

**A Victimological exploration of the victimisation vulnerability of a
group of foreign nationals in the city of Durban**

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Declaration

This research is the original work of the author and works of other writers are properly referenced and cited. This work has not been submitted either in part or in full to any other body or institution for any other degree or examination.

Samuel Fikiri Cinini

Date

Acronyms and Abbreviations

ACHPR	African Charter on Human and People's Rights
ANC	African National Congress
CAR	Central African Republic
CAT	Convention Against Torture
CBD	Central Business Centre
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHR	Centre for Human Rights
CJS	Criminal Justice System
CSVR	Centre for the Study of Violence and Reconciliation
DCSs	Department of Correctional Services
DHA	Department of Home Affairs
DRC	Democratic Republic of Congo
HREC	Human Research Ethics Committee
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
IOM	International Organisation for Migration
KZN	KwaZulu-Natal
NCPS	National Crime Prevention Strategy
NGO	Non-Governmental Organisation
RSA	Republic of South Africa
SA	South Africa
SADC	Southern African Development Community
SAMP	South African Migrant Project

SANDF	South African National Defence
SAPS	South African Police Services
SGBV	Sexual Gender Based Violence
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America
WHO	World Health Organisation
WSV	World Society of Victimology

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Summary

The reasons for leaving home are complex, but the majority of respondents acknowledged political-economy as one of the major reasons for leaving their home to search for a better life. In South Africa, the country, is politically and economically stable in comparison to other African countries, hence the choice of South Africa for black Africans who migrate. However, previous studies have shown that although attitudes towards non-nationals vary across South Africa's socio-economic and ethnic spectrum, there is strong evidence that non-nationals living and/or working in South Africa face discrimination at the hands of citizens, governments officials, members of the police and private organisations contracted to immigration.

The researcher explores the victimisation experiences of foreign nationals with the purpose to attract the attention of the government, non-governmental organisations (NGOs), and Civil society activists, in order to raise the level of awareness. One of the objectives of this research was to explore the experiences of victims of xenophobia in the city of Durban, amongst groups of foreign nationals. The study focused on extensive literature review and the perceptions of participants who all have a shared experience of xenophobia.

In conducting the literature review, the researcher used multiple information sources, including books, dissertations, internet resources, professional journals and periodicals. These sources were accessed through Google Scholar, EBSCOhost Web, JSTOR, ProQuest, Sabinet Reference, and Science Direct. The researcher also made use of the Centre for the Study of Violence and Reconciliation (CSV) website and the South African Migrant Project (SAMP) website to gather information on previous publications of studies that have been conducted in this area of study. The researcher sought to understand the nature and frequency of the victimisation of foreign nationals, and also the impact of their victimisation as well as the nature and function of coping mechanisms employed by foreign nationals in the face of victimisation and victimisation vulnerability.

A qualitative survey-based research design was used to identify the various meanings underlying the respondents' perceptions of xenophobia and the causes ascribed to the phenomenon. This approach allowed the use of in-depth thematic content analysis, revealing more detailed descriptions and a deeper understanding of xenophobia in South Africa. The use of a qualitative method was meant to exploring the experiences of the victimisation of a group of foreign nationals in the city of Durban. Twenty participants of different nationalities were invited to participate in the study. Participants were 19 to 35 ages old who resided in the city of Durban over 2 years and have experienced victimisation. The researcher used

purposive sampling and snowball technique. Hence, participants in this study were purposefully selected from their churches, shops, and work sites but others were identified through snowball technique. Data collection was based on semi-structured interviews conducted on an individual basis. For ethical reasons, only foreign nationals living legally in the city were interviewed. These are those with refugee status, asylum seekers holding temporary permit, and economic migrants with work permits.

The first major finding of this research is that the majority 85% of respondents have been victims of crime. Crime such as petty crime, house breaking, and shop looting have been identified as the main crimes that a group of foreign nationals have experienced during their stay in the city of Durban. It has been noticed that most of the victimisation are perpetrated by black local citizens and that government officials are not much seen as perpetrators for these crimes as they are not in full contact with a group of foreign nationals. Amongst a group of 20 respondents, 80% of the respondents reported have never been victimised by any government official, accusing the department of home affairs (DHA) to be the only governmental institution victimising a group of foreign nationals as it can be seen in the findings of this study.

Some of the findings in this research have demonstrated poorer psychological health condition such as depression, stress, trauma and isolation as the main problems a group of foreign nationals encounter during and in the aftermath of their victimisation. Therefore, it can be concluded that the impact of the victimisation on a group of foreign nationals in this study is mostly psychological than physical. Most of the respondents who have been victimised, have suffered psychological damage such as trauma, depression, stress and isolation, resulting in fear. Consequently, respondents have reported living in fear in the city of Durban, thinking that "*what has happened will happen again*". In addition to psychological health condition, loss of properties during shop looting and house breaking can also be seen as economic loss which can still play a psychological side effect on the victims.

Although, the findings of this study demonstrate the treatment of black local citizen against fellow black African foreign nationals, it cannot be concluded that only black local citizens discriminate against fellow black African, but in some extent, foreigners are discriminated against by almost all existing races in South Africa. , it can also be argued that not only black foreign nationals are victimised but also other foreign nationals from other continents of the globe do face lesser degree of discrimination. The differences in the level of xenophobia can be explained by the pull factors of immigrants in South Africa. Mostly, African foreigners leave their countries to South Africa for economic reason, they come to search for jobs, and

many other opportunities, this put them into conflict of interest with local citizens who are still struggling for their well-being, unlike Europeans, Asians, and Americans who come to South Africa, most of them come for business purposes, for which they are mostly the bosses. Others come because their skills are in demand in some industries or companies operating within South Africa. Therefore, even though people from other continents can be perceived to undergo lesser degree of discrimination within the South African institutions as a form of xenophobia, the above claim can be considered as the reason why local citizens do not threaten or attack foreigners other than those coming from African continent.

Nonetheless, there is the issue of abuse of hospitality, South Africans gave foreigners refuge, but it transpires from Westville prison statistics that many migrants are abusing the hospitality of South Africa. Hence there is a need of making some recommendations as to address this situation.

Xenophobia should not only be blamed for the South African government inability to deliver, but African countries' corruption lack of accountability and transparency leading to the massive African migrants who migrate to SA for a search of peace, human rights, democracy and job opportunities, whose burden goes to SA. As a consequence, the SA government failure to deliver to its own citizens basic social needs, education, health, housing and employment won't be able to assist the massive surge of migrants from other African countries. Corruption and irresponsible African leadership has led to South African carrying the burden of the African migration done. Basically, if most countries are doing very well, less corruption, civil wars, the need to travel to another country will be reduced.

Key Terms

Victimology, victimisation, vulnerability, xenophobia, foreign nationals, and city of Durban

Chapter 1

GENERAL ORIENTATION AND PROBLEM FORMULATION

1.1. Introduction

In conducting a victimological exploration of the victimisation vulnerability of a group of foreign nationals, it is important to begin the study with a basic explication of the key concepts as used in the study. This will include definitions of various important terms which will be operationalized for the purposes of this study. The discussion of a historical perspective of migrants will serve as a contextual basis for the presentation of the problem formulation. The rationale for the study will be presented in reference to the specific aims of the study followed by a concise outline of the research report.

A number of factors may be held responsible for the leaving of foreigners from their home countries and make their way to SA. According to various authors: “population pressure, low living standards, lack of economic opportunities, and political discomfort are some of the ‘push factors’ leading migrants to take a decision to leave home to a foreign land. Notably, accessibility of job opportunities, health services and other contemporary facilities in towns and political autonomy are assumed to be the ‘pull factors’ of migration” (Castles et al., 2005). However, in looking at the Democratic Republic of the Congo (DRC), Rehn and Sirleaf (2002) argue that “armed conflict, political violence and civil unrest forcibly uproot hundreds of thousands of civilians every year. Communities are being torn apart by the routine tactics of war. Intimidation, terror, murder, sexual violence and forced displacement drive people out of their homes, leaving them without food, shelter or health care. This is often not an indirect effect of war but careful calculation by combatants” (Rehn and Sirleaf, 2002).

Nevertheless, Rehn and Sirleaf (2002) continue to demonstrate that “modern-day conflicts have caused economic disruption and they have been created by it”. The “economies of war” are the result of the exploitation of natural resources; the creation of armed groups and other power brokers thrive on the instability of conflict in order to gain control of valuable resources and property. However, Rehn and Sirleaf (2002) have reported that “the long-term effects of conflict and militarization create a culture of violence that renders women especially vulnerable after war, along with their deepening of violence they experience during war”. All

the above mentioned are contributing factors that make someone take a hard decision to flee and find refuge in a foreign land, the choice of South Africa is due to its progressive constitution and its economy as well as its political stability after 1994.

1.2. Conceptualisation

To provide some form of clarity and closure for the reader, it is imperative to provide meanings of the key concepts that are used in this study. These are defined and explained key concepts in simple terms to allow readers to gain a clear understanding of the work presented in this study.

1.2.1. Victimology

Victimology, according to Dussich (2006), can be explained as an *“academic scientific discipline which studies data that describes phenomena and causal relationships related to victimisations. This comprises events leading to the victimisation, the victim’s experience, its aftermath and the actions taken by society in response to these victimisations. Consequently, victimology includes the study of the precursors, vulnerabilities, events impacts, recoveries, and responses by people, organisations and cultures related to victimisations”* (Dussich, 2006: 118).

Kirchhoff (2010), argues that it is not possible to state the exact moment of origin of victimology. This fact notwithstanding, it can be speculated that the historical journey should have started in ancient times. Particularly within the context of the origin of European culture, Mesopotamian cultures were deemed as the most significant early reference point. From a Western viewpoint the ancient code of Ur-Nammu (circa 2100-2050 BC) prescribed that: *“restitution for instance should be paid by the offender to the victim tallying to the death penalty”*. On the other hand, the origin of the African Victimology can be traced to the early (circa 2400 BC) key Egyptians and thus African values of Maat as embodied in Ubuntu, namely truth, justice, propriety, harmony, balance, reciprocity and order (Peacock, 2013: 4).

Victimology as a scientific field of study is a relatively new discipline, despite the fact that it has its roots in the history of humankind. Wallace (1998) identifies critical dates in the history of victimology by taking 1750 BC as the first critical one when the Code of Hammurabi which provides for *“An eye for an eye, and a tooth for a tooth”* was adopted. From a historical perspective *“the Code of Hammurabi is a well-preserved Babylonian law code of ancient Mesopotamia, dating back to about 1754 BC. It is one of the oldest decoded writings of significant length in the world”*. This Code remains important, as it can be regarded as the first

victim rights statute in history, despite the fact that its initial impact was short-lived. It paved the way for the recognition of victims' rights and the victims' recognised position and role in the CJS in the 21st century (Davis and Snyman, 2005).

Notably, the World Society of Victimology (WSV) was founded in Germany in 1979. According to the official website of the WSV (see www.worldsocietyofvictimology.org), the purpose of the WSV is to “advance victimological research and practices around the world” to “encourage interdisciplinary and comparative work and research in this field; and to advance cooperation between international, national, regional and local agencies and other groups who are concerned with the problems of victims” (Peacock, 2013).

The WSV has been instrumental in developing and operationalising the “United Nations (UN) Declaration of basic principles of justice for victims of crime and abuse of power” (Dussich, 2012). The aim of the Declaration is to improve victims' access to justice, fair treatment, restitution, compensation and support as well as taking steps to prevent victimisation linked to the abuse of power (Peacock, 2013).

Victimology, as institutionalised by the WSV, is defined as: “the scientific study of the extent, nature and causes of criminal victimisation, its consequences for the persons involved and the reactions thereto by society, in particular the police and the criminal justice system as well as voluntary workers and professional helpers” (van Dijk, 1999: 6).

China's scholars define “Victimology” as a branch of science that studies the phenomena of victimisation, victims, the key factors of victimisation, the restitution of victimisation and the prevention of victimisation (Dawei and Longfei, 2013). According to Dawei and Longfei (2013) China's victimology has developed for more than 30 years. The development of victimology comes with the development of criminology and is in the process of internationalisation. According to Fattah (2010), Victimology is relatively a new discipline area that seeks the genesis of victimisation not in the background and characteristics of the offender as in the case of mainstream traditional criminology but in a complex model of interactions (Fattah, 2010).

Peacock (2013: 7), argues that “within the African continent with its history of colonisation, abuse of power and conflict, together with institutionalised racism in Apartheid South Africa, there is the necessity to shift the boundaries of defining victimological concepts outside the realm of the existing definitions and frameworks of crime and criminal justice”. Here, institutional and structural violence and the social factors that underpin victimisation should be examined together with the typical criminal justice responses to crime victims (Peacock, 2013)

1.2.2. Victimization

Victimization is both a complex and controversial phenomenon and its scope is often debated by academics and practitioners alike. It remains, however, imperative for victim's issues not to be overemphasised at the cost of the interests of offenders promoting the popular and false victim –offender dichotomy (Peacock, 2013). Victimization refers to “an event where persons, communities and institutions are damaged or injured in a significant way. Those persons who are impacted by persons or events suffer a violation of rights or significant disruption of their well-being” (Dussich, 2006: 118).

According to Karmen (2010) victimisation is “an uneven interpretational relationship that is abusive, painful, destructive, parasitical and unfair. While a crime is in progress, offenders temporarily force their victims to play roles that mimic the dynamics between predator and prey, winner and loser, victor and vanquished and even master and slaver”. Many types of victimisation have been barred over the centuries – specific oppressive and exploitative acts, like raping, robbing and swindling (Karmen, 2010: 5).

In victimology, the essential element for victim status is the presence of harm, suffering, or injury caused by a crime. However, some argue that there is no convincing reason to limit the cause of the harm to a criminal act committed by an individual against another. Institutional victimisation, abuse of power, collective victimisation and illegal to illegitimate governmental actions should be considered causes of victimisation as well (Viano, 1989). One can argue that the reason for or the manner in which one is harmed is irrelevant and that what counts is the fact that one is in crisis, injured, harmed, and needing to recover and regain mastery over one's life and surroundings.

Nevertheless, the transition from suffering harm to seeing oneself as a victim is crucial and it has been neglected. One of the major obstacles to recognising victimisation, even on the part of the victim, is often the silent public tolerance of it. Such tolerance can result from a system of values, beliefs; mores and laws that actively support, justify and legitimize victimisation (Viano, 1989).

There are three major components of victimisation that make it particularly threatening and difficult to absorb:

- (a)The victim's capability to control his or her life is lost, and the victim stands defencelessly vulnerable, isolated and immobilised,

(b) All helpful and accommodating social support systems have receded and are out of the victim's reach,

(c) A predator has invaded the victim's life and damaged in various degrees the victim's well-being.

Victimisation strikes the victims' personal sphere. It is not indifferent or trivial matters which are involved here but the victim's personal world or one's own most world, the *eigegenwelt*, whose centre is the victim and others intimately related to the victim. Thus, the seriousness and profundity of victimisation can be measured by questions like these: How close to home did the crime strike? How essentially was the victim's life affected? There are, of course, variations in seriousness and significance which reflect individual values and idiosyncrasies. However, victimisation is a broad concept and for an African relevance of the scope of victimology, it should allow for a multi-layered and inclusive understanding of a wide variety of victimisation patterns – an approach that is dynamic and not static.

1.2.3. Vulnerability

Dussich (2006: 118), describes vulnerability as “a physical, psychological, social, material or financial condition whereby a person or an object has a weakness which could render them victim's if another person or persons would recognise these weaknesses and take advantage of them”. Conversely, vulnerability appears to have to some extent wide-ranging history when considered in relation to criminal victimisation. However, various authors state that “the concept has rarely been explored in its own right, its meaning and application generally considered in relation to the fear of crime” (Hale, 1996; Killias, 1990; Killias and Clerici, 2000).

In pursuit of the same concept, Killias (1990) classifies vulnerability as a phenomenon exploring physical, social and situational components. It is, however, located within a wider discussion of the fear of crime, commencing a discussion about what might constitute the different aspects of vulnerability. The appreciation of vulnerability being both internal and external factors to the individual is the inclusion of the physical, social and situational factors.

Green (2007: 92), further argues that “a sense of vulnerability is formed by the conditions of existence, whether they are biographical, environmental or cultural. Vulnerability is often used to express the level of risk posed to certain groups or individuals. The more vulnerable a person is the more at risk they are of victimisation. It can also be used to the level of harm we are likely to suffer when we are victimised. The greater the effect and consequences of victimisation the more vulnerable a person is”.

1.2.4. Foreign National

Foreign national is a descriptive phrase that is used in this study to refer to “all nationals of a state other than South Africa who are ordinarily resident in South Africa under various immigration permits or without such permits” (CHR, 2009). They are also called “international migrants”. Migrants have been loosely defined as

people of another state who have voluntarily or else come to settle down momentarily or permanently due to a number of pull and push factors such as war, persecution; economic opportunities abroad and so on (CHR, 2009: 31).

CHR (2009), argues that “voluntary migrants usually take the form of migrant workers as opposed to those fleeing persecution or natural disasters”.

The concept “foreigner” represents non-citizen. It is, therefore, essential to reflect on the various categories of foreigners. Terms such as refugees, asylum seekers, strangers, immigrants, migrants, foreigners and aliens are all included under the overarching label foreign nationals. In the South African legislation, the three broad categories that are utilised are refugee, migrant and immigrant.

1.2.4.1. Refugee

The description of who is a refugee, their rights and the legal obligations of states, is found in the 1951 UN Convention concerning the Status of Refugees which is considered to be the key document dealing with refugee legal matters worldwide. The 1951 Convention defines a refugee as “a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him - or herself of the protection of that country, or to return there, for fear of persecution” (see Article 1A (2)).

However, Jackson (1991) states that “individuals who fulfil this definition are entitled to the rights and are bound by the duties contained in the 1951 UN Convention”. Therefore, “refugees are forced to flee because of the threat of persecution and because they lack the protection of their own country”. A refugee is thus “a person fleeing from individual persecution, generalized human rights violations or armed conflict in their country of origin” (United Nations Commissioner for Refugees [UNHCR], 1998, P.2). In the process of seeking a refugee status, the applicant is first known as an ‘asylum-seeker. According to the UNHCR (1998) “an asylum-seeker is a person whose asylum claim has not yet been examined to ascertain whether his/her fear of persecution is well-founded” (Jackson, 1991).

1.2.4.2. Migrants

Simmons (1987), refers to the “UN Recommendations” distinguishing two clusters of immigrants by the duration of stay. “The long-term migrant which refers to a person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months), so that the country of destination effectively becomes his or her new country of usual residence, and on the other side, Short-term migrant which refers to a person who moves to a country other than that of his or her usual residence for a period of at least 3 months but less than a year (12s months), except in cases where the movement to that country is for purposes of recreation, holiday, visit to friends and relatives, business, medical treatment or religious pilgrimage” (Simmons, 1987: 998-1005).

