tested and publicly announced his results (negative) in an attempt to remove the associated stigma.[29] Under the Zuma administration the situation for HIV sufferers has improved significantly. The government aims to make ARTs available to 80% of those in need by 2012, to extend testing for HIV and prioritise treatment for pregnant women and children. Progress, however, is predicted to be slow and costly.[30]

5. Please provide detailed information on the attitude of South Africans towards those with positive HIV status. Is there any evidence to suggest those sufferers are subjected to serious harm?

HIV/AIDS related stigma and societal discrimination remain prevalent across South Africa. Sources indicate that prejudice and negative attitudes about people with

[24] RRT Country Advice 2010, *Country Advice ZAF37218*, 2 September – Attachment 17.

[25] 'South Africa risk: Macroeconomic risk' 2010, *Economist Intelligence Unit – Risk Briefing*, 9 August – Attachment 18.

[26] Kahn, Tamar 2010, 'New one-roof policies on TB, HIV/AIDS 'are challenging'', *Business Day*, 3 November – Attachment 19.

[27] AVERT 2010, 'AIDS in South Africa', Avert.org, 17 August, http://www.avert.org/aidssouthafrica.htm – Accessed 25 August 2010 – Attachment 20.

[28] 'South Africa risk: Macroeconomic risk' 2010, *Economist Intelligence Unit – Risk Briefing*, 9 August – Attachment 18.

[29] Dodson, Helen 2010, 'Yale University: Turning the tide on South Africa's HIV/AIDS epidemic', *M2 Presswire*, 2 November – Attachment 21.

[30] 'South Africa risk: Macroeconomic risk' 2010, *Economist Intelligence Unit – Risk Briefing*, 9 August – Attachment 18.

HIV/AIDS are more common in rural areas and amongst poor and uneducated individuals. A 2008 Amnesty International report noted that rural South African women often became subject to discrimination once they were known to be HIV-positive. The report stated that rural women had also experienced threats of violence after disclosing their HIV status. The attitude of South Africans towards those with positive HIV status is covered in Question 3 of RRT *Country Advice ZAF37218*, dated September 2010.[31] Sources indicate that HIV sufferers may suffer serious harm.

The results of a survey on HIV/AIDS stigma in South Africa reported in a 2009 journal article showed that 2.3% of respondents answered "physical harm" when asked to "describe incidents of discrimination that they had either witnessed or experienced".[32] A January 2005 news article referred to a study of 144 HIV patients, at two Johannesburg hospitals, in which "a small number" of women had reported that they had been beaten by their partners "after learning of the presence of the infection". The 2005 article noted that "such violent reactions remain rare". The article also mentioned a 2003 case, when an AIDS activist was killed outside Cape Town after she had told men who had gang-raped her that she had HIV.[33]

6. Please provide detailed information on xenophobic attacks on South Asians, particularly Indians, and Pakistanis, in South Africa. Please include information on the government's response and whether attacks, if any, have been geographically confined.

Xenophobic attacks in South Africa have been reported on South Asians and particularly on Pakistanis and Bangladeshis. No reports of attacks were found specifically on Indians. Although the brunt of violent xenophobic attacks have been on black African migrants, Asian migrants are not only becoming more susceptible to such attacks but also more often to crime and harassment.[34] The government's response has been described as "ambiguous" and criticised by civil society organisations. Xenophobic attacks have not been geographically confined. One report notes, however, that such violence typically occurs in areas with socio-economic problems.

According to Tara Polzer, Senior Researcher at the Forced Migration Studies Programme at the University of Witwatersrand, violence against foreign nationals and internal migrants has been an ongoing feature in post-apartheid South Africa. Although the most intense attacks occurred in May 2008, such attacks occurred long before and still continue.[35]

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[31] RRT Country Advice 2010, *Country Advice ZAF37218*, 2 September, quest. 3 – Attachment 17.
[32] Visser, M. J. et al. 2009, 'HIV/AIDS stigma in a South African community', *AIDS Care*, Vol. 21, No.2, February, pp.200-201, 204 – Attachment 22.
[33] Timberg, Craig 2005, 'In S. Africa, Stigma Magnifies Pain of AIDS', *Washington Post*, 14 January http://www.washingtonpost.com/wp-dyn/articles/A7822-2005Jan13.html – Accessed 24 August 2010 – Attachment 23.
[34] Park, Yoon Jung and Rugunanan, Pragna 2010, 'Visible and Vulnerable: Asian Migrant Communities in South Africa' in *South African Civil Society and Xenophobia*, Gauteng City-Region Observatory (GCRO), July, p.5 http://www.gcro.ac.za/sites/default/files/News_items/Xeno_reports_July2010/case_studies/13_Visible_and_Vulnerable.pdf – Accessed 23 November 2010 – Attachment 24.
[35] Polzer, Tara 2010, ''Xenophobia': Violence against Foreign Nationals and other 'Outsiders' in Contemporary South Africa', Forced Migration Studies Programme, University of the Witwatersrand, Migration Issue Brief 3, June