1.2.4.3. Immigrants

Harris (2001), asserts reported that “foreigners who are categorized as immigrants in South Africa share a permanence in their position. Unlike migrants who are defined through the temporary nature of their stay in the country, immigrants are those who enter another country in order to make one's permanent life and home in South Africa” (White Paper on International Migration, 1999, p. 52). Harris (2001), further contends that “immigrants fall into two broad categories namely, ‘permanent residents’ and ‘naturalized citizens’ the latter of which denotes a greater degree of permanence because the home country citizenship is surrendered in favour of South African citizenship”. For Ethical consideration, this study involves only foreign nationals who are living legally in the city of Durban; illegal migrants and immigrants are not part of the study.

1.2.5. Xenophobia

This study refers to what Soyombo has provided as an explanation to the concept xenophobia. Soyombo (2011: 88) asserts that “the term ‘xenophobia’ has been defined in several ways by scholars with all the definitions indicating that xenophobia is an undue or excessive fear, hatred or dislike of strangers or foreigners (usually new immigrants). The concept is believed to have originated from two Greek words: xenos (meaning foreigner or stranger) and Phobos (meaning fear). This explains the simple definition of the concept as the ‘fear of strangers’. It is not only strangers, new immigrants or foreigners that may suffer xenophobia. On the contrary, this involves people or groups of people who are not ‘strangers’ but who may be lasting immigrants. These immigrants might have been living with and interacting with the dominant group that is expressing xenophobia for some time and eventually have the immigrants targeted for xenophobia”.

According to Coetzee (2012), “xenophobia is driven by negative perceptions of and discriminatory attitudes towards foreigners based on their nationality” (Crush and Ramachandran, 2009; Harris, 2002). Conflict theory explains xenophobia as misperceptions that foreigners present (a) an economic threat, (b) are a physical threat, or (c) from political scapegoating different others for the slow pace of service delivery. Economic deprivation and the tendency to perceive foreigners as criminals have been recognized as the greatest important reasons underlying xenophobia (Solomon and Haigh, 2009; Harris, 2001).

It is, therefore, believed that “xenophobia is both a negative attitude towards foreigners and a manifestation in life-threatening cases of attacks against them with South Africa being a case in point” (CHR, 2009). In this study, the concept ‘xenophobia’ is used in the widest possible way to include “perceptions, attitudes and manifestations”. Xenophobia is often referred to in conjunction with other terms such as ‘racial discrimination’, which is defined by the “International Convention on the Elimination of all Forms of Racial Discrimination” as meaning “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin as well as sexual orientation which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life” (Schwelb, 1966: 103)

Xenophobia, “a concept which stems from a perception that the ‘other’ is ‘foreign’ to or originates from outside the community or nation may result from an attitude leading to discriminatory actions against non-citizens on the basis of their nationality or cultural origin. This has the consequence of linking to racial discrimination whereas racism is a distinction based on difference in physical characteristics. The inability to speak the language well or at all, accents, style of dress and vaccination marks, are triggering factors leading to the perception of foreigner-ness” (Harris, 2002). For the purpose of this study, “xenophobia” refers to the fear or hatred of foreigners or strangers embodied in discriminatory attitudes and behaviour and often culminates in violence, abuses of all types and exhibitions of hatred against foreigners. However, with the key concepts of this study as the orientation, the following discussion provides a historical perspective which illuminates the phenomenon of the victimisation of foreign nationals.

1.3. Historical perspective

1.3.1. Global migration

According to Hune (1991), one of the major forces that has transformed world history since the 1500s is the large scale movement of people from their homelands to other regions of the world to work and settle, whether temporarily or permanently. World voluntary migration from the 1500s to the 1980s is placed at more than 200 million (Segal and Marston, 1989). When one includes involuntary migration and refugees, the scope and extent of emigration is even greater.

However, starting from about the 1700s onwards, the enslavement of the African people was the principal method by which Europeans societies appropriated foreign labour power for their colonies. By the time the transatlantic slave trade ended in the first half of the 19th century, it had produced probably the largest forced migration in the history of the world. The African labour power that it made available was deployed mainly in the Caribbean, Brazil and the Southern states of the USA, although the course of slavery in these three regions differed considerably (Potts, 1990).

Portuguese sailors began to enslave the African people as early as the first half of the 15th century. Whilst sailing along the African coast in search of a sea route to India, they established bases and began trading with the natives, who supplied them with gold and ivory. Gradually, however, the Africans themselves became the commodity most sought after by the Portuguese. They were transported primarily to Europe, where the majority were sold as house slaves, but some found their way into the various trades.

However, the last periods of the twentieth century have observed a revival of large-scale migration to the United States. The increase in the quantity of migrants and the dramatic change in their national origins are revealed in a simple assessment between the 1950s and the 1980s. Rumbaut (1996), demonstrates that “more than two-thirds of the 2.5 million immigrants admitted during the 1950s were from Europe, while more than 80 percent of the 7.3 million immigrants who arrived in the 1980s were from Latin America and Asia”.

Schmidley and Alvarado (1998), argue that “at the century’s end, the proportion of persons of foreign birth is creeping closer to 10 percent of the total U.S. population. More than 50 million Americans, one-fifth of the total population are migrants or the children of migrants”.

Even though the “popular version of American history emphasizes continuity from colonial times to the present, the lineage is primarily cultural, not genealogical. The simple fact is that the

United States is largely occupied by persons whose ancestors lived elsewhere two centuries ago. This country's culture, as well as its policies and economy has been repeatedly extended and remoulded by successive waves of immigrants. Therefore, it is hard to imagine any part of American history or popular culture that has not been touched by immigration. The statue of Liberty is perhaps the most widely understood cultural icon of American society, both at home and abroad. The role of immigrants in American society and their cultural contributions are often celebrated in Hollywood movies. The notion that almost any person from anywhere can 'make it in America' has had a powerful impact on the image of America abroad and at home" (Potts, 1990).

Thus, it can be argued that "American history offers a remarkably rich view of immigrant experiences and notional encounters with successive waves of immigrants from many parts of the globe". Therefore, there are many pasts to choose from. Indeed, throughout most of many Americans about immigration has been expressed in opposing ways. Although "immigration has been a central element of the national fabric throughout American history, and an emblem of national pride for almost every political and civic leader, there is an under-current of xenophobia that seems to be a persistent part of American culture, even among those who are only a generation removed from other lands".

1.3.2. Labor migration in West Africa

Gregory (1988), demonstrates that "modern labor migration in West Africa outside Nigeria consists basically of two sets of flows. The first is made up of migrants from less-developed regions of the interior that move to regions near the coast that produce cash crops and extract natural resources for the export economy. The second set links rural and urban areas and accounts in large part for phenomenal rates of urbanization, which are approaching 8 percent annually in some countries". However, internal networks in almost every country take rural people to cities (and back again, although in substantially fewer numbers). In addition, in some instances, migrants from rural areas in one country move to urban areas in another (Cordell et al., 1996).

1.3.3. Religious Migration

Religion, notably Islam, also moved people in West Africa. And when moved, many migrated. Some of this mobility was individual, as in the case of the thousands of pious Muslims who made the pilgrimage to Mecca and returned, often teaching, trading, farming, marrying, and settling along the way. Others of the pious migrated for religious education – to study at local, regional, and international centres of Islamic learning (Cordell et al., 1996). Such

mobility was often circular and for centuries has been frequently linked to long-distance Muslim commercial migration (Clark, 1994).

1.3.4. Slave Trades, Slavery, Emancipation, and Migration

According to Curtin (1969), “the Atlantic slave trade is most surely the form of historical migration most allied with the African continent in general and West Africa in particular” . Frequently quoted as “the largest forced migration in world history”, the commerce is estimated by most scholars to have resulted in the departure of nearly fifteenth and late nineteenth centuries (Cordell et al., 1996).

Slaves themselves, of course, also became migrants whose value, it is said, usually increased with the distance from their homelands. Within West Africa, forced migration associated with slavery redistributed labor, particularly in the nineteenth century when abolition of the Atlantic trade led to a drop in slave prices. Cordell et al. (1996), argue that the seasonal or permanent flight of people to avoid being taken into slavery was yet another form of migration.

1.3.5. Marriage migration

In West Africa, where the larger number of societies, by far are patrilineal and patrilocal, the migration of women to their husbands’ communities constitutes another major form of mobility spanning the precolonial, colonial, and contemporary eras. Indeed, in terms of sheer numbers, the moves of women associated with marriage undoubtedly dwarf all forms of male labor migration. While most writers on “modern” migration in West Africa in recent years ignore this phenomenon, perhaps because they consider it to be a “traditional” form of mobility, as Cordell et al. (1996) would argue that the movement of women has been and remains a major form of labor migration . This is because the marriage transaction itself in many African societies is a social arrangement involving the reproduction of labor – directly through the transfer of a wife’s labor power to her husband’s village and indirectly through the wife’s capacity to have children and thus reproduce labor from one generation to another.

1.3.6. Human trafficking as a form of migration

Migrant trafficking “is recognised by migration experts and policy makers to be undermining international concerted efforts to produce ordered migration flows and can thus be seen as a subject of growing political concern. Trafficking is also believed to be increasing in scale and sophistication though widely condemned for its inhuman practices and links to international organized crime”. Salt and Stein (1997: 467) is quoted asserting that “our model conceives

of trafficking as an intermediary part of the global migration business facilitating movement of people between origin and destination countries.” Salt and Stein (1997: 467), demonstrate that “the model is divided into three stages which are the mobilisation and recruitment of migrants, their movement en route, and their insertion and integration into labour markets and host societies of destination countries”.

1.3.7. Migration in South Africa before 1994

Migration began in West Africa in pre-colonial times, when there were no clearly definable territorial borders and many sections of the population were nomadic, but it was colonization which first led to the large-scale liberation and mobilization of the labour force (ref). The various forms of forced and taxation-led labour previously described drove countless members of peasant families, and indeed entire families, to leave their land. It is estimated that the forced cultivation of cotton alone caused an exodus from Upper Volta of 100,000 peasants, who then sought work on the former Gold Coast (Potts, 1990).

To many observers Africa appears to be a continent beset with crisis and violent confrontation. It is a region where the concepts of intrastate conflict, collapsing states and failed states find numerous and facile applications Zartman (1995) defines a collapsed state as a situation where the structure authority (legitimate power), law, and political order have fallen apart. During the 1980s and early 1990s, the southern African region was exemplary of collapsing states (Angola and Mozambique), the deterioration of central authority, and the disintegration of social cohesion, widespread of corruption, ethnic strife, humanitarian disasters, refugee flows and over-expenditure on defence. As a consequence, many citizens of these countries have made their entry in to the Republic of South Africa. However, immigration to South Africa is presented as a new, growing, illegal and negative phenomenon, and largely (Southern) Africa. The influx is linked to political liberation in 1990 and the formation of the new South Africa in 1994.

The immigration to South Africa from the rest of Africa has grown since the racially exclusion statutory restrictions were removed in 1986. The first to arrive were West African professionals who came to work in the hospitals, schools and universities of the ‘homelands’ and rural areas. During the 1990s, immigrants from East, Central and West Africa have become increasingly visible in South Africa encountered in shops, vending on the streets. As doctors and nurses in government hospitals as teachers and students, etc. particularly in recent years has been the increase in migration from francophone East and Central Africa. Simon (1998: 198) cited Bouillon (1996) saying that “ it is difficult to know the exact number , estimates

that there are between 15,000 and 30,000 French-speaking African immigrants in South Africa, the majority (he estimates over 15,000) from the former Zaire, the Republic Democratic of Congo” , which also forms the big number of participants in this study.

Although Africans were not legally welcomed in South Africa whites fleeing the black governments of the newly independent states of East and southern Africa were. From the late 1950s and early 1960s, white immigrants from Kenya Tanzania, Uganda and Zambia arrived in significant numbers. They were followed in the 1970s by whites leaving Angola and Mozambique after the Portuguese revolution of 1974, and from Rhodesia following the declaration of UDI in 1976 and in the 1980s after Zimbabwe gained independence (Potts, 1990)

Over half of the Southern Africans who have entered as permanent residents or on work permits have come to work as professionals, the majority in South Africa's hospitals, universities and schools (De Vletter 1995: 28). Over 50% of the doctors working in government hospitals are non-South Africans. A significant number of these medical professionals come from southern Africa. In 1991 alone, 200 Zimbabwean doctors left for South Africa and Botswana, although the employment of southern African professionals contributes to the skills base of South Africa, their loss is of considerable concern to the sending countries.

Between 1913 and 1986 (and from then only at the discretion of the Immigrants' Selection Board and immigration officials), non-whites were not eligible for temporary or permanent residence permits. Non-white people could only enter South Africa illegally or as contract workers. Once there, as contract or undocumented workers, they were still unable to regularise or make their positions permanent. However, archival evidence from 1910 onwards shows that people from all over southern Africa have been coming to South Africa in significant numbers (and in smaller numbers from the rest of Africa) since at least the turn of the century. These immigrants arrived in South Africa to work on farms, in industry, homes, restaurants and shops; to trade; and to seek opportunities for self-employment (Simon, 1998).

Despite the apparent concern over the number of regional immigrants in the country, the renegotiation of the Mozambique Convention in 1963 led to an 'Exchange of Notes', between the two governments relating to clandestine immigration. This exchange allowed undocumented migration to continue until or unless either government decided to halt it. The evidence gathered by the Froneman Commission also shows that, by the early 1960s, non-South Africans who had migrated from the region were entrenched in every sector of SA's labour force. They not only worked in private homes and industries, but for the government as

well, reflecting the ambiguity and passivity of the government's attitude to regional immigration

To sum up this section, it is maintained that the entire process of "migration" from country of origin to the country of destination, whatsoever the conditions in which the person travels, migrants do experience victimisation either by their patrons or by the hosting community within the country of destination. The victimisation of migrants can be seen in many ways such as being subjected to forced work, unpaid work and forced sex. For example, Salt and Stein (1997: 472), demonstrate the following: "migrants who are trafficked may be exploited by being charged extortionate prices for their journey, having their money and belongings stolen, having their identities stolen (passports and other travel documents, identity cards etc.), and being trapped into debt bondage. They may also be subject to inhuman conditions and to physical abuse, sometimes resulting in death". Similarly, Potts (1990: 41) provides the estimated number of slaves imported into America which ranges from 10 to 20 million. The total number of Africans affected, including all those who perished during slave raids or during transportation, is thought to be between 40 and 200 million.

The literature reveals more on how migrants experience victimisation linked to their vulnerability in the entire process of migration and while on a foreign land. This part of the study aimed at demonstrating the history of migration worldwide linking this to their vulnerable exposure to all sorts of victimisation from the country of origin during their journey to the countries of destination and within the hosting country where they are subject to slavery, labor exploitation and other form of victimisations.

1.4. Problem formulation

Migrants in South Africa continue to be threatened by discrimination and violence, despite pledges by the government and law enforcement agencies to put a stop to it (Taylor, 2012). Studies (Basson, 1996; Crush and Mattes, 1998; Everatt, 2011; Nell, 2008) have shown that even though the attitudes towards foreign nationals vary across South Africa's socio-economic and ethnic spectrum, evidence shows that foreigners who live and work in SA do face discrimination by the citizens, some government officials, members of the police, but also by private organisations who are contracted to manage their detention and deportation.

It is against the backdrop of what has been discussed above that the researcher resolved to conduct this research project entitled "A victimological exploration of the victimisation vulnerability of a group of foreign nationals in the city of Durban" to try and examine the

veracity of the above statement's content and to address the issue at different levels towards achieving an integrated population.

1.4.1. International and domestic legislation framework

During the relatively short lifespan of victimology, some odd 50 years since Von Hentig's book (1948), "*The criminal and his victim*" – one of the most repeated complaints has been that "the victim is the forgotten party in the CJS", although it would be factually wrong, according to Peacock (2013), to maintain this type of criticism today. However, it is commonly known that the CJS around the world have massive alterations. Nonetheless, despite the fact that CJS differ from firmly adversarial to more inquisitorial systems in many jurisdictions in the mainland European Union, CJS nowadays have in common the "ambition of reform on behalf of victims of crime" regardless of the incompatibilities between the various systems.

It can then be claimed that the final quarter of the 20th century should be construed as having concerned itself with the tracing of the roots of these reformist efforts. In 1985, virtually simultaneously, the "UN Declaration of Basic Principles of Justice for Victim of Crime and Abuse of Power adopted by the UN General Assembly in 1985, and the Council of Europe's Recommendation on the Position of the victim in the Framework of Criminal Law and Procedure (R (85) 11, also adopted in 1985, are the two powerful documents issued to urge the international community to enhance the status of victims".

However, what appears to the international consensus on the nature and extent of victims' rights in the CJS briefly amounts to the following: "The right to respect and recognition at all stages for the criminal proceedings; the right to receive information about the progress of the case; the right to provide information to officials responsible for decisions relating to the offender; the right to have legal advice available, regardless of the victims' means, the right to protection for victims' privacy and their physical safety; the right to compensation from the offender and the state; the right to receive victim support, the right that governments seek to promote mediation in criminal cases for offences which it considers appropriate for this sort of measure; the right that the state shall foster develop and improve cooperation with foreign states in cases of cross-border victimisation in order to facilitate more effective protection of victims' interest in criminal proceedings".

The rights listed above are relatively communal to most "international protocols" in this respect and they are also directly or indirectly connected to the ways in which the CJS should operate in the relevant countries. However, it should be noticed that "The social Rights of Victim of Crime", issued by the "European Forum for Victim Services" in 1998 can be seen to be the

single international protocol which goes far beyond the scope of criminal justice (Peacock, 2013). Additionally, this protocol calls for; inter alia, “the victims’ rights to receive recognition by society of the effects of crime, have access to healthcare services, have access to appropriate home security measures, receive support and protection in the work place and receive support and protection in educational establishments”

It has been reported that “over the past two decades the South African government has made significant commitments to protecting victims of violence through the ratification of international instruments and the development of policy and legislation addressing specific types of offences”. However, the ratification of a number of important and influential international instruments, reflecting in themselves a shifting international consensus towards a victim-centred and human rights-oriented approach to victims of crime, and the passage of the Constitution (Act 108 of 1996) have in conjunction with one another provided a sound basis for the development of these victim-centre laws and policies in South Africa.

The inclusion of a “right to freedom from all forms of violence” in section 12(1) (c) of the Constitution has, for example, been used as the legal platform for emerging legislation to combat violence. Other important provisions in the Constitution that have been leveraged to improve legal measures addressing violence include “the right to bodily and psychological integrity (s. 12(2) of the Constitution), to life (s. 11), to dignity (s. 9) and to equality (s.10), with the latter forming the basis of the Promotion of Equity and Prevention of Unfair Discrimination” Act (4 of 2000) (Peacock, 2013).

The cumulative effect of these Constitutional provisions, strengthened by international human rights jurisprudence, has been to impose clear obligations on the state to develop and re-examine law relating to the safety and protection of South Africans. Coupled by national policies on crime prevention in the mid- 1990s (the National Crime Prevention Strategy, 1996) and victim-centred policies on the treatment of victims almost 10 years later (the victims’ charter, 2004), efforts to create appropriate and relevant measures to prevent, investigate, punish and compensate crimes of interpersonal violence are continually being reinforced.

For transitional, post-conflict contexts like South Africa, the development of laws to protect vulnerable populations has meant the establishment of new social and legal norms, based on a progressive Bill of Rights which has made a dramatic and indelible impact on how victims – and their experiences of victimisation are viewed and treated within the law. It has also meant redefining the parameters of access to justice, abolishing historically discriminatory practices as well as replacing narrow legal definitions of ‘crime’ and justice with ones that reflect South

Africa's contemporary social realities (Peacock, 2013). This section can be concluded in the way that victimisation vulnerability in South Africa does not only refer to crimes against foreign nationals but rather, indigenous people should also be considered as they somehow face victimisations caused by some foreign nationals involved with criminal activities in the city.

1.4.2. Legal Problem formulation.

1.4.2.1. Victims' rights: international perspectives

With regard to victims' right both at national and international levels; Peacock (2013: 50), argues that "South Africa's ratification of various international declarations and conventions places the state under a duty to act in fulfilment of obligations placed on it by those instruments". However, "Section 231 of the South African Constitution specifically sets out procedures for ratifying international agreements and adopting them into the country's domestic law". Peacock (2013: 50), argues that "these instruments also provide an important framework and accountability structure for the development of progressive local legislation". Thus, "victim-centred legislation developed in accordance with these duties in other countries has likewise provided South African lawmakers with useful models from which to advocate for reform and on which to base the development of South African laws".

Nevertheless, the United Nations General Assembly resolutions dealing with the rights of victims of crime are a good starting point. Peacock (2013: 50), has reported that "*the UN has passed two resolutions dealing with the rights of victims of crime. The first is the 1985 declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/res/40/34), and the second is the 2006 Basic Principles and Guidelines on the Rights to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/res/60/147)*". Of particular significance is the former which focuses, amongst others, on victims of domestic crimes and to which South Africa is a signatory. This Declaration, which expressly recognised for the first time the rights of (domestic) victims of crime in an international document, sets out important principles in relation to the treatment of victims of crime, including fair and equitable access to administrative and judicial processes, victim assistance, restitution and compensation (Peacock, 2013).

This Declaration also confirms the importance of the adoption of domestic laws that secure the recognition of the "rights of victims of crime" and the periodic review of existing legislation and practices thereof. It specifically admonishes state parties that "victims should be treated with compassion and respect for their dignity (UN General Assembly, 1985: Annex A (4)) within a responsive CJS, by keeping them informed of the progress and disposition of their

case, allowing the views and concerns of victims (UN General Assembly, 1985: Annex A (6) (b)) to be heard during proceedings and providing proper assistance to victims throughout the legal process” (UN General Assembly, 1985: Annex A(6) (c)) (Peacock, 2013: 50)

South Africa has also ratified a range of other major international human rights instruments, including, among others, the following:

- The International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol of the ICCPR (1966, ratified by South Africa in 1998);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) (1984, signed in 1993)
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979, ratified in 1995);
- The Convention on the Rights of the Child (UNCRC) (1989), ratified in 1995,) and the African Charter on Human and People’s Rights (ACHPR or the African Charter) (1986, acceded to in 1996).

Several regional instruments, such as the “SADC Declaration on Gender and Development for the Prevention and Eradication of Violence Against Women”, and the “Protocol to the African Charter on Human and People’s rights on the Rights of Women in Africa” (the African Women’s Protocol), have been signed but not ratified.

In reference to the problem formulation of this study, the 1985 declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power is not effectively applied in the country, mostly to foreign nationals. Among many others, the South African government has ratified this declaration which expressly recognised for the first time the rights of (domestic) victims of crime in an international document that has set out important principles in relation to the treatment of victims of crime, including fair and equitable access to administrative and judicial processes, victim assistance, restitution and compensation. This resolution is still a problem in terms of recognising the rights of foreign nationals’ victims of crime in their criminal justice processes.

Even though SA has ratified various international declarations and conventions on the rights of victims of crime, it is unfortunately that the rights of victims of crimes are still a serious problem in the republic. Mostly, foreign nationals’ victims are still facing discrimination as a secondary victimisation in their criminal justice processes, foreign nationals victims of crime are not treated

equally in the CJS, mostly in the police offices, in the court, and are subject to mistreatment in the prisons. Their dignity is not recognised as yet (See Chapter 3 & 6).

1.4.3 Socio-Economic and Political problem formulation

In this contemporary era where the world is increasingly becoming a global village and globalization transcends national borders, the inflow of immigrants into certain countries has increased. This has warned both in locals and non-nationals alike, the sense of belonging, with the facet of nationality exacerbating their insecurities and anxieties into violent xenophobic practices (Choane et al., 2011). However, SA has progressively developed as a “regional power” with a leading economy as one of the most industrialized countries on the African continent. This has made it the most sought after destination for many migrants from all over the world and from African countries in particular, who because of the socio-economic and political disparities in their states of origin, come to search for a better alternative in SA.

Since becoming a democratic society, South Africa has been exposed to global developments, thus opening its doors and especially its economic division to the world and in turn paving the way to the growing influx of foreigners in search of jobs, trading opportunities, shelter (in the case of refugees and asylum seekers), leisure and education (visitors/tourists and students) etcetera(Choane et al., 2011). However, (Minnaar (2005: 293)) argues that “this influx of migrants has been accompanied by xenophobic sentiments and hatred, not only practised by the public, but also by government officials” quoted by (Choane et al., 2011).

Among the many reasons for the crisis faced by South Africa today, foremost are its neo-liberal economic and social policies which, according to (Ciobotaru (2013)), can be recognized with a set of “policies and elements”. Boas and Gans-Morse (2009), distinguish between:

(a) policies that liberalize the economy by eliminating price controls, deregulating capital markets, lowering trade barriers; (b) policies that reduce the role of the state in economy, privatization of state owned enterprises; and (c) policies that contribute to fiscal austerity and macroeconomic stabilization, tight control of the money supply, elimination of budget deficits and curtailment of government subsidies (Boas and Gans-Morse, 2009: 143).

However, due to its free economic system, SA has turned out to be a land of opportunity for many foreigners as well as a refuge of peace for those fleeing from war-torn regions, political conflict or ethnic-based violence. These factors have greatly increased unemployment, poverty and homelessness, especially in poor black communities due to aggressive competition

for jobs and housing (Harvey, 2008: 9). To this end, the significance of anti-immigrant reaction in South Africa commonly attributed to an expression of dissatisfaction and frustration over the lack of service delivery, relates to the socio-economic and political aspects of society. This has resulted in the scapegoating of foreign nationals as job stealers, criminals and many other names calling because of the unsatisfactory condition in which citizens are lived in since the apartheid system, as a result, some nationals dispose themselves to revolve in xenophobia.

Nonetheless, South Africa though being one of the continent leading economies and the most developed, still faces the problems of severe inequality and discrimination in the distribution of wealth in both the social and economic spheres. This continuing disparity in wealth distribution has created a very serious and significant gap between the rich and the poor, thus building up resentment and frustration in ordinary citizens, especially in the blacks (Burns, 2008). It also includes the anxiety and irritation over the unsatisfactory and insufficient rate of “service delivery” and consultation in general, and over housing conditions and administration most pointedly (Sharp, 2008b). Such sentiments, therefore, lead to various forms of violence, among which are the xenophobic aggressions against migrants, especially black immigrants (Choane et al., 2011).

Unemployment constitutes a social problem pertaining to a situation of not having a job. Despite the high level of unemployment in South Africa, the influx of foreigners continues to increase, among them are legal as well as illegal immigrants and refugees escaping wars or instability in their own countries and in search of a better life. For example, many African countries are faced with socio-economic and political problems. This has resulted in many people from these African countries coming to South Africa to seek refuge and greener pastures, thereby adding to the present pressure on already limited resources. The general belief of the South African locals is that these foreigners should stay at home and try to resolve their own problems rather than emigrate and add to the already prevalent problems in South Africa (Choane et al., 2011)

The mere fact of being unemployed raises poverty which explains the dissatisfaction of the locals and their classification of and hostilities towards foreigners as job stealers; Danso and McDonald (2000: 14) aver that people complain of degree holders roaming the streets without occupations because firms have given employments to foreigners. As concerns the social and economic factors of xenophobia, Harris (2002), uses the ‘scapegoat’ theory in which he explains that the feelings of discontent and frustration due to deprivation and poverty in relation to a lack of resources and jobs, causes anger in the locals. Filled with this anger and frustration, the locals who make up the majority of the population, tend to look for targets to

blame. In this case, foreigners who actually make up the minority of the population become the scapegoats on whom the antagonism is vented (Choane et al., 2011). This is so especially considering the fact that they are regarded as threats and as part of the cause of locals' predicaments and their perilous economic situation. Added to the unemployment and poverty factors is also the aspect of service delivery which, though constituting socio-economic causes, mostly emanates from the political sphere.

Choane et al. (2011), argue that "the acute xenophobic situation in South Africa, especially with regard to the insufficient service delivery, has really been the responsibility of the Government". While it is true that the needs of all can never be satisfied, the Government, though not directly blameworthy, has contributed to the attacks on foreign nationals. The reason is that " these hostilities are the expression of the citizens' frustration over the slow pace of service delivery, consultation, housing provision and administration in particular, as well as the corruption and insolence of government officials, especially in the Police Service and in the DHA" as outlined in the Human Science Research Council (2008:6). The inefficient service delivery system which has triggered the socio-economic conflicts in South Africa has exposed the Government's inability to dutifully serve the people. In light of this, the Government is also blamed for the xenophobic attacks.

Other political causes of xenophobia include structural or institutional discrimination, the laxity of the DHA to grant asylum seekers refugee status, the illegal presentation of immigrants and South Africa's border problems (Choane et al., 2011). According to Matzopoulos et al. (2009), questions are being raised about the attitude of the government towards foreigners, especially the manner in which these foreigners are dealt with by the DHA concerning the matter of their legal status. This involves the very slow processing of foreigners' application to be granted legal status in which, at the end, the majority is refused refugee status. Such delays by the DHA have led to the unjustified arrest and detention of refugees in the immigration section of prisons, with some waiting to be deported (McKnight, 2008). In June 2008, for instance, *"refugees from the Youngsfield refugee's camp were randomly detained and held in Pollsmoor Prison in Cape Town for twelve days on charges of intimidation"*. *In an attempt to obtain some clarification on the intimidation they had committed, the police officers having no explanation for their arrest, reacted by jerking the migrants and taking their wallets and watches"* (McKnight, 2008: 27).

Furthermore, in line with political factors one of the causes of the maltreatment of foreign nationals by South African communities is the string divide between government and civil society. Normally, the "South African Immigration Act" of 2002 makes explicit the

performance of immigration control within the highest applicable standards of “human rights protection”; its policy of integration thus mandates the government and civil society to work in collaboration to decrease xenophobia and ensure that the correct implementation of immigration procedures is adhered to (McKnight, 2008). The reason for this divide is the unsatisfactory manner in which the DHA and other government offices respond to immigration problems thus prompting communities into believing that they should take their own actions against migrants (Choane et al., 2011). Moreover, the majority of the South African population is not informed about the status of various migrants and the general misconception is that all immigrants come to SA with the aim of benefiting from the democratic nature and the comparative economic and political stability of the country (McKnight, 2008: 22).

1.4.4 Crime and victimisation risk factors

Crime and criminal activities have always been part of human existence. Global perceptions on what should be deemed acceptable and unacceptable behaviour change and these changes in perceptions, political power and social transformation, as well as many other factors, directly impact on what is deemed as crime and its causes. Such changes also impact on policy and the ways of dealing with the victims of crime. Different people define crime in different ways, thus:

Individuals who have had legal training see crime as an act that contravenes or breaks a law. Individuals who have studied human sciences see crime as behaviour harmful to the individual and to society. Theologians consider crime to be sinful. Other individuals may consider crime to be any act which goes against the moral code of the collective majority (Bezuidenhout, 2011: 11).

Notably, the “risk of criminal victimisation is seen as mainly dependent on the ‘lifestyle and routine activities’ of persons that bring them and/or their properties into direct contact with potential or motivated criminals in the absence of capable guardians who could potentially prevent the incidence of crime”. In criminal victimisation, factors such as “proximity to potential offenders, attractiveness of potential targets, and definitional properties of specific crimes” can be considered as triggers. Thus, in reference to the topic under study, it can be seen that foreign nationals fall under the theoretical framework that explains the factors that might lead foreign nationals to face victimisation in a host community or country at large.

The first two factors, namely ‘exposure’ and ‘guardianship’, are dimensions of what Hindelang and his colleagues (1978: Ch. 11) generally calls lifestyle. They offer an explanation of how dimensions of inequality affect the risk of victimisation by estimating the effects of these dimensions on lifestyle and the effects of variations in the latter on victimisation risk. While

Hindelang et al. (1978) have contributed substantially by laying ground-work for a general theory of victimisation, we believe that their framework overemphasizes the role of lifestyles in facilitating the effects of social disparity on victimisation risk and that the propositions they offer lack the specificity necessary for building a formal theory. The experience of victimisation of foreign nationals can be explained by their vulnerability which leaves them with no option than falling victims of their behaviours, but also depending on the lifestyle and routine activity they involve themselves in on a foreign land.

1.4.5 Criminal justice concerns

In criminal law theory the victim, according to Meliá (2004), generally plays no important role. On the contrary, the “victim is viewed as a passive subject or even as a material object of the crime”. In fact, it is generally stated that “contemporary criminal law came into existence with the neutralisation of the victim”. At that point, the gratification of the damaged individual was substituted by the retribution of an unfair act. As time went by, this neutralisation reached a point in which it appeared possible to term the conflict at the core of the crime as follows: “In criminal matters there are always two rivals and opposite concerns. Society has the right to punish and the person being accused has the right to conduct his defence”(Meliá, 2004: 513). Consequently, the victim is completely ignored. However, Meliá (2004) warns that “criminal law is said to be a consequence of a historical evolution that runs from the personal reaction of the victim or his family to the monopoly of the state in inflicting punishment and exercising violence in nowadays society” (Meliá, 2004: 513).

It is thus notable, according to (Doak, 2005: 294) that “the plight of the victim within the CJS has been extensively documented since the 1970s, but during the past two eras the interests of victims have come to play a more prominent role in the formulation of policy in both domestic and CJS”. Doak (2005: 294) asserts that “in the United Kingdom (UK), successive governments have introduced a range of measures designed to strengthen the so-called ‘social’ or ‘service’ rights of the victim, such as improved access to information, upgrade court facilities, and entitlements to compensation”. On the other hand, the creation of the National Crime Prevention Strategy (NCPS) was created in South Africa to address the causative factors responsible for the high level of crime. The NCPS’ objectives include “the establishment of a comprehensive policy framework, the promotion of a shared understanding and a common vision, the development of a set of national programmes, maximisation of civil society’s participation and the creation of a dedicated crime prevention capacity”.

The interest in the victims of crime in the 1990s was not an innovative occurrence in SA, but the transition to democracy certainly saw the new impetus being given to an engagement with the concerns of victims. The NCPS, for instance, motivated for “a victim-centred approach to the problem of crime” and emphasised “the development of interventions and modifications in the criminal justice process which are aimed at the empowerment of victims” (Interministerial Task Team, 1996: 65). This focus on victims may be seen as a South African internalisation of a broad international trend towards prioritising a concern with victims. Thus, Peacock (2013) argues that “the transition to democracy provided an opening for engagement with criminal justice policy in South Africa as part of the overall process of criminal justice transformation. The voice of advocates for victim interests has become one of the more widely heard voices in the debates about the shape of the criminal justice policy in South Africa”.

A focus on the victims made sense in the aftermath of apartheid. The CJS under apartheid served as the central instrument of coercion of the majority of South Africans. Advocacy on behalf of victims represented a creative response to the need for a more people centred criminal justice system in line with the emphasis of the Constitution (Act 108 of 1996) on creating a society based on human dignity.

Thus, Wortley and Owusu-Bempah (2009) are of the view that “how people perceive the CJS is an important social issue. Public perceptions and attitudes, for example, can be used to evaluate the performance of the police, courts and, corrections and help determine whether these institutions treat all citizens in a fair and equitable manner. The perceptions of immigrants and racial minorities towards the justice system are of particular concern. Indeed, there is a long history of distrust and poor relations between specific minority groups and the police in the USA, Australia, Canada, and many Western European countries” (Wortley and Owusu-Bempah, 2009: 448).

Scholars such as Bowling and Phillips (2002) and Collins (2007) argue that “at times strained relations between racial minorities and the police have served as the catalyst for large scale civil unrest –including recent riots in France, Australia, Great Britain, and the USA”. Consequently, scholars have demonstrated that “it is not surprising that representatives build strong relationships with newcomers and the members of various racial ethnic minority groups. However, it is somewhat surprising that relatively little research has attempted to document the attitudes of immigrants and minorities towards the police and other criminal justice institutions and whether efforts to improve these attitudes have been successful or not” (Wortley and Owusu-Bempah, 2009: 448).

Wortley and Owusu-Bempah (2009), argue that “the vast majority of studies on immigrant and minority attitudes towards the justice system have emerged from the USA. Much of the American research on the citizen’s perceptions of the CJS has focused on attitudes and feelings towards the police” (Wortley and Owusu-Bempah, 2009: 449). According to Jesilow and Namazzi (1995), the police are the “CJS’s most visible representatives and police officers represent citizens’ most constant and frequent contact with the justice system”.

Thus, “the gap between the levels of trust and confidence among racial minorities and white citizens, with African Americans being particularly distrustful of the police” is a repeatedly result of studies conducted by (Garofalo, 1977; Huang and Vaughn, 1996) on public confidence and trust in the police. However, as Tyler notes, “concerns about public trust and confidence in the police are bound up in more general concerns about racial profiling excessive use of force and the disproportionate impact of drug laws on minority communities” (Tyler, 2005: 324). Many have imagined that “police abuse of authority and discriminatory treatment is accountable for the low levels of trust and confidence displayed by blacks and other minority groups in the USA” (Wortley and Owusu-Bempah, 2009: 449). However, this study demonstrates how the South African’ CJS deals with foreign nationals who have experienced victimisation in South Africa. The review of the literature provides more information on how the CJS has worked in solving matters of foreign nationals, victims of violence in the South African perspective and in the world at large.

1.4.6 Victimological relevance of the study.

Victimology, being an emerging discipline considered to be the scientific study of victims, has strived to “distinguish itself from criminology and other studies of harm-doing by regarding crimes and other instances of victimisation as dynamic social relations”. Holstein and Miller (1990: 103), suggests that “in doing so, victimology has cultivated a new appreciation for a variety of social problems attendant to being a victim”.

Kilpatrick and Williams (1997), assert that “the impact and consequences of victimizations can include physical injury, financial loss and property damage, as well as psychological and emotional after-effects. Criminal victimization may also affect the victim’s families and friends as well as society as a whole. Moreover, research to date has found that crime witnesses, who may not suffer immediate physical and/or economic consequences as a direct result of a crime incident, may suffer from trauma, anxiety and heightened levels of stress as a result of their experience. Furthermore, many victims may experience diverging minor or major physical injuries or psychosomatic complaints as a result of the act of violence. Occasionally, the

negative aftermath of violence persists or induces other and more far-reaching consequences”. It is in this regard, therefore, that this study aimed at exploring the experiences of victimisations of a group of foreign nationals who have been living in the city of Durban for more than two years.