A July 2010 report on Asian migrant communities in South Africa states that migrants from various parts of Asia are "*not* the primary targets of xenophobic violence".[36] It also states, however, that violent incidents involving Asians have been increasing, particularly against Bangladeshi shopkeepers.[37] A possible reason for the increased xenophobic tension is that most Asian migrant businesses prefer to hire non-South African blacks.[38] The most serious problems reported for Asian migrants are crime and corruption; the migrants feel that they are targeted for extortion and robbery by both corrupt officials and criminals. Corrupt officials appear to target Asian migrants because they operate at the lower-end retail and cash trades; there is a perception that they have a tenuous immigration status and are willing to pay bribes.[39]

An August 2010 news article describes the South African government's response to xenophobic violence "ambiguous".[40] For example, the government established an inter-ministerial committee on xenophobia but its head, the police minister, stated that the most recent violence is criminal and not based on race or ethnicity.[41] The government has also been criticised for failing to address the root causes of xenophobic violence, to provide avenues for conflict resolution in affected areas or investigate and prosecute offenders to deter additional attacks.[42]

In a September 2010 journal article researchers with the Forced Migration Studies Programme at the University of the Witwatersrand University stated that police at senior levels have shown a willingness to learn from the May 2008 attacks. Since 2009 new measures to proactively respond to violence against foreign nationals have been adopted: a national co-ordinator for xenophobia has been appointed at director level and a specialised team has been formed to collect and collate information relating to crimes against foreign nationals. The authors of the report note that it is still too early to tell if

http://www.migration.org.za/sites/default/files/reports/2010/FMSP_Migration_Issue_Brief_3_Xenophobia_June_2010.pdf – Accessed 23 November 2010 – Attachment 25**.**

[36] Park, Yoon Jung and Rugunanan, Pragna 2010, 'Visible and Vulnerable: Asian Migrant Communities in South Africa' in *South African Civil Society and Xenophobia*, Gauteng City-Region Observatory (GCRO), July, p.5 http://www.gcro.ac.za/sites/default/files/News_items/Xeno_reports_July2010/case_studies/13_Visible_and_Vulnerable.pdf – Accessed 23 November 2010 – Attachment 24.

[37] Park, Yoon Jung and Rugunanan, Pragna 2010, 'Visible and Vulnerable: Asian Migrant Communities in South Africa' in *South African Civil Society and Xenophobia*, Gauteng City-Region Observatory (GCRO), July, pp.1-2 4
http://www.gcro.ac.za/sites/default/files/News_items/Xeno_reports_July2010/case_studies/13_Visible_and_Vulnerable.pdf – Accessed 23 November 2010 – Attachment 24.

[38] Park, Yoon Jung and Rugunanan, Pragna 2010, 'Visible and Vulnerable: Asian Migrant Communities in South Africa' in *South African Civil Society and Xenophobia*, Gauteng City-Region Observatory (GCRO), July, p.15 http://www.gcro.ac.za/sites/default/files/News_items/Xeno_reports_July2010/case_studies/13_Visible_and_Vulnerable.pdf – Accessed 23 November 2010 – Attachment 24.

[39] Park, Yoon Jung and Rugunanan, Pragna 2010, 'Visible and Vulnerable: Asian Migrant Communities in South Africa' in *South African Civil Society and Xenophobia*, Gauteng City-Region Observatory (GCRO), July, pp.1-2, 14
http://www.gcro.ac.za/sites/default/files/News_items/Xeno_reports_July2010/case_studies/13_Visible_and_Vulnerable.pdf – Accessed 23 November 2010 – Attachment 24.

[40] Brown, Kyle G. 2010, 'Anti-Immigrant Tensions Rise Again In South Africa', NPR website, 15 August http://www.npr.org/templates/story/story.php?storyId=129038858 – Accessed 23 November 2010 – Attachment 26.

[41] Brown, Kyle G. 2010, 'Anti-Immigrant Tensions Rise Again In South Africa', NPR website, 15 August http://www.npr.org/templates/story/story.php?storyId=129038858 – Accessed 23 November 2010 – Attachment 26.

[42] US Department of State 2010, 'National/Racial/Ethnic Minorities' in *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March – Attachment 1.

these measures significantly contributed to prevent predicted violence against foreign nationals around the World Cup in July 2010. [43]

Xenophobic attacks have not been geographically confined. Reports indicate that the attacks occur countrywide and victims include people from Bangladesh and Pakistan. [44] Polzer, however, notes that such violence typically occurs in areas with socio-economic problems:

> Violence against foreign nationals typically occurs in locales with high (but not the highest) levels of economic deprivation, high percentages of male residents, high levels of informal housing, and high levels of language diversity (including many South African and foreign languages). These areas often have a relatively low percentages of residents in the lowest income bracket. [45]

Attachments

1. US Department of State 2010, *Country Reports on Human Rights Practices for 2009 – South Africa*, 11 March.

2. UK Home Office 2010, *Country of Origin Information Report – South Africa*, 9 July.

3. Momberg, Eleanor 2010, 'Can the 'New' Police Force Catch Most Wanted?', *Cape Argus*, 4 April, allAfrica.com website http://allafrica.com/stories/printable/201004050699.html – Accessed 12 November 2010.