1.4.6.1 Physical impact and consequences

Over 24, 000 people are killed in each year in the United States (USA) and more than two million are injured in rape scenes, robberies and assaults. About one of the three victims of violent crime suffers some form of physical injury (Davis et al., 2007). In South Africa the crime situation has been a major concern when talking about peace and safety of the inhabitants. It is notable, though, that there has been a reduction in the crime rate in the province of KwaZulu-Natal (KZN), city of Durban in which this study was conducted. According to the SAPS crime statistics of 2013/2014, the percentage change on reported cases in the province of KZN, city of Durban indicate a decrease in crime by 27% and the decrease of 9.2% in the RSA at large. The percentage in the crime ratio had a decrease of 31.3% in KZN and the decrease of 22.8% in the RSA at large. These statistics show the decrease in the crime situation in the province of KZN and in the country at large, making the province in particular and the country at large thus a safe place for its inhabitants (SAPS Statistics 2013/2014).

Wasserman and Ellis (2007) have provided a brief summary of the physical impacts of crime which provide an impression of the variety of potential reactions that victims may experience: “Physiological anxiety (including rapid heart rate, hyperventilation, and stomach distress); Physical injuries, such as gunshot, wounds, lacerations, broken bones, sprains, and burns, Physical injuries that lead to other health conditions (such as heart attack, stroke, fractures from falling, and loss of dexterity, Increased risk of cardiac distress, irritable bowel syndrome, and chronic pain; Permanent disability; Disfigurement; Immune disorders that increase the potential for infectious diseases; Substantial lifestyle changes, including restriction of activities once enjoyed; Lethargy and body fatigue; Sleep disorders; Loss of appetite, excessive appetite, or eating disorders; Decreased libido and sexual dysfunction; Inability to work; Increased risk of future victimisation; For sexual assault victims: possible exposure to sexually transmitted diseases, exposure to HIV, and unwanted pregnancy.”

1.4.6.2 Psychological impact and consequences

Arguably, understanding the psychological impact and consequences of victimisation regardless of whether it is short-term or and long-term reaction, can be considered as consequences that victims may face in the aftermath of crime after a wide range of immediate

effects. Violent victimisation is, therefore, one such experience impacting on one's psychological well-being over the life course. The implications of victimisation for psychological progress begin by acknowledging the short-term consequences of victimisation. Hence, an extensive body of research suggests that "violent victimisation can have a wide array of negative short-term psychological consequences for the victim involvement, such as anger, revenge, anxiety, depression, and posttraumatic stress disorder (PTSD) symptoms" (Kunst et al., 2010: 170).

Normally, people often experience a state of "frozen fright" in response to a dangerous threat treat as a primarily reaction to victimisation. Mostly, they may realise that something is terribly wrong or that something bad has occurred but they cannot understand at first glance the event or its impact as they may be incapable to move or counter, or they may become confused because seconds before everything in their life was "normal" and now the world seems to be radically different and chaotic. Crime victimisation does not only leave victims in a state of chaos but also leaves families friends and even the community around them. Thus, as a consequence of victimisation, emotional pain is caused and the aftermath is the most devastating part from most victims (Norris et al., 1997).

Ochberg (2013), provides some cataclysm of emotions namely:

Fear or terror: "fear is the primary emotion experienced when a person is threatened by a traumatic event". In the aftermath of most catastrophes that fear is translated into a sense of terror. Many people talk about having seen their death, and the fear of that death is intense.

Anger or rage: Fear drives anger, particularly in adults. Anger may be directed at human error, the assailants, family members, the criminal justice system, and even oneself. Anger arises out of the sense of helplessness. Most people will experience anger, if not immediately, at some time in the aftermath of crime. It may be expressed as revenge and the desire for vengeance. Just as anger or rage is a normal human response, so is the desire for revenge.

Frustration: It is a by-product of the feelings of helplessness and powerlessness during the actual impact of the disaster. In the aftermath of the impact, it continues when rescuers or the victims or survivors are unable to successfully obtain needed help.

Confusion: Confusion stems from the "why me?" question that plagues most victims. It is a question that usually has no answer. However, we tend to seek order and rationality

in the world, and so the unanswered question causes more frustration. Often in the effort to establish an answer, victims turn inward and blame themselves.

Guilt or self-blame: These emotions often have two aspects. The first feelings of guilt or self-blame may result from the mind's effort to understand the event and hence identify behaviours or attitudes through which the victim brought the event upon himself.

Shame and humiliation: Some criminal conduct is designed to degrade its victim, and frequently finds in victims of rape, for example, an abiding memory of dirtiness that won't wash away. For victims of long-term domestic violence or hostage-taking, the memories are often of the ways in which the victims were brought to a state of self-loathing.

Grief or sorrow: Intense sadness over losses is not uncommon. Such sadness is often the most powerful reaction to a disaster in the long-term. Grief is compounded in sudden, random, arbitrary crises. It is often associated with phases of denial, protest, despair, and detachment prior to a reconstruction of life after loss. When grief is occasioned by a sudden and brutal crime, the initial reaction will be grief about the crime and the secondary reaction will be grief over the loss.

Long-Term Stress Reactions: "When someone survives a catastrophic crisis, they often experience stress reactions for years. Most long-term stress reactions are normal responses of people who have survived a traumatic event. There are many types of long term stress reactions that victims may have, the most predominant reactions are post-traumatic stress disorder (PTSD), 'Disorders of Extreme Stress Not Otherwise specified,' and long-term crisis reactions" (Ochberg, 2013).

1.4.6.3 Socio-economic impact and consequences

Not only the physical and mental health are affected when one is a victim of violence since influences how one views the world. As an example, it can be suggested that several victims of violence no longer see the world as a "safe place", as a "just place", or as a place with meaning. Therefore, fear of crime sometimes restrains people's ability to go not only where they want but also when they want. Hence, many people report restricting their behaviours or acquiring some manner of protective devices based on the perceived threat of crime in a particular environment.

AuCoin and Beauchamp (2007: 3), argue that “the cost of victimization is not only felt by victims and their immediate families but by society as a whole. Several victims find it difficult to carry out daily activities and their input to society can be diminished, resulting in a broader societal loss. Friends and the family of the victim may also be adversely affected by the victimization and may not be able to fully participate in their day-to-day activities. Furthermore, additional societal costs are incurred by helping victims and their families deal with the aftermath of crime. The combined costs of victim services, crime prevention and offender processing represent some of the financial costs borne by society”.

Individuals may suffer a wide range of economic penalties if they become victims of crime. These may include direct cash and property losses, property damage, medical expenses, work time loss, and security costs, as well as more intangible costs, such as fear of crime, a potentially trying involvement with the CJS, and a general deterioration of the quality of their life (Lurigio et al., 1990). As noted by Bard and Sangrey (1986), crime victims undergo a loss of equilibrium. The world is suddenly out of whack. Things no longer work the way they used to.

1.4.7 Dearth of research

Davis and Snyman (2005: 291) assert that “after the first democratic elections in South Africa held in April 1994, the country opened up internationally and was exposed to global trends, both economically, politically and socially including crime effects and migratory patterns, to a far greater extent than was the case prior to April 1994. One of the consequences of all this was in fact an amplified influx of immigrants, not only those who legally settled to the country but also refugees, asylum seekers, so-called ‘over-stayers’ and undocumented immigrants”. Unfortunately a specific feature of the post-1994 movement of foreign immigrants to SA was the expression of xenophobia. However, Harris (2001) argues that there still exist considerable abuses of foreign migrants by public officials and its general public, even though South Africa has made considerable progress towards instilling a human rights-based culture in its people since 1994, after the first democratic elections in the country.

Notably, therefore, atrocity against foreign nationals has been a continuing feature of post-Apartheid South Africa. Previous studies (Bekker, 2010; Botha, 2012; Culbertson, 2009; Dodson, 2010; Everatt, 2011; Polzer, 2010) have been conducted to demonstrate the suffering of foreign nationals within SA. Landau et al. (2005a), argue that “though the most intense of attacks took place in May 2008, similar patterns of violence began long before and have yet to stop”. “Although SA has made commitments to all who live in the country,

regardless of nationality or country of birth, it is unfortunate that the current legal practice and legislation under consideration threaten its ability to deliver on these promises. Hence, the South African Constitution (1996) applies to all persons residing within SA including foreigners unless the exclusion of a category of persons is specifically provided”.

A study conducted by the Centre of Human Rights (CHR) in Pretoria has demonstrated that “after careful planning by culprits, xenophobia manifested in ferocity in and around Pretoria and throughout the country” (CHR, 2009). The findings of the study have shown that “since violence was authored and executed by fellow members of the community, it involved not only death and serious bodily harm, but arson and theft of the victim’s personal property. In effect, theft and looting were some of the items on the agenda of the culprits ” (CHR, 2009). Hence, “there was no difference between documented and undocumented immigrants or distinction based on the place of origin of the foreign nationals. The target description was foreigners”. The experience of immigrants in SA gives credence to the view that “human rights function at the rhetorical level and that there is an incapability to translate them into tangible welfares”. However, previous studies (Adjai and Lazaridis, 2013; Amisi et al., 2011; Bekker et al., 2008; Botha, 2012; Everatt, 2011) have documented the existing issues on xenophobia. They document the consequences of the attacks, but they have not gone as far as providing exploratory data on the coping mechanisms employed by the victims. These studies have also failed to demonstrate the role played by the CJS in reference to “victims’ rights”, as stated in the “South African Victims’ charter”, in the “UN Convention on justice and support for victims of Crime and Abuse of Power” which are instruments urging state parties to take measures to provide both justice and support for victims and to reduce victimisation reliable with transnational guiding principle. The “UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” was adopted on 29 November 1985, by the General Assembly resolution 40/34. In both national and international protocols, victims are allowed to have access to justice and fair-minded treatment, but they are also entitled to restitution, compensation as well as to assistance.

Migrants in South Africa continue to be threatened by discrimination and violence, despite pledges by the government and law enforcement agencies to put a stop to it. (Taylor, 2012). Studies (Basson, 1996; Crush and Mattes, 1998; Everatt, 2011; Nell, 2008) have shown that *“although attitudes towards non-nationals vary across South Africa’s socio-economic and ethnic spectrum, there is strong evidence that non-nationals living and/or working in South Africa face discrimination at the hands of citizens, governments officials, members of the police and private organisations contracted to manage their detention and deportation”*.

Although most of the studies were conducted in the field of psychology, sociology, as well as Anthropology, etcetera, very few have been conducted in the field of victimology. In victimology the most important by Minnaar 2005 has been done but the study mostly has its focus in Johannesburg but not in the metropolitan of Durban. Now located in the city of Durban, this study explored the experiences of victimisation of a group of foreign nationals linked to their vulnerability of irrational dislike by some South Africans in conducting a qualitative in-depth victimological exploration of the phenomena with a purpose to make recommendations of the need to create awareness campaign that aims at promoting a “democratic and just society with a human rights ethos as set out in the South African constitution Bill of Rights and other relevant International frameworks and treaties”. The study employed purposeful and snowball techniques with a semi-structured interview schedule on an individual basis, to gain a clear understanding of the experiences of victimisation of foreign nationals living in Durban.

1.5. Aims of the study

This study aimed at exploring the experiences of victimisations of a group of foreign nationals who have been living in the city of Duran for more than two years. However, in considering the aforementioned problems it should be clear that there was a pressing need to explore the victimisation experiences of foreign nationals in order to create awareness but also to uphold a democratic and just society with a human rights ethos as set out in the South African constitution and the bill of rights. In order to sufficiently address these problems and draw informed conclusions the following measurable objectives were constructed:

- i. To assess the incidence of victimisation amongst a group of foreign nationals.
- ii. To explore the nature and consequences of victimisation incidents amongst a group of foreign nationals.
- iii. To gain an understanding of coping mechanisms employed by a group of foreign nationals to deal with victimisation and victimisation vulnerability.

1.6. Structure of the thesis

The dissertation is separated into 7 chapters.

Chapter one: general orientation and problem formulation,

Chapter one motivates for the overall project by identifying the central problem that was investigated that is a victimological exploration of the victimization vulnerability of foreign nationals, by explaining the concept victimology, victimization as well as the vulnerability of

foreign nationals, the historical context of the republic of South Africa in relation to migrant law.

Chapter two: theoretical perspective

Chapter two discusses the use of - the differential risk model of criminal victimization: Fattah (1991) –this is the most suitable victimological theory within the context of the study as it encompasses three theoretical models.

Chapter three: empirical perspective,

Chapter three reviews the relevant literature by focusing on selected empirical studies that reinforce the researcher's motivation in respect of the types of victimization faced by foreign nationals and the coping mechanism employed by foreign victims of atrocities.

Chapter four: research expectations

Chapter four discusses the research expectations in this study. Perceptions were made and discussed on what had to be expected in this study.

Chapter five: research methodology,

Chapter five describes the research methodology used. It discusses how the study was conducted and justifies the choice of data collection methods used.

Chapter six: analysis of data,

Chapter six outlines the results of qualitative data analysis.

Chapter seven: conclusions and recommendations,

Chapter seven offers discussion of the findings of the preceding chapter and conclusion. The conclusion summarizes the research discussed and provides recommendations for further research.

1.7. Conclusion

With reference to the literature, most studies that have been conducted have failed to demonstrate the intervention of governments, Non-Government Organisations and International Organisations towards victims of such attacks. The existence of Xenophobia in SA has been highlighted by researchers but the omission of this human suffering in discussions relating to the South African Victim's Charter and in terms of national and international

protocols such as the “United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” as well as within the spirit of Ubuntu remains notable. Following, is the theoretical perspective chapter that discusses the use of - the differential risk model of criminal victimization which, according to Fattah (1991), is the most suitable victimological theory in the context of this study as it encompasses three theoretical models.

1.8. Research Questions

This research is intending to answer the following questions:

- If victimized, what is the frequency and nature of the victimisation?
- What is the impact of victimization on a group of foreign nationals?
- What is the nature and functions of coping mechanisms employed by a group of foreign nationals in the face of victimization vulnerability?

Chapter 2

THEORETHICAL FRAMEWROK

2.1. The differential risk model of criminal victimisation: Fattah (1991)

2.1.1. Historical perspective of the differential risk model of criminal victimisation

This section introduces the theoretical framework of the study. This framework underlines the ongoing factors leading to criminal victimisation. Leading factors are mainly generated from the differential risk model of criminal victimisation of (Fattah (1991)). Fattah (1991) argues that the lifestyle model that was developed by Hindelang et al. (1978) should be seen as one of the first and most important models that explains the differential risks of criminal victimisation. The model theorizes that the probability that an individual will suffer personal victimisation depends heavily on lifestyle.

Another illustrative model is the Routine Activity Approach developed by Cohen and Felson (1979a). The focus in Cohen and Felson's approach is on "direct-contact predatory violations", which are those "involving direct physical contact between at least one offender and at least one person or object which that offender attempts to take or damage" (Cohen and Felson, 1979a: 589). These authors claim that "the incidence of this type of victimisation is the result of the convergence in space and time of three minimal basics: motivated offenders, suitable targets, and absence of capable guardians". Thus, it can be argued that "the central factors underlying the routine activity approach are opportunity, proximity/exposure and facilitating factors".

Notably, lifestyle and routine activities model are by no means the only ones as there is also the opportunity model (Cohen et al., 1981b) and the Dutch model (Van Dijk and Steinmetz undated). The opportunity model integrates elements from the previous two and posits that "the risk of criminal victimisation depends largely on people's lifestyle and routine activities that bring them and/or their property into direct contact with potential offenders in the absence of capable guardians" (Fattah, 2000b). The Dutch model was developed by Van Dijk and Steinmetz and suggests three main factors: proximity, attractiveness, and exposure as the most important determinants of differential victimisation risks.

2.1.2. The integrated ten different categories of the various models of "differential risk factors of criminal victimisation"

Based on the shortcomings of the lifestyle/exposure model, the routine activities theory and the opportunity model (Fattah (2000a: 30) developed the differential risk model of criminal

victimisation. In this model, Fattah attempted to integrate the various models into a comprehensive system consisting of ten categories that could influence the risk of criminal victimisation.

The ten categories originating from this model are as follows: “Opportunities, Risk Factors, Motivated Offenders and Exposure, Associations, Dangerous time and places, Dangerous behaviour, High-risk activities, Defensive/avoidance behaviour, Structural/cultural proneness”.

2.1.2.1. Opportunity

A large body of scholars has analysed Opportunity as one of the ten differential risk model of criminal victimization (Cohen and Felson, 1979a; Cohen et al., 1981b; Fattah, 2000a; Papadopoulos, 2013; Schneider, 2001; Peacock, 2013). Cohen et al. (1981a: 505), argue that “an opportunity theory of criminal victimization is proposed, focusing on the mediating role played by five risk factors: exposure, guardianship, proximity to potential offenders, attractiveness of potential targets, and definitional properties of specific crimes themselves”. These five features play a significant role in the understanding of the opportunity category. In contrast, Papadopoulos (2013: 5) cites four factors emphasising on routine activities and particularly the lifestyles of potential victims as shaping a criminal opportunity structure. This consists of four distinct risk factors including proximity, exposure, attractiveness and capable guardianship that are associated with victimization. Proximity and exposure create the criminal opportunity structure. Similar but not equal to the distinct four risk factors, Fattah (2000a) refers to Van Dijk and Steinmetz in their as they suggestion of the three main factors: “proximity, attractiveness, and exposure” as the most vital causes of differential victimization risks.

The opportunity model takes into account the lifestyles and routine activities perspectives. According to (Peacock, 2013: 22) this model is based on the idea that the “risk of criminal victimisation depends largely on people’s lifestyle and routine activities that bring them and / or their property into direct contact with potential offenders in the absence of capable guardians”. To reflect on Fattah’s risk model of victimisation, Peacock (2013) relates opportunities to the features of potential targets including people, households and businesses as well as to the activities and behaviour of individuals. That is the reason why the “lifestyle-routine-opportunity model” has been developed into the routine activity theory.

The opportunity category can be used to better explain why and how some foreign nationals become victims in the hosting communit. Firstly, they live in proximity with the citizens who are potential or motivated offenders. It can be assumed that foreign nationals are victimised when

there is an opportunity for the citizens (potential and motivated offenders) to do so. This can be explained by the lack of guardianship for those foreign nationals who are potential victims and the attractiveness which can be explained by the vulnerability of the foreigner. Dussich (2006: 118), provides an explanation of vulnerability which is “a physical, psychological, social, material or financial condition whereby a person or an object has a weakness which could render them a victim if another person or persons would recognise these weaknesses and take advantage of them”. According to Killias (1990), vulnerability explores the physical, social and situational components of the individual and is frequently used to express the level of risk posed to certain collections or individuals.

Thus, in reference to the work of Cohen and Felson (1979a), three elements are essential for victimization: “the existence of motivated offenders, the presence of a suitable target object of criminal action, that is, a person or a thing and the absence of persons effectively able to protect the target object against a violation of the law” (Schneider, 2001). In the same logic of thought, Fattah (2000a: 64), emphasises on the opportunity model as it integrates elements from both the “lifestyle” and “routine activity” perspectives. In fact, Fattah (2000b) stipulates that “the risk of criminal victimization depends largely on people’s lifestyle and routine activities that bring them and/or their property into direct contact with potential offenders in the absence of capable guardians”. It can be argued that foreigners, in general, lack the capable guardianship and they are thus exposed to both potential and motivated offenders. In case of threat of violence, they rely on the laws and government officials of the hosting county as guardians to seek protection. Unfortunately, it has been proved from various studies that some government officials are also involved in victimising foreigners in many different ways thereby rendering the task tough for foreigners to cope with the situation.

In addition, (Cohen et al., 1981b) study on opportunity model reveals that it is not the mostly thought to be most vulnerable economically and socially, but the poor and non-white and the old are likely to be the victims of crime. However, in reality, the occurrence of opportunity theory of criminal victimization is complicated firstly by attractiveness, exposure, proximity and capable guardianship presents a set of different strategies and the possible subsequent actions of potential offenders for each different strategy (Papadopoulos, 2013). As a result these four distinct risk factors position themselves and thus regulate the extent to which it optimises opportunities maximally the net benefits wanted. Secondly, according to Papadopoulos (2013), the four distinct factors in opportunity category set the opportunity criminal structure after which comes potential criminals into play.

In review, the opportunity category is based on four main factors that drive likelihood of potential criminal victimisation. To the core of these factors is a lifestyle-routine activities model. Thus, upon arrival on a foreign land, foreigners become potential targets of both potential and motivated offenders. Most often than not, foreigners and their belongings, such as shops are targets of motivated offenders as it is an opportunity for motivated offenders and this is seen in the South African case from previous studies as it relates to the looting and destruction of foreign businesses and property.

2.1.2.2 Risk factors

To understand risk factors in relation to criminal victimisation, Schreck et al. (2003) emphasise on “routine activity” and “lifestyles-exposure” approach. They note that the risk factors category considers three elements: Firstly, the role of proximity and exposure to criminal offenders; secondly, the degree of target hardening and self-protection and thirdly the target’s attractiveness.

Peacock (2013), argues that the probability of being victimised is determined by a number of risk factors influencing victimisation such as attractiveness, suitability and vulnerability. Furthermore, one can question possible factors increasing victim vulnerability. In this regard, characteristics such as socio-demographics including age and gender play a significant role in the increase of criminal victimisation. Also, the area of residence and lack of guardianship are possible factors. However, Brennan et al. (2010: 227) foreground situational factors such as weapon use and victim intoxication as far more successful than the socio-demographic factors in determining the likelihood of harm”.

In general, Sampson and Wooldredge (1987) are that the victimisation risk is uppermost for the young, singles, and those who regularly go out at night or leave their homes unoccupied. Thus, it can be contended that the “male gender and younger age were associated with increased risk of victimisation” (Brennan et al., 2010). In general terms, “male gender, younger age, being divorced or separated, lower household income, living in an urban area and frequency of visiting a licensed premises” are, according to Brennan et al. (2010) the progression on risk factors for violent victimisation.

Risk factors also target foreigners. As such, foreigners are automatically at risk of being victimised because they are suitable targets due to their vulnerability. They are at risk of being victimised by the citizens who have prejudices about foreigners especially those who think foreigners are here to still their jobs or wives. “They are also wide-open to misuse at work of which many are paid below the lawful least wage, work extended hours than

approved by law, without obtaining necessary break and leave with no or limited access to compensation for injuries and occupational hazards and sicknesses". It can be assumed that foreign workers are in close proximity and are exposed to criminal or motivated offenders within or at the working environment thus putting them at a higher risk of being victimised due to their vulnerability. This study thus explored potential risk factors facing foreign nationals living in the city of Durban.

2.1.2.3 Motivated Offenders

According to Degarmo (2011), "routine activities theories have come to dominate the theoretical landscape of criminology. This dominance is based on the fact that the theory of routine activities seeks to conflate time and space as an imperative function of criminal understanding of places of crime". The "routine activities" approach is grounded on two ideas (Degarmo, 2011). Firstly, for crime to occur, motivated offenders must converge with suitable targets in the absence of a capable guardian. In the second place, the occurrence of crime is mostly influenced by routine activities.

A body of theoretical literature on criminality notices in "routine activity" theory that there are three components necessary in a situation in order for a crime to occur and one of these components includes motivated offenders (Marcum et al., 2010). The findings by Marcum et al (2010) indicate that participating in behaviours that amplify exposure to motivated offenders and target suitability in turn increases the possibility of victimisation. Peacock (2013) argues that the probability of victimisation in this category of motivated offenders is dependent on the number of motivated offenders. The emphasis is on individuals living in a densely populated, poor integrated environment with a great number of males between the ages of 12 and 20 years run and these are at a greater risk of being victimised than those living in a less densely populated area with a relatively high percentage of middle-aged and other residents (Peacock, 2013). This can be attributed to the number of motivated offenders that are often found in the first-mentioned areas.

From experience, foreigners tend to live in the city even though it is expensive to pay the rent, including electricity and water bills, because of fear of crime in the townships. They are afraid to go to cheap accommodation at the townships because it is assumed that in the townships, there are many citizens who are motivated to attack non-citizens living in the same area. It shows that, many foreigners are victimised depending on the number of motivated offenders living in the same environment with them.

The key into motivated offenders in this is the understanding of situational and individual factors as core factors to victimisation. Therefore, the “lifestyle exposure theory is to be taken into account for demographic differences in risks of personal victimization” (Ngo and Paternoster, 2011). From this perspective, the theory predicts the possibility of crime to occur when a motivated offender comes into contact with suitable target in the absence of capable guardian (Ngo and Paternoster, 2011). It is understood that guardian plays an important role of preventing crime to happen. Therefore, the absence of guardians increases the occurrence of crime victimisation. In review, evidently, there is an indication that “exposure” to motivated offenders and increases people’s possibility to be subjected to victimization.

Motivated offenders here refer to those citizens who have hatred sentiments towards foreigners (suitable targets), subjecting them to hate crimes and these emotions are usually seen in rural areas where foreigners are usually attacked by local citizens and their belonging destroyed. But also, in urban areas people still experience xenophobia in different ways, such as exclusion in the labour market just because someone is not a citizen even though the person has legal papers allowing her/him to work in South Africa. This can be referred to as institutional xenophobia (refer to the next chapter)

2.1.2.4 Exposure

Fattah (2000b: 65), asserts that “exposure to potential offenders and high-risk situations and environments might increase the risk of personal victimisation”. The level and degree of exposure varies according to socio-demographic variables such as age and gender, which often determines lifestyle. Social activities such as the use of alcohol in public places increase the level of exposure because the potential victim comes into close contact with a large number of unfamiliar, unknown potential offenders (Peacock, 2013).

According Davis and Snyman (2005: 42) in the lifestyle theories, before predatory criminal victimisation can take place, a “motivated offender” has to come into contact with a potential victim and or such victim’s property. Prior to this, Davis and Snyman (2005) refer to Cohen et al. (1981a) and defines exposure as physical visibility and accessibility of people and objects at any given time or place. The occurrence of victimisation in exposure category is determined by potential offenders and high-risk situations and environment (Fattah, 2000a; Peacock, 2013). For personal violence, exposure can be theorised as the general “routine activities” or lifestyles of possible victims, associated with higher or lower likelihood of victimization (Papadopoulos, 2013).

According to the lifestyle/exposure theory, a direct link exists between lifestyle and exposure to conditions in which the risk of victimisation is high. In various cases, the exposed and vulnerable groups overlap, meaning that “individuals and groups who are more likely to become crime victims are also more vulnerable because of this exposure” (Lindgren and Nikolić-Ristanović, 2011: 60). However, different individuals and groups within the society are affected differently by crime in significant ways. Thus, the fact that the risk of being victimised is associated with an individual’s situation, lifestyle and occupation can be an explanation for this.

The type of lifestyle that individuals are involved in determines the occurrence of criminal victimisation. Clearly, identifiable groups can be singled out in contrast to all the population potential to criminal victimisation. As argued by (Lindgren and Nikolić-Ristanović, 2011) the main targets are groups of people who live outside of the framework of normal society. Bell and Machin in 2011, suggest that immigrants are more exposed to violence and threats of violence than are native Swedes. Specifically, this appears as higher levels of ferocity in the street and other public places and for women, higher rates of domestic violence are cited (Bell and Machin, 2011). In the exposure category, women and children as well as targets of racially motivated or homophobic crimes are the vulnerable groups. Likewise, it can be argued that the group of handicapped, elderly, travellers and the socially marginalised and convicted criminals are potentially exposed people.

Similarly, young men participating in local nightlife form another group which is highly exposed to violence than the average and this group tend to become affected by violence in public places. In addition, single mothers of young children constitute another group of young children exposed to violence at home, often by known perpetrators. However, these groups are to a large extent exposed to crime based on what they “are”, as their common denominator (Bell and Machin, 2013; Papadopoulos, 2013). This results to a “lifestyle and social situation” as two important factors accounting for the small group being excessively affected by (violent) crime (Lindgren and Nikolić-Ristanović, 2011: 62). Thus, the risk of violent victimization highly depends on the unobserved strategies associated with particular lifestyle-exposure and routine activities that immigrants and natives set in order to reduce the victimization costs (Papadopoulos, 2013).

2.1.2.5 Differential association

Differential association is one of the models used to explain criminal behaviour whose origin is rooted in Sutherland's theory of differential association. According to Sutherland, this category implies that a risk of being victimised is mostly seen in individuals who are in close personal,

social or professional contact with potential offenders. However, many scholars (Bell and Machin, 2011; Clarke and Felson, 1993; Icli and Çoban, 2012; Matsueda, 2006; Schneider, 2001; Wood and Alleyne, 2010; Peacock, 2013) have drawn attention to Sutherland's differential association theory and have substantiated that the model relies on social structure and groups' organisations.

According to Matsueda (2006), Sutherland's differential association model is a set of nine propositions introducing concepts such as normative conflict, differential association, and differential group organization. The attempt Sunderland made was to explain aggregate crime rates across groups and societies. In so doing, Sutherland recognized that criminal behaviour is prevalent across all classes (Wood and Alleyne, 2010). In addition, in Sunderland's differential association theory, Matsueda (2006: 2) asserts that "the explanation of crime rates, differential social organization, is consistent with the explanation of individual acts of crime and differential association". The explanation of the theory of criminal behaviour is in relation to definitions for law breaking (Icli and Çoban, 2012). The theory holds that cultural norms conflicts cause criminality.

In this theory, interaction, and communication are all important notions in victimological explanation of the differential risks of criminal victimization (Clarke and Felson, 1993). Interaction and communication process is supported by Matsueda (2006) as the theory that explains individual criminality behaviours with social psychological process of learning crime in interaction with social groups. Wood and Alleyne (2010: 102) argue that "exposure to the attitudes of members of personal groups that either favour or reject legal codes influences the attitudes of the individual". Consequently, Sunderland's differential association theory posits that the criminal learning process derives from small groups such as gangs.

Matsueda (2006: 2) argues that "Sutherland never explicitly specified the concrete content of organization in favour of crime and organization against crime". On the contrary, Sutherland's differential association theory posits two components: the first is static and the second is dynamics. Respectively, these components entail, on the one hand, "social structure and organisation which explain differences in crime rates across social groups". On the other hand it entails "group processes which explain changes in crime rates over time".

According to Schneider (2001), one can call upon, hate crimes as acts of violence committed against and not restricted to a person or a thing solely or primarily because of race, religion, ethnic origin. These hate crimes are aimed at domination by an insider group through the degradation of an outsider group. Schneider (2001) argues that "hate crimes" act, is great

and extends from everyday transgressions to foreigners. Schneider asserts that foreigners' properties are sprayed scribbled with pasting actions as to damage the property by offenders. It can also be noticed that car paint is scratched, and car windows are smashed and further include the beating up of foreigners. In addition, foreigners are thrown out of subways and commuter trains.

Thus, in reference to the social disorganisation theory for crime in relation to integration among residents, it is difficult for members of the community to develop and maintain strong attachment to local institutions or other residents in poor, ethnically mixed and residentially unstable areas (Bell and Machin, 2011).

To conclude, association refers to more or less constant relationship among persons that evolve. This relationship is based on the interaction and communications among the participants. These participants learn attitudes, values, and techniques toward creating an appropriate environment of potential criminal victimisation. For social integration to take place there must be association with the local citizens of the city or community with which a person wants to integrate, or at work, the people one works with are the ones one associates with. Hence, the likelihood of being victimised depends on the presence of potential or motivated offenders a person associates or interacts with. In this regard, therefore, Peacock (2013:23) argues that "individuals who are in close personal, social or professional contact with potential offenders run a greater risk of being victimised". The possibility of being victimised here can be explained by the prejudice that some citizens have developed towards foreigners. Again foreigners are scapegoats of all South African illnesses.

2.1.2.6 Dangerous time and places

According to Peacock (2013), the risk of 'victimisation' is not evenly disseminated in time and space, and violent victimisation takes place more often at night and in the early hours of the morning, over weekends, on the street or in public places. Thus, individual activity patterns may thus influence individual's chances of victimisation.

In reference to Cohen and Felson (1979a), structural changes in routine activity can influence crime rates by affecting the convergence in space and time of three minimal elements of direct-contact predatory violations:

1) motivated offenders, 2) suitable targets, and 3) the absence of capable guardians against a violation (Cohen and Felson, 1979b: 589).

In addition to the routine activity of Cohen and Felson (1979a), Roman (2002) among other scholars, argues that a motivated offender with criminal intentions and the ability to act on these inclinations, a suitable victim or target, and the absence of capable guardian who can prevent the crime from occurring are the three components required in routine activity theory for a crime to occur. Thus, for crime to occur these three components should converge in time and space. However, Xu (2009) argues that lifestyle/routine activity theory also focuses on targets and guardians, in contrast to an exclusive emphasis on motivated offenders. Therefore, in terms of persecution, it highlights how people's lifestyles affect their exposure to risks. Notably, there have been cases where people were victimised in night club bars. This is explained by this kind of lifestyle of going out with friends at night for alcohol purposes, among foreigners and citizens alike.

It should be noted, though, that one does not need to be a foreigner to fall under this category. This depends on the individual victim. As already indicated, violent victimisation takes place often nightly and in the early hours of the morning, over weekends on the street or in public places. However, some foreigners are involved in night shift jobs such as security guarding, and most often they work at risky sites that make them potential victims and also working during dangerous times (night shift jobs) and dangerous places, these are stores, shops, and warehouses which are most often targets for criminals who are in search of money for their livings. These jobs are part of their routine activities, and motivated offenders most often are aware of the identity of the person working at those particular places. Thus, the offender is aware of when one reports on duty and when one reports off duty. This routine makes it easier for the motivated offender to plan the threat of the target. It becomes easier when the motivated offender discovers that the potential victim is a foreigner knowing that he/she does not have guardians or he/she is without protection.

2.1.2.7 Dangerous behaviour

In this category, certain behavioural patterns (for example, negligence, ignorance and provocation) often increase one's risk for personal victimisation (Peacock, 2013: 23). Additionally, there are other dangerous behaviours which place people engaging in them in hazardous situations where their capability to defend and protect themselves against attacks is greatly reduced. Also, behaviour such as hitchhiking may put people in dangerous situations (Wolhuter et al., 2008: 16).

According to the lifestyle/ exposure model, the incidence of victimisation and potential victimisation become relatively predictable when variations in lifestyle are taken into account (Peacock, 2013). As such, individuals whose social and structural backgrounds bring about

greater interaction with offenders and places that facilitate crime will run a greater risk of personal victimisation.

This category reveals that what people do and how they behave largely determine the extent to which they will be victimised (Davis and Snyman, 2005: 37). However, lifestyle constraints prevent someone to get to the expectations needed. Economic factors are some of the factors that limit a person's choices in respect of the areas, type of leisure activities and access to educational opportunities. Conversely, the lack of these factors leads a person to behave dangerously which can refer to anomie theory.

This view is supported by Naudé et al. (2006) in their assertion that lifestyle factors such as alcohol and drug abuse and the frequenting of public places play a role in the high rate of violence experienced by young people. Similarly, Fattah (2000a) is of the view that the likelihood of an individual to be criminally victimised depends heavily on the concept of lifestyle. The dangerous behaviour category is also another element that increases the likelihood of victimisation of the individual, depending on the lifestyle a person undertakes. Notably, negligence, ignorance and provocation are some of the factors that make a person become a victim. This category leads to victim precipitation where an individual is victimised because he or she has given the offender the chance to attack. This also happens in the case of rape when ladies or women wear short cloths exposing their body to motivated offenders.

2.1.2.8 High-risk activities

Similar to the above section, "high risk activities" also increase the likelihood for victimisation. Among such activities is the mutual pursuit of fun, as well as deviant and illegal activities. Fattah argues that certain occupations such as prostitution are also known to carry with them a higher than average potential for criminal victimisation (Fattah, 2000a: 65). In the same vein, Davis and Snyman (2005) also find that these activities lead people into dangerous places at dangerous times. They point out certain occupations and unlawful activities as potential factors increasing criminal victimisation. Also, (Wolhuter et al., 2008: 16) argue that "pursuits of fun, which may include deviant and illegal activities, also increase the potential for victimization".

It is, therefore, important to note that due to the hardship of life circumstances, lack of jobs for instance, some foreigners choose to become offenders by getting involved in high risk activities such as trading illegal goods (for example, drugs) or other criminal activities to earn a living. By so doing, they put themselves at a high-risk of being victimised than those who do not.

2.1.2.9 Defensive/avoidance behaviour

This category emphasises on the people's attitudes to defensive or avoidance behaviour as it may influence their chances of being victimised. This is applied to both attackers as well as to the avoider but attackers are often victimised than the avoiders. Hence, Fattah argues that "Since many risks of criminal victimisation could be easily avoided, people's attitudes to these risks may influence their chances of being victimized. It goes without saying that risk-takers are bound to be victimized more often than risk-avoiders. This also means that fear of crime is an important factor in reducing victimization since those who are fearful, for example the elderly, take more precautions against crime, even curtailing their day and night time activities thus reducing their exposure and vulnerability to victimization" (Fattah, 2000a: 31-32).

In addition, the individual's attitude towards risks also influences their chances of becoming victims of crime (Peacock, 2013: 23). Furthermore, for instance, (Wolhuter et al., 2008) argue that people who fear crime mostly stay at home and are, therefore, likely to avoid the risk of victimisation. Fear, being an emotion, is difficult to define and to measure like other emotions such as love and hate (Fattah, 1991: 6).

However, individuals are motivated by fear to engage in defensive behaviours and anxiety is associated with preventive behaviours, including avoidance (Fallshore et al., 2007: 71). It is noticed that fear of crime works effectively as a marketing strategy to sell a wide variety of goods and services ranging from protective security to insurance. Therefore, Crime then is big business. According to Fattah (1991) crime produces profits not only for the criminal but also for a host of private industries and service delivery businesses. In sum, Defensive/avoidance behaviour leads to fear of crime as the key of reducing exposure and vulnerability to victimisation. Foreigners who are unlikely to be victimised apply this category and they avoid dangerous places by being not out at night as a result of the fear of crime.

2.1.2.10 Structural/cultural proneness

According to Fattah (2000b), there is a positive correlation between powerlessness, deprivation and the frequency of criminal victimisation. However, it can be said that "minority groups or members of groups that are powerless, deprived or culturally stigmatised are more prone to victimisation since they are often viewed as "fair game" (culturally legitimate victims) by members of the dominant or conventional groups" (Peacock, 2013: 23).