4. Overseas Security Advisory Council (OSAC) 2010, *South Africa 2010 Crime & Safety Report*, 9 June https://www.osac.gov/Reports/report.cfm?contentID=11816 5 – Accessed 11 November 2010.

5. William, Murray and Lewis, Esther 2010, 'Cape to Fight for Metro Cops', *Cape Argus*, 11 May, allAfrica.com website http://allafrica.com/stories/201005120038.html – Accessed 12 November 2010.

6. Faull, Andrew 2008, *City Blues: Corruption and Corruption Management in South Africa's Metropolitan Police Departments*, Iss. Paper 170, November, Institute for Security Studies website http://www.issafrica.org/dynamic/administration/file_manager/file_links/PAPER170.PDF?link_id=14&slink_id=6950&link_type=12&slink_type=23&tmpl_id=3 – Accessed 5 December 2008.

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[43] Polzer, Tara and Takabvirwa, Kathryn 2010, ''Just Crime'? Violence, xenophobia and crime: discourse and practice', *Crime Quarterly*, No. 33, September, pp.4-5 http://www.issafrica.org/uploads/CQ33.pdf – Accessed 11 November 2010 – Attachment 27.

[44] Human Rights Watch 2009, *No Healing Here: Violence, Discrimination and Barriers to Health for Migrants in South Africa*, December, p.21, UNHCR Refworld http://www.unhcr.org/refworld/docid/4b1cc5b52.html- Accessed 2 February 2010 – Attachment 28; Misago, J., Landau, L. and Monson, T. 2009, T*owards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa*, International Organisation of Migration (IOM), February, pp.22-28 – Attachment 29.

[45] Polzer, Tara 2010, ''Xenophobia': Violence against Foreign Nationals and other 'Outsiders' in Contemporary South Africa', Forced Migration Studies Programme, University of the Witwatersrand, Migration Issue Brief 3, June, pp.2, 5-6 http://www.migration.org.za/sites/default/files/reports/2010/FMSP_Migration_Issue_Brief_3_Xenophobia_June_2010.pdf – Accessed 23 November 2010 – Attachment 25.

7. Jooste, Bronwynne 2010, ''Force to Be Reckoned With'', *Cape Argus*, 22 April, allAfrica.com website http://allafrica.com/stories/printable/201004230043.html – Accessed 12 November 2010.

8. 'Introduction' (undated), South African Police Service website http://www.saps.gov.za/docs_publs/publications/10years/intro.pdf - Accessed 12 November 2010.

9. 'Bill Proposes Civilian Oversight on Police' 2010, *BuaNews* (Tshwane), 15 September, allAfrica.com website http://allafrica.com/stories/printable/201009150673.html – Accessed 11 November 2010.

10. *Domestic Violence Act 1998* 1998, Republic of South Africa Government Gazette, 2 December http://www.info.gov.za/view/DownloadFileAction?id=70651 – Accessed 15 November 2010.

11. 'Family Violence, Child Protection and Sexual Offences Unit (FCS)' (undated), South African Police Service website http://www.saps.gov.za/org_profiles/core_function_components/fcs/establish.htm – Accessed 15 November 2010.

12. Brandon, Melody and Jianmin, Li 2010, 'South Africa rejoices at drop in crime statistics', *Xinhua News Agency*, 19 September. (FACTIVA)

13. Wilson, Gareth 2010, 'Revival of former police unit hailed by welfare groups', *The Herald*, 7April. (FACTIVA)

14. Amnesty International 2010, *Amnesty International Report 2010 – South Africa*.

15. *Constitution of the Republic of South Africa*, 1996, Chapter 2 – Bill of Rights, Sect. 9, South African Government Information website http://www.info.gov.za/documents/constitution/1996/96cons2.htm#7 – Accessed 15 November 2010.

16. UK Home Office 2009, *Operational Guidance Note – South Africa*, 11 June.

17. RRT Country Advice 2010, *Country Advice ZAF37218*, 2 September.

18. 'South Africa risk: Macroeconomic risk' 2010, *Economist Intelligence Unit – Risk Briefing*, 9 August. (FACTIVA)

19. Kahn, Tamar 2010, 'New one-roof policies on TB, HIV/AIDS 'are challenging'', *Business Day*, 3 November. (FACTIVA)

20. AVERT 2010, 'AIDS in South Africa', Avert.org, 17 August, http://www.avert.org/aidssouthafrica.htm – Accessed 25 August 2010.

21. Dodson, Helen 2010, 'Yale University: Turning the tide on South Africa's HIV/AIDS epidemic', *M2 Presswire*, 2 November. (FACTIVA)

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