Similarly, Fattah also argues that "cultural stigmatisation and marginalisation enhance the risks of criminal victimisation by designating certain groups as fair games or as cultural legitimate victim" (Fattah, 2000a: 32). In this regard, Wolhuter et al. (2008: 16) claim that powerless

people are more potential to be victims of crime. According to Schneider (2001), the social-structural victimization theory, victimization reflects the economic and the power structures of a society. He emphasises that “marginalized, powerless minorities that have been pushed toward the edge of society are often forced into becoming victims”. In this category, foreigners are always minorities to the extent that they are victimised easily.

Cultural victimization which, according to (Schneider, 2001: 459), is based on customs, tradition, religion, and the ideology of a society, is the subjective form of social-structural victimization, as the structure of the economy and the system of power extremely influence views, value concepts and the stereotypes of a society. As stated above, a typical example in this regard is hate and crimes which are characterized by the symbolic status of the crime victim. In conclusion, the marginalization process is effective as it renders people powerless in their structural and institutional relationships. In this category, it can be assumed that the powerlessness of foreigners in a host city leads to deprivation or culturalstigmatisation by members of the dominant or conventional groups.

2.2 Conclusion

This section concludes with Wolhuter et al. (2008: 16) view that positivists in victimization share similar assumptions and shortcoming of the risk of victimization. The differential risk model of criminal victimization does not focus specifically on lifestyle or the demographics of the crime, but combines some of the most important elements of existing theories in the field of victimization. In reference to the population of the study, foreign nationals fit into this theoretical framework that explains better who and why these people become potential targets of criminal victimisation in the host community. The differential risk model of criminal victimisation is an important tool accounting for the experience of victimisation among a group of foreign nationals by emphasising on their lifestyle/exposure and routine activities in the hostcommunity. Following is the empirical perspective chapter. The chapter reviews the relevant literature by focusing on selected empirical studies that reinforce the researcher’s positive position/ stance in respect of the types of victimization faced by foreign nationals and the coping mechanism employed by foreign victims of atrocities.

Chapter 3

EMPIRICAL STUDIES ON FOREIGN NATIONALS AND THEIR VICTIMISATION EXPERIENCES IN HOST COUNTRIES

3.1. Introduction

This paper aimed at exploring the victimisation experiences of a group of foreign nationals living in the city of Durban. However, this review of the literature aimed at examining different papers that have been conducted about the victimisation of foreign nationals globally and in South Africa in particular.

Nevertheless, multiple information sources were used to gather information for this selected review of literature, including books, dissertations, internet resources, professional journals and periodicals. These sources were accessed through Google Scholar, EBSCOhost Web, JSTOR, ProQuest, Sabinet Reference, and Science Direct. Also the Centre for the Study of Violence and Reconciliation (CSVr) website was visited by the researcher as well as the South African Migrant Project (SAMP) website to gather information on previous publications of studies that have been conducted in the same area of study. Specifically the researcher sought to understand the nature and frequency of the victimisation of foreign nationals, but also the impact of their victimisation as well as the nature and function of coping mechanisms employed by foreign nationals in the face of victimisation and victimisation vulnerability on a foreign land.

To conduct this study, it was essential to carry out a critical analysis of current literature. Before taking on the victimisation experiences of foreign nationals in this review of the literature, the researcher thought better to embark with the cause factors of migration, by answering the question, first why people migrate? Second, the experiences of immigrants in a global perspective; third, the South African perspective; fourth, Xenophobia in South Africa and its consequences; fifth, Migrant workers and victimisation; six, Institutional Xenophobia and victimisation; seventh, immigrants, Media and the authorities in South Africa; and last but not the least, the conclusion. This review of the literature was constant throughout the data collection, data analysis, and synthesis phases of the study.

3.2. Causes of Migration

Inhabitants' movement is a norm rather than an exception in human history. From the remote past, human beings have been in a continuous state of movement over varying distances and for different reasons. However, it can be noted that migration patterns are very complex and

should be grouped as internal and international migration (Asfaw et al., 2010). Internal migrant refer to movement of persons and change of place of residence within a country and international migration refers to movement between countries across an international boundary. Therefore, migration can be said to be a process of going from one country, region or place of residence to settle in another (Bhugra et al., 2011).

3.2.1. A Neo-classical Approach or Economic Factors

According to the traditional neoclassical approach, people move to another country because of the differences between the real income at home and abroad. They expect that, by migrating abroad, they will earn a higher return on their labor than at home (Straubhaar, 1986). According to Straubhaar (1986), for contemporary international migration to occur it is necessary and sufficient that, first, there is a demand for foreign labor in the immigration country, and, second, that there are no immigration restrictions to prevent the immigration of active foreigners. However, a study exploring the causes of forced migration has found that the formation of forced migration can emanate from refugees on numerous political, economic, and intervening variables (Schmeidl, 1997).

However, individual behaviour are emphasized by “the neo-classical economic approaches often known as ‘push-pull’ theories, focusing on the positive aspects of migration” (De Haan, 2000). Neo- classical economic approaches accept that migrants act individually according to a rationality of relative costs and benefits. Expected probability of employment at the destination, wage differences are triggering factors for individual to make a decision to migrate (Asfaw et al., 2010). De Haan (2000) demonstrates that ‘Structuralist/Marxist theories’ which link to migration, focus on political and other institutions determining migration and also emphasize the undesirable aspects of immigrant.

Nonetheless, migration was generally seen as a way of assembling cheap labour for capital. This theory sees labour migration as unavoidable in the transition to capitalism, and stresses the benefits of migrant labour for capital production Castles et al. (2005). For Marxists, migration is not a choice for poor people, but the only option for survival after being alienated from the land (Asfaw et al., 2010).

However, it can be argued that the decision for people to move to a new areas is mostly influenced by the presence of close kinsmen to that area, who help them find jobs and easy their entry to the destinations (De Haan, 2000). The flow of information and social capital, such as informal networks, personal relationships, friendship and communities, and mutual help

in economic and social matters have been noted by the migration system theory as components providing vital resources for individuals starting migratory movements (Castles et al., 2005).

Therefore, different reasons for the push and pull factors of migration have been ascribed by Ethiopian researchers. Elements such as environment degradation, inadequate social services, lower agricultural productivity, and land shortage have been identified as the major push factors of migration (Degefe, 1978; Sisaye, 1978). Whereas the most important pull factors for migration which are also seen as key influences on the pattern of migration are the presence of relatives and people of alike ethnic origin at the destination, as well as the flow of information between origin and destination (Bjerén, 1985; Doilicho, 1985; Nida, 2006). The findings of a case study on migration and livelihoods conducted by De Haan (2000) demonstrate that in Ethiopia, the poor have migrated more than the relative better off with lack of land being identified as an important factor of their migration. The findings have also indicated that social networks are mostly an important factor of migration.

3.2.2. Political Instability and Violence

Many authors (Ferris, 1987; Smyser, 1987; Zolberg et al., 1989) agree with the conclusions of the 1951 Refugee Convention that oppressive governments with poor records in human rights violations cause refugee migration. Gibney et al. (1996) found that the increasing number of refugees was associated with a general increase in violence and human rights violations in the world. Hakovirta (1986) also reported a modest-to-strong correlation between government repression and refugee exodus. Similarly, Stanley (1987) linked the level of violence in El Salvador to an increasing level of in-migration to the United States. In addition to political violence, Ethnic and civil conflicts also influence refugee exodus (Hakovirta, 1986; Smyser, 1987; Zolberg et al., 1989). These conflicts can be promoted by a power struggle between the government and an insurgent group or between two equally large groups contending for power in a weak and unstable political environment. Civil conflict often emerges when there are high levels of inequality and political exclusion.

Jones (1989) in his journal, "*Causes of Salvadoran migration to the United States*" demonstrates that the net emigration rate from El Salvador accelerated rapidly between 1979, when extensive civil unrest began, and 1981, after two years of widespread political killings. According to Jones (1989), by 1981 the rate had reached forty-six persons per 1,000 populations, more than eleven times its level of six years earlier. Furthermore, the number of apprehensions by the U.S. Immigration and Naturalization Service (INS) of undocumented Salvadorans entering the United States has varied largely in tandem with levels of political

violence. These proximate causes remain the focus of intense debate in the United States. Some organisations maintain that migration stems from direct fear of political violence and persecution. These are, the U.S. Committee for refugees, the sanctuary movement, various church groups, and the American Civil Liberties Union as well as a large component of the academic community (Jones, 1989).

Countless authors have demonstrated that population pressure, low living standards, lack of economic opportunities, and political discomfort are the push factors for migration. Whereas, availability of job opportunities, health services and other modern facilities in towns and political freedom are expected to be the pull factors of migration (Castles et al., 2005). For instance, in the 1970s and the 1980s, economic conditions and political upheavals in the Philippines encouraged Filipinos to migrate in response to overseas employment boom (Suplico-Jeong, 2010).

3.2.3. *Armed Conflicts*

Environmental destruction is mostly caused by war. The environmental destruction which can be used as a weapon of war, and the origin of conflict which is often a dispute over the possession of land and natural resources, are two reasons why war is often at the centre of environmental destruction. The war in Vietnam, can illustrate the first point, and the deliberate destruction of the environment employed by the United States as a military tactic. The operation sought to empty the countryside and force the population to migrate towards the cities. Furthermore, there was a massive campaign of deforestation resulting in the use of millions of tons of herbicides and the bombardment of agricultural zones.

In the early 1980s, the same method of destruction of the ecosystem was used by the government in El Salvador in order to eradicate guerrilla bases in the forests (Glassman, 1992). Consequently, it was noted that thousands of displaced individuals could not return to their home at the end of the war because the reserves of water in some areas had disappeared due to the erosion of soil caused by the policy of deforestation.

3.2.4. *Natural Disasters*

Events such as volcanic eruptions, droughts, earthquakes and other types of disaster generated by an unstable natural environment can be referred to as “natural disasters”. However, natural disasters have been a major cause of immigration throughout history (Keane, 2004).

In 1998, natural disasters accounted for the displacement of more persons worldwide than wars of other conflicts for the first time since records have been kept. Keane (2004), reported

the estimation that, 144 million people per year are affected by natural disasters. He argues that natural disasters tend to displace persons temporarily rather than permanently.

Nonetheless, Africa, Asia, and South America are disproportionately affected by natural disasters as a fundamental point. However, countries such as Bangladesh, China, the Philippines, Vietnam, Ethiopia, Iran, and India appear far more frequently than any other countries on the list of countries warranting humanitarian intervention maintained by the United Nations Office for the Coordination of Humanitarian Affairs.

3.2.5. Industrial Accidents

Industrial Accidents have many examples whereby large numbers of persons have been displaced. For instance, in 1984, in Bhopal, India, a chemical accident killed over 1,000 people and displaced 200,000 people. In the United States, 10,000 people were displaced due to a nuclear accident that took place at Three Mile Island. In Seveso, Italy, a burst at a chemical factory caused chemical products similar to the defoliants used in Vietnam to be released into the atmosphere (Keane, 2004). In general, a significant point in relation to industrial accidents is that those displaced will look for refuge within borders of the country in which the accident occurred.

The list of the causing factors of migration is endless, but from the above mentioned factors, it can be concluded that it is impossible to have a country free from foreign nationals because of the complexity of the push and pull factors. The literature review will demonstrate how non-nationals are treated by the host community on a foreign land, regardless of the social status, the documentations and qualifications that the person holds in that particular country.

3.3. Experiences of Immigrants: Global perspective

The great and continuous migration of people from Mexico, Caribbean and the Central American nations to the United States started in the 1970s. Driven by a confluence of factors leading to a systematic social and economic displacement of millions of people, including the asymmetrical social and economic relationship between the United States and countries in this region, the movement was marked by restructuring of the local economies and the labour markets through neoliberal free trade and structural adjustment policies upheld by the global north, the civil wars of Central America, and the long history of U.S. economic and political domination and military interventions in the region (Chacon, 2011). Chacon, argues that the fact that a sizable percentage of Latin American immigrants reside, work, and pay taxes in the United States without the benefit of permanent residency status makes them an easy

target of political attacks as well as convenient scapegoats to blame for the United States' social and economic ills that have been gradually increasing over the past four decades and have reached its highest point in the outright economic crisis of the past few years. According to Chacon (2011), "extremist political forces inspired by racism and xenophobia have been systematically advancing over the past four decades the idea that today's immigrant, meaning Mexicans and Latin American nationals, are a threat to the United States."

However, post the 11th of September 2001 attacks on the twin towers of the World Trade Centre in New York, the 12th of October 2002 Bali bombing and the 7th July 2005 bombings on London's public transport system, concern about immigrants as terrorists, the extreme form of crime, has cemented the image of immigrations as culprits of crime in public and private discourses (Collins, 2007). Consequently, discourses on immigrants as victims of crime have been reduced at the very moment that many immigrants, particularly those from the Middle East and those of Islamic faith have increasingly been victimised following these events.

For instance, the findings of a study conducted by Sabina et al. (2013) which aimed at examining the effect of immigrant status, acculturation, and the interaction of acculturation and immigrant status on self-reported victimisation in the United States among the Latino women, have demonstrated that the history of Latinos in the United States is marked with immigrant adjustment, acculturation, and minority status and that adjustment to U.S. culture is often associated with negative outcomes in the areas of mental health, substance abuse, diet, birth outcomes, risk behaviours, youth violence, problem behaviours, and academic functioning.

However, Cuevas et al. (2012), report interpersonal victimisation to be an important phenomenon that affects more than half of Latino women. Krug et al. (2002) argues that interpersonal violence involves behaviours that can cause death, injury, or psychological harm at the hands of partners, family, or community members. Interpersonal victimisation designates the personal experience of potentially harmful behaviours or violence. Acculturation can be defined as changes in cultural patterns that happen when regular contact with another culture occurs (Valentine and Mosley, 2000). According to Sabina et al. (2013), "the unique experience of being an immigrant likely affects victimisation". They go on saying that, immigrants face lingual and often economic barriers as they participate in U.S. society. They also need to learn U.S. systems and norms. Furthermore, the fact that immigrants were immersed in particular sets of cultural norms with regards to family functioning and violence in their home countries, can then conflict with cultural norms in the United States. Here we refer to Chapter 2, (see 2.2.2.10).

Paradoxically, although globalisation meant facilitated movement of goods, it also augmented constraints on the mobility of men and women. This evolution has been characterised by the policing of physical orders and the production of racialised boundaries, primarily studied by the social sciences in North America and Western Europe (Fassin, 2011).

For instance, Fassin (2011) conducted an Anthropological study highlighting the renewed role of the nation-state to impose a surveillance apparatus of the frontiers and the territories, regimes of exception for the detention and deportation of unlawful aliens, also the study find out a dramatic decline in the right to asylum, sometimes replaced by forms for discretionary humanitarianism. These logics are embodied in the daily work of bureaucracies as well as in the experience of immigrants.

More generally the optimism of the sociology of assimilation, which according to Waters and Jiménez (2005), posits the success of contemporary societies with their aliens, particularly in the United States, obscures the “coercive efforts to build a nation-state society by excluding outsiders via control of external borders and to distinguish between members and unacceptable residents of the territory – through regulation of the internal boundaries leading to citizenship and legal residence” (Waldinger and Fitzgerald, 2004).

Therefore, to emigrate can be seen as a political decision, a revolt in the very depths of one’s soul. Shorris (2004), has reported that migrants arrive politicized, prepared by the act of immigration itself to take part in the vita active of their new country. “Their hope knows no limits”. Shorris (2004) has reported that “the first US soldier to die in the war on Iraq was a Guatemalan immigrant”. Neither he was a US citizen, nor died for the country of his birth but rather for the country of his dreams.

In modern societies, immigration is a crucial issue, and a major object of modern governmentality. Governmentality includes the institutions, procedures, actions, and reflections that have populations as object. Lewis (2007), reported that during the 1930s immigration came to be seen as a problem and immigrants were turned into potential threats in the aftermath of the economic crisis and in a context of rising perils. Their rights were restricted progressively, and with an increased aggressive policing.

This is in line with Palidda (2011) argument that, “the production of illegality by the state has been described as a ‘racial criminalisation of migrants’ in Europe to underline its almost exclusive focus on African aliens” (Fassin, 2011). Fassin (2011) goes on saying that, an administrative apparatus has been developed at the borders and within the territory to control immigration and hunt down the undocumented, also to adjudicate the refugee status

and guard the detained aliens, as a result of the deployment of restrictive and repressive policies of immigration. According to Fassin (2011), in spite of its marginality or maybe because of it – “immigration has therefore become one of the most crucial sites where democratic states are put to the test”.

Similarly, Cuprik (2013) cited in a study conducted by the International Organisation for Migration (IOM) in Slovakia about immigrant experience of violence, centred on 690 individual reactions stating that “forty-three percent of migrants to Slovakia have experienced ‘lighter forms’ of violence in public, at home or at work, while 15 percent have experienced ‘serious expressions’ of violence”. The study has reported that more than half of the migrant surveyed reported negative experiences with the Border and Alien Police Department, with which migrants are required to deal if they wish to obtain official documents like residency permits. Almost 20 percent of the participants in this study reported frequent or consistently negative experiences with this institution (Cuprik, 2013). When reporting on violence, the IOM has utilised the definition of the World Health Organisation (WHO) which states that violence is “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation” (Cuprik, 2013: 1).

In line with this study, the IOM states that there are differences between different groups of migrants and their experience of various forms of violence by giving an example of 18.7 percent respondents from the African community and 9.9 percent of migrants from majority Muslim countries participating in the study who said that they had experienced a physical attack motivated by their ethnicity or appearance (Cuprik, 2013). Such experiences may “lead many migrants to give up on expressing their cultural or ethnic identity and employing a range of preventive strategies, such as avoiding public transport, some public areas and places, or hiring private education for their children”, the IOM 2013 report states.

In addition to the above, a study examining migrant and violence in the context of the largest sustained labour migration in the world suggests that international migrant is associated with a broad range of changes in health status and exposure to health risks, with exposure to violence as an area of concern. The study suggests that the vulnerability of migrants during transit between countries, and the risks associated with disadvantage in their destination country put this group at a particular risk (Borges et al., 2013). This study acknowledges the violence risks of which migrants are exposed to in the host country. The focus of the study is on

Mexican living in the US. The study acknowledges Mexico to be a society which has witnessed a large increase in violence in recent years.

3.3.1. Detention and Deportation

The control of migration does not involve only bureaucracies, but also, it supposes technologies for the surveillance of the borders and the territory, as well as for the detention and deportation of illegal aliens. However, it should be certainly reminded that there is a long history of deportations in Europe, including during World War II, when Jews and Roma were transported to Nazi extermination camps, but also in the United States during its entire construction as a nation, marked by the exclusion of Native Americans and removal of Chinese settlers among others (Kanstroom, 2007).

Fassin (2011) argues that *“instead of the protection for which they strive, asylum seekers are increasingly the objects of repression all over the world, as repeated abuses and killings of refugees in Morocco, Egypt, or China, among others, have been reported in recent years”*. The paradox, is that *“asylum is disqualified both quantitatively and qualitatively, states develop increasingly sophisticate instruments to scrutinize the ‘truth’ of the applicants who, in the great majority of cases, will be rejected and end up added to the pool of illegal aliens after they have exhausted every possible appeal”* (Fassin, 2011: 221).

Traditionally, immigration law has been used as a mechanism of “social control”. Hence, the Professor of Law, Daniel Kanstroom, has argued that “social control deportation laws” threat all non-citizens, including legitimate permanent residents such as green card holders, as ‘eternal guests’. He goes on stating that their presence is ‘legal’ or not depending on the whims of the citizenry (Kanstroom, 2007). Nonetheless, the bifurcated administration that identifies some immigrants as “legal” necessarily designates others as “illegal.” These illegal residents are then scapegoated by xenophobes converting them into criminals in the public consciousness (Cuauhtémoc, 2008).

The scapegoating blurs the distinction between ‘legal’ and ‘illegal’ to the point that a simple minor infraction – for example, failure to report an address change; or doing something that years later may become grounds for deportation even if at the time it was not – can leave a person without legal authority to remain in the country. Cuauhtémoc (2008), concludes by stating that, *“deportation or the threat of deportation will persist if the law continues to sanction the presence of some individuals while condemning the presence of others”*. He again argues that for advocates of immigrants’ rights to adopt the existing diverged position, is to admit that the exclusionary rhythm that has guided immigration law for over a century, even in a more

humanitarian version – yesterday targeting Chinese, Japanese, Jews, Irish, and Italians, today targeting Latina/or and Arabs is acceptable, it is not (Cuauhtémoc, 2008).

In an article *“No Human Being is Illegal”* Cuauhtémoc (2008), argues that *“No matter how carefully orchestrated, deportation dehumanises people who come to this country to work hard. Through their labour, they produce the many luxuries to which we have grown accustomed – clean offices and classrooms, tasty and inexpensive food at restaurants and in grocery stores, new homes, and a well-equipped military (courtesy, in part, of the New Bedford workers)”*

A radically reformulated scheme of laws that will abolish the distinction between the favoured and the disfavoured is needed instead of limiting criticism that some people are worthy of inclusion while others are not which is the most unpleasant consequences of deportation, the very premise of deportation. Therefore, it can be argued that the left has yet to develop and advance its own immigration framework since the advent of modern immigration law over a century ago. This work is long outstanding and instantly needed. Cuauhtémoc (2008) however, argues that *“whatever the specific contours of a left platform, this new immigration law regime must be rooted in the activist contention that no human being is illegal. That is, human prosperity must not be viewed as zero sum game that pits insiders against outsiders”*. Therefore, a suitable commencement might be the vision offered by lawyers –turned –poet Martin Espada who dreamed of *“refugees deporting judges, immigrants crossing the border to be greeted with trumpets and drums”*.

3.3.2. Refugees and asylum seekers

In reference to definition of the Geneva Convention, *“a refugee is someone who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear is unwilling to avail himself of the protection of that country”*. Whereas *“an asylum seeker is someone who has left his/her country of origin, has applied to be recognised as a refugee and is awaiting a decision from the new government”* (Bhugra et al., 2011).

However, Bhugra et al. (2011) conducted studies focusing on exposure to violence in refugee populations. The exposures in these populations tend to be tremendously high, mainly due to pre-migration anxieties which were the fundamental causes of dislocation. For all migrant groups, Refugees can be seen as the most vulnerable to mental and physical ill health. Including to their vulnerability is lack of preparation attitudes of the new country, poor living conditions, poor or lack of employment and variable social support. Again, it can be noted

that in some refugee groups, rates of mental disorders may be high, those of common mental disorders are twice as high in refugee populations in comparison with economic migrants (Lindert et al., 2009).

One example is the case of refugees in Egypt during the Mubarak regime. Jones (2012) reported that for many refugees in Egypt the weeks of the revolution were marked by isolation, fear and brutality. He stated that “in the aftermath of the revolution, the promise of greater freedom has not yet been extended to refugees”. The report goes on showing that, in the heady days of the Arab Spring in 2011, even as protesters in Tahrir Square took up a chant proclaiming “We are all Egyptian”. It can then be noticed that many refugees and immigrants in Egypt were facing amplified xenophobia, overt racism and ferocity. In 2011, the Egyptian Foundation for Refugee Rights (EFRR) recorded its busiest year as the number of refugees complaining of arbitrary arrest and detention, acts of violence and acts of discrimination increased by over 20% (Jones, 2012). Until recently refugees in Egypt found a reception policy that has been characterised as ‘benign neglect’. The lack of access to public schooling, discrimination in employment and housing, arbitrary arrest, and criminal victimisation (by both Egyptians and other refugees), were the chief complaints by refugees before the revolution.

The propaganda of the weakening Mubarak regime that “the country was under siege from foreign agitators” – in conjunction with the notion that “refugees were in Egypt thanks to the policies of the Mubarak regime” triggered extensive aggression, refusal of services, profiteering, threats and violence against refugees (Jones, 2012). One example is a case of a 49 year old single mother who is an Iraqi refugee, was accused of hoarding weapons and being a foreign instigator by a neighbour. Consequently, her home was raided by the Egyptian military and she was forced to find housing elsewhere.

According to Jones (2012), the primary responsibility of the states is to protect and assist crisis-affected individuals residing on their territory in a way consistent with the international humanitarian and human rights law. Therefore, states should allow humanitarian access to crisis-affected individuals, so that humanitarian assistance can be provided by other states, where needed, including those whose nationals have been affected and other relevant actors.

Additionally, Anani (2013) reported that in early September 2013 the United Nations for Human Rights for Refugees (UNCHR) estimated the number of Syrian refugees in Lebanon at 720,003 and the number of displaced is still rising. However, rapid assessments were conducted by numerous local and international organisations to better understand the

greatness and impact of the crisis on displaced Syrians in Lebanon. Thus, overcrowding, inadequate access to basic services, rising rent and food prices and competition for the limited work opportunities were some of the main issues identified by these assessments. The assessments also aided to classify women and children as among the most vulnerable groups, merely by virtue of belonging to a particular gender, a certain age group or social status. Consequently, this then shed light on the increase in sexual based gender violence (SBGV) among the refugees and the need for humanitarian agencies urgently to develop a tailored response to reduce this form of violence.

The findings of this study demonstrate that both focus groups and key informants alike identified rape and sexual violence to be the most extensive form of violence faced by women and girls while in Syria. Whereas, intimate partner violence (IPVO, early marriage and survival sex were identified by adult women and adolescent girls as other forms of violence experienced since arrived in Lebanon. Hence, it is unfortunately that this study has reported minimal coordination and lack of adherence to international standards of humanitarian assistance to be the hindrance of women's and girls' ability to have access to the services claiming discrimination and mistreatment to be the key barriers to accessing services (Anani, 2013)

It can therefore be argued that sexual exploitation or non-consensual 'survival' sex occurs when women and girls exchange sexual favours for food or other goods, or money to help pay the rent, especially in Lebanon.

“And if you want other help from other NGOs you should send your daughter or your sister or sometimes your wife... with full make-up so you can get anything ... I think you understand me.”(Participant in focus group discussion)

A study aimed at investigating the nature of violence that sub-Saharan migrants experience around and in Morocco using community based participatory method, has demonstrated that “international organisations signal that human, asylum and refugee rights are not upheld in Morocco and that many sub-Saharan migrants suffer from ill-health and violence” (Keygnaert et al., 2014). The findings of this study shows that among 154 sub-Saharan migrants interviewed, 90% reported cases of multiple victimisations, 45% of which was sexual, predominantly gang rape. Seventy-nine respondents were victimised and 18 others knew of peer victimisation. Whereas, severe long lasting ill-health consequences were reported although sub-Saharan victims are not allowed access to the official health care system (Keygnaert et al., 2014).

The physical, emotional and socio-economic violence has been reported in this study. For example Maryam, a 25 old female from Mali living in Morocco was quoted saying that *“it happens sometimes when I go to the grocery store, there are Moroccans who insult you, call you ‘filthy nigger’, ‘slave’, they throw stones at you or if you are unlucky, they spit on you. And this every day; you need a strong heart to walk the streets here in Morocco”* she said.

The study acknowledges that in nearly all reported cases, socio-economic violence included situation such as stealing of money, resources and mobile phones and to a lesser extent of being denied access to basic services such as food or healthcare. For example Venedict, a 30 year old male from Cameroun was quoted saying that *“Money, clothes, jewels, everything you have: they take it all and then they throw you towards the desert over there”*.

Primarily non-life threatening episodes of multiple physical violence consisting mostly of severe beatings and slapping were reported by respondents referring to physical violence.

For example Celestine a 38 year old female from Rwanda, was quoted saying that *“It happened here in Morocco during the refoulement, a young girl and a young boy got their legs broken by the Moroccan military. They refused to enter the truck used for the refoulement, and the soldiers hit them”*. The physical violence was yet, in a few cases life-threatening engendering a fatal outcome. Here an example of fatal outcome of the physical life-threatening reported by Elisa, a 29 year old female from DRC: *“He arrived at the Medina [in Casablanca] and a group of Moroccans came out of the Medina to attack my brother in law. They attacked him and hit him until he was half dead. Eventually, he was taken to the hospital where they tried to reanimate him to make him regain his health, but it was too late, he already died”*.

These evidences demonstrate the suffering of foreign nationals on a foreign land, their vulnerability of being refugees exposes them to both potential and motivated offenders in the host communities, subjecting them to different sort of victimisations. Studies consulted in this review of the literature have been conducted to demonstrate the victimisation experiences of foreign nationals globally, have failed to demonstrate the nature and function of coping mechanism employed by foreign nationals. This paper will cover this gape when applying the same study on the victimisation experiences of a group of foreign nationals living in the city of Durban.

a. Sexual violence

As per the findings, sexual violence was reported to be the most common form of violence in all reported violence. Sexual violence types range from sexual harassment which is of non-physical contact, over sexual abuse involving physical contact but no penetration to rape and sexual torture with penetration. The findings demonstrate that sexual harassment episodes consisted mostly of cases in which the victims were publicly forced to undress or threatened with rape. Here an example of Fabrice, a 30 year old male from Ivory Coast: *“They asked the women to undress in front of the men, just for their pleasure, and to dance. They were completely naked, in front of everybody. Without shame, just like that. It was horrible”* he said.

In addition, the study reveals in the case of sexual abuse that “sexual abuse consisted primarily of unwanted sexual touching and clothes being torn to reveal body parts, again mostly in group. Searches were sometimes used as pretexts for unwanted touching or penetration of private parts”. For example, Vanessa a 21 year old female from Central Africa was quoted saying that *“there was already one touching my breasts. They said if my husband would not give them money, they would do whatever they liked with me”*

The findings demonstrate rape to be the most common form of sexual violence. Rape by itself was predominantly consisted of gang rape, with at least two to more than ten committers raping at least one victim at the same time; or of multiple rapes, where one or more committers raped the victims successively for a longer period of time. The impossibility to resist or escape was stressed by the victim and co-migrants who were forced to watch. An example from Beyoncé, a 23 year old female from Cameroun: *“They brought us to an olive tree field, so they could do whatever they wanted with us. They raped us. They were seven. We were six girls, so you can imagine, it was not easy, and it’s life.”*

Nonetheless, forced prostitution and forced transactional sex in return for promised food, shelter, and security or pass-through constitute sexual exploitation. Here an example of Agnes a 28 year old female from Rwanda: *“He brought me to this man who gave me water, food, and a shower. Then he told me that this man helped many migrants, but that I would need to work like the others. I asked what I would do: he told me to be a prostitute and he would take the money.”*

In reference to the above study, it can then be concluded that sub-Saharan migrants are at high risk of sexual victimisations and subsequent ill-health in and around Morocco (Keygnaert et al., 2014). However, from this study, it can be stated that “If not being personally victimised, many are forced to witness how their relatives or co-migrants are victimised by Moroccan or Algerian officials and/or by gangs of sub-Saharan chairmen who function as

unofficial yet rigorous migration professionals”. Hence, it can be noticed that the ways in which sexual violence is performed, bears many similarities with “sexual violence as a weapon of war”. Despite that numerous sub-Saharan young and child migrants pay for the passage of a group with their bodies, putting in danger their personal health and the ones of those who have to witness the victimisation, this does not seem to be the case whereby official authorities do politically care about the lives victims. It is therefore recommended that a comprehensive cross-border and multi-level prevention actions should urgently be called for.

In line with sexual violence, a study conducted in Belgium and Netherland among refugees, asylum seekers and undocumented migrants has demonstrated how these groups suffer sexual and gender violence. A study consisting of 223 in-depth interviews were conducted with refugees, asylum seekers and undocumented migrants in Belgium and the Netherlands, by using community based participatory research method. The findings demonstrate that more than half of the reported violent experiences comprised sexual violence, including rape and sexual exploitation (Keygnaert et al., 2012), it was also found by this study that refugees, asylum seekers and undocumented migrants in Belgium and the Netherlands are extremely vulnerable to violence and, specifically, to sexual violence (Keygnaert et al., 2012).

However, sexual violence and gender-based violence (SGBV) are globally known to be a major public health issue, but also a violation of human rights and in some cases a crime against humanity, which is described by Act 7 of the International Criminal Court (ICC) Statute as acts “such as murder, deportation and rape”, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (Letschert, 2011: 11-12). This finding demonstrates how these non-nationals are treated in these countries but the study has failed to demonstrate the coping mechanism employed by the victims who participated in the research, it has failed to demonstrate what has been done by the government and NGOs to intervene in the protection of these vulnerable people.

In the same study, a qualitative and collaborative approach focussing on inequalities and aiming to improve the health and well-being of community members by integrating knowledge in action, including social and policy change were organised around the notion of Community-Based Participatory Research. Two participants both females were recorded reporting to have experienced a major setback in their socio-economic position:

“You are not allowed to work, only to breathe”. (Parvaneh 37, Iranian asylum seeker).
“You cannot do anything, because you are not a human being”. (Bohan, 20, Kurdish asylum seeker)

Also, participants designated having poor social networks to rely and build on and being hindered in partaking actively in society obstructed their social functioning, hence, lack of social integration in these communities. The lack of social integration in the community is a major problem for non-citizens because they are limited to expand themselves in terms of jobs and education. For instance, Zoran, 23, Kurdish asylum seeker who were quoted saying that *"I have no hope for the future; I lived in a reception centre without any contact with other people"*.

Successively, several respondents perceived their asylum situation as a form of violence, also many indicated suffering from the psychosocial burden of low subjective social status. For instance, Hawar, 19, Kurdish asylum seeker was quoted saying *"This family had no right to work, to social support, to rent a house, to have an own account and after four years in the asylum centre they had to leave Belgium. Where are those human rights then here? Nowhere; that's violence too"*! He said.

Again, the bulk of sexual violence cases consisted of rape with multiple and gang rape appearing to be common practice. Hence, sexual harassment, sexual abuse, and sexual exploitation were also described. Micha, a 25 year old Russian female, was quoted saying that *"This was awful! That bunch of naked men with burning eyes, they started to fuck me all, it didn't stop"*.

The emotional-psychological violence consisted typically of humiliation, imprisonment and emotional-psychological abuse related to the asylum process. In the Netherlands, 68 versus 39% respondents reported nearly twice, as much emotional-psychological violence than in Belgium: An example is of Esrin, 26 Kurdish, asylum seeker who said that *"Hitting is better than talking. What he said hurt me more than getting slapped. Sometimes being hit is easier to cope with than psychological torture"*.

Additionally, beating, punching or kicking have been recorded to be physical violence that took the form of non-life threatening. For instance Salar, a 31 year old Afghan refugee said that *"they were six and hit me so hard on my head that I fell down unconscious and lost a lot of blood"*. This form of violence can cause not only physical harm but also psychological long term trauma in the person.

However, the denial of legal assistance or obstructive practice related to the asylum procedure, the denial of services such as health care and discrimination, racism, were most frequently considered as socio-economic violence. One example is the findings showing that 42 versus 19% respondents in the Netherlands reported more than twice as much socio-

economic violence cases than those in Belgium. For example Biixi, a 42 Somali refugee was recorded saying that *“I lived in constant fear and anguish and was not given the prescribed medicine that I needed. I was living in constant pain for days”*.

Harmful traditional practices were mainly honoured-related or involved forced marriage or child marriage: example of Shahrukh a 39 Afghan refugee reported that *“when her father heard that his daughter was raped, he killed her. He couldn’t face us fellow citizens anymore after this terrible thing”*

Similarly, a population-based survey of the Central African Republic (CAR) among female refugee population displaced to rural Djohong District of Eastern Cameroon has demonstrated that sexual violence is common among refugees and host population in Eastern Cameroon. The study acknowledges that most often, perpetrators are partners/husbands or armed groups (Parmar et al., 2012).

Following a decade of political instability in the Central African Republic (CAR) that has led to civilian insecurity in the north-western region of the country, 300, 000 people have been internally displaced and another 80,000 have fled across the western border into Cameroon as indicated by the Security Council, and the United Nations high Commissioner for Refugees (UNHCR) 2010 reports (Parmar et al., 2012). The findings reveal that among the female refugee population, 40.8% have experienced sexual violence during their lifetimes. However, multiple perpetrator of sexual violence, committed by soldiers/rebels has been reported by a total of eight female refugee heads of household. **(Chapt 2; see, 2.1.2.3)**

Sexual violence perpetrated by a friend or a member of the community, has been reported to be the experience of 42 females amongst 208 female heads of household. Refugee survivors of sexual violence described the perpetrator as a friend or member of their community 15.6% of the time, while the affected female host population reported the perpetrator as friend or member of their community 21.2% of the time (Parmar et al., 2012). In this study, several women reported being attacked on their way to the market or their farm, **(Ref. Chapt 2, routine activities,)** whereas a small percentage of women in both populations reported been attacked while searching for wood (Parmar et al., 2012).

In conclusion, it is globally well-known that “SGBV is a major public health issue, a violation of human rights and in some cases a crime against humanity”. These findings demonstrate how foreign nationals are treated in these countries but the study has failed to demonstrate the coping mechanism employed by the victims who participated in this study, it has failed to

demonstrate what has been done by the government and NGOs to intervene in the protection of these vulnerable people.

3.3.3. Peer acceptance and victimisation

Fandrem et al. (2012), conducted a study with a sample of 97 native adolescents and 59 immigrants' adolescents attending 10 grades 8, 9 and 10 classes in the multicultural urban Norwegian secondary school. The study focused on peer groups and victimisation among native immigrant adolescents in Norway. This study compared different forms of peer victimisation in native Norwegian and immigrant young people, by combining the predictions of the acculturative stress model with the social-ecological perspective of peer victimisation. It also explored whether depressive symptoms and the ethnic composition of peer groups in multicultural classes were related to levels of victimisation. However, in line with the predictions of the acculturative stress model, young immigrants reported high global victimisation compared with native Norwegians.

According to Berry et al. (2006), it is well established that immigration is associated with poorer psychological health such as depression, loneliness or lower self-esteem. From the acculturative stress perspective, immigration is an inherently stressful life and causes psychological health problems when immigrants do not have appropriate skills and strategies to cope successfully with the stressors (Fandrem et al., 2012). These psychological health problems may operate as vulnerabilities for peer victimisation among young immigrants.

The most salient characteristics of victims are intrapersonal problems such as anxiety, low self-esteem and depressive symptoms, or interpersonal problems such as peer rejection. According to Strohmeier, Strohmeier et al. (2008), it is possible that victimised immigrants are more often isolated, because they may have problems being accepted by native peers and are therefore also more likely to be targets of peer victimisation. Victimisation is associated with a variety of intrapersonal problems and numerous studies (Davidson and Demaray, 2007; Hawker and Boulton, 2000; Strohmeier et al., 2008) have shown that depressive symptoms are a very relevant correlate.

A study investigating peer acceptance and victimisation of immigrant and Swiss children in Kindergarten classes has discovered that immigrant children showed fewer acceptances by peers and were more often victimised than their Swiss peers (von Grünigen et al., 2010). According to von Grünigen et al. (2010) a number of studies in Switzerland and Germany have demonstrated that foreign children are at risk of rejection in their school classes in terms of sociometric status. However, a review of studies from 20 years found a notable continuity

of discrimination against foreign schoolchildren in Germany, showing that they had outsider roles (von Grünigen et al., 2010). Additionally, 726 juveniles' interviews analysed by Popp, 1994 produced similar results showing that German students preferred peers of their own nationality for leisure time activities and friendship relations. Again, a recent Swiss study involving 2, 129 elementary schoolchildren confirmed that "foreign children were clearly less accepted than their Swiss classmates even if they had comparable school achievements" (von Grünigen et al., 2010).

Similarly, Strohmeier and Dogan (2012) conducted a study aimed at investigating victimisation experiences and emotional problems of nationally and internationally migrated youth in Australia & Turkey among youth aged between 12 & 15. The findings of the study reported a higher level of peer victimisation among international migrated youth. The result showed that the high levels of depression and social anxiety were indeed associated with high levels of victimisation among national and international migrants. In turkey, many adolescents who have moved from the eastern part to the western part of the country are national migrants. However, the study associates the impact of national and international migration experiences on the levels of emotional difficulties (such as depression, anxiety, loneliness, and self-esteem) and peer victimisation, and also tests whether emotional difficulties help to explain the associations between migration experiences and peer victimisation. It is also found that a substantial proportion of these international migrants residing in Australia come from Turkey.

According to Strohmeier and Dogan (2012), the national and first generation international migrants had higher levels of depression and social anxiety and lower levels of self-esteem compared to non-migrant Australians in line with the predictions of acculturative stress model. High levels of anxiety and depression has helped to explain high levels of victimisation among youth who experienced resettlement (national and first generation international migrants) as per the suggestion of the finding in this study, indicating that acculturative stress works as a risk factor for peer victimisation.

While the migration experience of people who moved from one country to another country is defined as international, people who move within the same country are classified as national migrants (International Organisation for Migration 2010). According to Berry (2006), "*migration is an inherently stressful life event because of resettlement and the challenges related with acculturation*". It is better well established that international migration is associated with poorer psychological health, including depression, loneliness and low self-esteem (Berry et al., 2006).

In Australia, studies splitting internationally migrated youth according to their ethnic background showed that they were either lower or at equal risk of being victimised by their peers compared to native youth (Strohmeier et al., 2008). Similarly, very little compassion, rather humiliation and degradation in the form of unjust stereotyping, prejudice, bias and discrimination were reported by immigrant participating in a study conducted amongst immigrants in five inner city schools in Johannesburg South Africa. This study aimed at describing how xenophobia is experienced by a small selection of immigrants' participants (Kruger and Osman, 2010).

3.4. The South African Perspective

South Africa has provided a home for human settlement since very early times. The presence of Homo sapiens goes back perhaps 125, 5000 years. These 'first South Africans', were followed much later by hand-tool makers of the Middle Stone Age, probably 40,000 years ago. Since the first arrival of human beings, the region has been occupied by small mobile groups of hunter-gatherers living in nuclear families which aggregated and dispersed in relation to ecological necessity, so as to manage food resources (Davenport and Saunders, 2000)

The Khoisan people, called San hunter-gatherers who are likely descendent of the Late Stone Age peoples may never have exceeded 20,000 in number. Khoikhoi, numbering at most 100, 000 people when the Dutch arrived, according to Elphick's calculation lived mainly along the Orange and on the coastal belt stretching from Namibia to the trans-Kei. They possessed fat-tailed sheep of Persian origin and cattle – generally the long-horned strain from which the modern 'Afrikanders' emerged, rather than the lighter Sanga strain possessed by the Nguni. They conducted a trade with their Bantu-speaking neighbours in cattle and dagga, and to a small extent iron and copper. They also interacted and to some extent intermarried, with Cape Nguni, Tlhaping and other groups.

However, on 6 April 1652, Jan van Riebeeck arrived with three ships to settle in Table Bay. However, when Simon van der Stel arrived as a governor in 1679, twenty settlers were granted land beyond the dunes of the Cape Flats which became the district of Stellenbosch. The immigration for white women, was then encouraged by the granting of farms to private citizens, though for many decades after the settlement the proportion of men to women among the settlers remained very high (Davenport and Saunders, 2000: 3-22). Hence, Zondi (2008) states that, South Africa is a society of immigrants that came from Europe, Malaysia, and China, India and from Africa north of the Zambezi. However, long before it was forced into

exile, the African National Congress (ANC) declared through the Freedom Charter that the country belongs to all who live in it, thus establishing a normative framework for ensuring inclusive citizenship in what Benedict Anderson would call an imagined community or nation (Anderson, 2006). Peberdy (2009) stated that South Africa has always been a migrant-receiving country.

Nonetheless, this trend has continued and there has been a growing influx of migrants across South Africa's borders in the post-apartheid South Africa. Thus, thousands of migrants from predominantly African countries have entered South Africa due to political instability and economic hardship seen as push factors in their home countries; also attracted by economic opportunities available in South Africa as the pull factors to migrate to the country (Mosselson, 2010). Crush and Williams (2005b), reported the majority of those who migrate being either temporary work-seekers or economic migrants, asylum seekers, or undocumented migrants. Waller (2006), demonstrated that the exact figures of migrants in South Africa are elusive but the estimates range from an alarmist twelve million through seven million, and five million down to a conservative three million. Although an exact figure is therefore unobtainable, the public imagination has been gripped by visions of floods, threats and foreign invasion (Murray, 2003).

Nonetheless, South Africa opened up internationally and was exposed to global trends, both economically, politically and socially including crime influences and migratory patterns, following the first democratic elections held in April 1994, to a far greater extent than was the case prior to April 1994. However, the increased inflow of migrants can be seen as one of the consequences of all this, not only those who legally migrated to the country but also refugees, asylum seekers, so-called "over-stayers" and undocumented immigrants (Davis and Snyman, 2005). Unfortunately, the expression of xenophobia has been a specific feature of the post-1994 movement of migrants to South Africa. In South Africa, there still exist considerable abuses of foreign migrants by public officials and its populace even though the country has made considerable progress towards instilling a human rights-based culture in its people since 1994 (Harris, 2001).

Generally speaking, foreigners have been commonly blamed by many politicians, the press, and government departments such as the SAPS, The South African National Defence (SANDF), the DHA, and the public at large, particularly those in the informal settlements, for exacerbating social problems. Rising crime and unemployment to the spread of diseases such as malaria and Aids are some of the social problems for which foreign nationals are blamed for in South Africa. (Davis and Snyman, 2005). However, the main thrust and public visibility of

this debate has centered on the growth in xenophobia. Hence, migrant labor, internally displaced persons, the trafficking in women and the smuggling of people by syndicates, have been additional issues. Conversely, the treatment of all foreign migrants in South Africa, regardless of their legal or illegal status, has at best been challenging over the years. Exploitation and abuse abounds from both officials within the system and members of the general public.

Therefore, violence against foreign nationals has been an on-going feature of post-Apartheid South Africa. Previous studies (Bekker, 2010; Botha, 2012; Culbertson, 2009; Dodson, 2010; Everatt, 2011; Polzer, 2010) have been conducted to demonstrate the suffering of foreign nationals within South Africa. While the most intense of attacks took place in May 2008, similar patterns of violence began long before and have yet to stop. Studies have shown that violence against foreign nationals typically occurs in locales with high levels of economic deprivation, high percentages of males' residents, high levels of informal housing, and high levels of language diversity (Misago and Monson, 2010; Polzer, 2010).

Nonetheless, Landau et al. (2005a), argued that despite the fact that South Africa has made commitments to all who live in the country, regardless of citizenship, nationality, or country of birth, the current legal practice and legislation which is under consideration threaten its ability to deliver on these promises. Unless the exclusion of a category of persons is expressly provided, the South African Constitution (1996) applies to all persons residing within South Africa including foreign nationals, even though it does not have extra-territorial application.

The CHR (2009) reported that xenophobia manifested in violence in and around Pretoria and throughout the country. The violence which was authored and executed by fellow members of the community, involved not only death and serious bodily harm, but also arson and theft of victim's personal property. In fact, according to the CHR (2009); theft and looting was one the items on the agenda of the perpetrators; no distinction was made between documented and undocumented migrants or distinction based on the place of origin of the foreign nationals. The target description, were "foreigners". Thus, the experience of migrants in South Africa, gives then belief to the view that 'human rights operate at the rhetorical level and that there is an inability to translate them into tangible benefits'.

For instance, a study exploring the experiences of African migrants in relation to South African citizens in the curse of xenophobic violence in SA were conducted among 44 migrants both men and women aging from 18 to 50 years. The findings of this study demonstrated that in 2008, severe xenophobic attacks erupted in SA as a result of civic tension caused by poor

service delivery of the government. According to this study, black African migrants, who came to SA to find employment, for better job opportunities, or to further their education, or as refugees, became the victims of rage and violence (Chigeza et al., 2013). The report stressed the severe beating of many of the migrants, stating that some were burnt alive, and some of the women were raped (Chigeza et al., 2013). According to (Dodson, 2010; Nell, 2008), more than 60 migrants were killed. The migrants' houses and businesses were destroyed, leaving several thousands homeless; many were also subject to verbal slights and insults (Crush and Ramachandran, 2010; Neocosmos, 2008; Steenkamp, 2009).

3.4.1. Xenophobia in South Africa

Xenophobia attack began very early in human history. They were fuelled by the notion of difference, typified by “the other” – strangers and settlers of a different skin pigmentation, customs and faith, who appear unwilling to dissolve into their host community. The “strangers” were perceived to be “arrogant” if they maintained their customs, “exploitative”, if they were seen to be more successful than their hosts, and “bigoted, “if they adhered to their religious beliefs (Olukoju, 2011).

Olukoju refers to the history of Jews saying that, throughout their recorded history, Jews experienced (and still face, in certain places) discrimination in foreign lands on the basis of their “difference.” In later time, Jews have been victims of the xenophobic concept of Anti-Semitism, a virulent form of race hate that spread across Europe and the Middle East, and beyond. Accordingly, Jewish minorities faced various forms of institutionalised discrimination leading to outright persecutions in Central and Eastern Europe, especially, Russia (where the term was invented in the context of Jewish xenophobic massacres) and Germany (Olukoju, 2011).

While the experiences of the Jews represent an extreme example of xenophobic attacks, especially in the face of stark differences between them and host communities, the same could not be said of Africa. The point must be stressed that xenophobic attacks might not even involve direct physical violence as illustrated by the expulsion aliens, their state-backed exclusion from certain economic activities or the legislated take-over of their business under various schemes of indigenization. The examples of Nigerians in Ghana and Guineans in Sierra Leone underscore this possibility. Nell (2009) states that during the seventies the Ghanaians for instance removed Nigerians from their country under the “aliens’ compliance order” In the eighties the Nigerians retaliated by chasing hundreds of thousands of Ghanaians out of their country.

To take a historical course, xenophobia did not originate from South Africa. Nor is it peculiar to the country. Australia, North America, Europe, United Kingdom, Japan and others have a long history of xenophobia. But before the widespread May 2008 xenophobic attacks by black South Africans against other black Africans in South Africa, xenophobia has also, for a relatively long period, been practised on South Africa. It is on record that apart from hating its black majority South African population, the white apartheid government of South Africa was also belligerent to neighbouring African countries and their black citizens (Oloyede, 2011).

Therefore, the outbreak of sporadic, and increasingly recurring and coordinated attacks on African immigrants in the Republic of South Africa, which reached a deadly height in May, 2008 exemplified the ramifications of xenophobia on the continent. However, the events of May 2008 merely climaxed a process that began soon after the demise of the apartheid state in 1991. As early as 1995, there were reports that armed gangs physically assaulted immigrants from Zimbabwe, Mozambique and Malawi in the Alexandria Township and even hauled suspected —illegal immigrants to the police station. The harassment of those nationals of African countries continued over several weeks in January 1995.

Xenophobic violence in South Africa commanded global attention when, in May 2008, armed mobs went door to door in Alexandra in (Johannesburg) to attack foreign nationals (International Organisation for Migrant, 2009), some of whom had lived as neighbours for many years. Misago and Monson (2010) report that in less than a month, “there were 134 separate violent incidents that left 62 people dead, at least 670 wounded, dozens raped, more than 100,000 displaced and millions of rands worth of property looted or destroyed”.

After the May 2009 attacks, violent victimisation against foreign nationals has continued and a more recent attack is the report of the Mail Guardian newspaper in Feb 2013, detailing the account of the Mozambican taxi driver Emido Macia who has died after being dragged by a police van and then beaten to death in Daveyton. On October 2012, Amnesty international reported that 600 small businesses run by asylum-seekers and refugees in South Africa’s Limpopo province have been forcibly closed across the province by the police conducting an operation known as “Hard Stick”. This operation involved seizing trading stock and forcibly closing the premises. Amnesty International (2010.1) reports that in February 2010, more than 130 adults and children, most of them Ethiopian refugees, were affected by violence in Siyathemba Township, 80km south of Johannesburg. They lost their livelihoods when an armed crowd of several hundred people looted and destroyed their shops. Some also lost their

homes as they were living in the shops. Nearly 60 people required emergency shelter and humanitarian assistance (Singh, 2011).

In line with xenophobia, Ilesanmi 2011 states:

The current xenophobic attacks happening in South Africa are a product of anti-immigrants feelings against foreigners moving across the borders of South Africa, especially people from Zimbabwe, Nigeria, and Mozambique Ilesanmi (2011: 243).

He argues that in South Africa, the locals call them the “Amakwerekwere” or (*‘Umuntu wondabu’*, used to signify illegal migrants from African countries, this word applies only to African foreigners but not to other foreigners from other continents) which is according to Bostick (2012) an informal term used by South Africans to identify African foreigners. This is an increasingly popular term in post-Apartheid South Africa, primarily because there has been an apparent increase in foreign Africans entering South Africa. The assumption is that Africans entering South Africa are somehow coming because they want to take part in the recent democratization and new freedoms of South Africa.

According to Ilesanmi (2011), hatred of the “Amakwerekwere” erupted in the streets of Johannesburg in 1997, when there were violent clashes between local street traders and competing foreign vendors. At the time, Minister of Home Affairs Mangosuthu Buthelezi described the influx of millions of illegal visitors as his “biggest headache”. This study reveals that abuse of Amakwerekwere on the streets by South African citizens has been compounded by the frequent ill-treatment that both legitimate asylum seekers and legal or illegal migrant workers receive at the hands of police and officials from the DHA (Ilesanmi, 2011). Such abuse includes arrest and re-arrest as well as extortion of rands by the Zulus and policemen, from the migrants. For instance, a Zimbabwean named Sibanda who like millions of others fleeing the economic and political disintegration in their country came looking for work in SA in 1986. He took advantage of a government amnesty in 1996 which allowed him to legalize his status. He reported that “when he had no papers, the Zulus and policemen treated him very badly”.

Some of the migrants also suffer forceful ejection from rented apartment by their South African landlords. All these attacks negate the dictates of Articles five, and nine of the Human Rights Laws (Banning et al., 2004).

Article 5: “No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”. Article 9: “No one shall be subjected to arbitrary arrest, detention or exile”.

Over the past years the law controlling immigrants has been changed, but its critics describe it as not much better than its predecessor, the Aliens Control Act. Consequently, xenophobic attacks and other offences are the recent and continuing acts of violence and human rights abuses being perpetrated in South Africa against migrants' workers, foreign nationals, asylum seekers and others refugees from other African states. These attacks deny or destroy the human dignity of others as put forward in human rights act (Banning et al., 2004).

Article 6: *“Everyone has the right to recognition everywhere as a person before the law”.*

Article 23: (1) *“Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”.*

Admittedly, Hall (2015) reported that between 2008 and the anti-foreigner riots of April 2015, 350 foreigners were killed in South Africa in what could be described as ‘xenophobic attacks’, separate from murders motivated by other reasons. Hall (2015) argues that *“South Africa’s flare-up of anti-foreigner rioting and killings in April 2015 is a repeat of a murderous spree that occurred in 2008, and indeed is a repeat of black-on-black violence in the country’s transition from apartheid to democracy”.* However, in April 2015, the stabbings, burning and murder that characterised often lawless townships where the progressive country’s poor reside in slum-like conditions went from local crime to an international scandal. The attacks on largely African nationals whom their assailants felt were robbing them of scarce job and commercial opportunities disturbed the relative serenity of the South African region, where an absence of armed conflict has prevailed for more than a decade; a relative tranquillity that Central, Eastern, Northern and Western African regions cannot claim (Hall, 2015). Nonetheless, despite that foreigners are accused of job stealing, still some South Africans think that the rise in drug in the country is due to the large number of foreigners who enter the country illegally, and initiate their children (local citizens) in dealing with drugs.

Additionally, the attacks also do not reflect the values of South African Constitution which is firm and clear in the recognition of the fundamental human rights of all who find themselves inside South African borders. These rights include:

the right to life, the right to personal security, the right not to be unfairly discriminated against and certainly the right to human dignity, equality, freedom from violence – whether from public or private sources – freedom of movement, not to be deprived arbitrarily of property, bodily and psychological integrity, access to health care, food, water and social security.

In line with the above, a survey conducted by Charman and Piper (2012) over 100 spaza shopkeepers in the city of Cape Town in Delft seeking to find out about their personal experience of crime and violence, has reported the experience of one Somali shopkeeper saying that *“five days prior to this interview, a group of mixed coloured and black locals robbed the shop of cash, airtime and cigarettes. Four had knives and one held a gun to my head. They got away with R3000 (\$447) of cash, R900 (\$134) airtime and three cartons of cigarettes (Charman and Piper, 2012). The report says that the victim did not bother to report the incident to the police because he believes that “the police won’t investigate and doesn’t want to be disappointed”.* The same finding quotes another informant reporting that *“I had experienced three robberies in the past nine months: first in October 2010, when ‘three black guys took R4000 in cash; a second time in February 2011, when two black men and one coloured man attacked the cashier, beat him and took his asylum papers as well as R8000 (\$1194) in cash; airtime and products; and the third in April 2011, when three black men and one coloured man stole R7 600 (\$1134) in cash and products” (Charman and Piper, 2012).* The study says the victim reported to the police but no arrests were made.

Correspondingly, a study conducted in Western Cape among foreign nationals from Burundi, Rwanda, Somalia, Sudan, Uganda and Zimbabwe, demonstrates that one participant’s workshop was destroyed, and the contents, including tools, were looted. Such vandalism and thefts resulted in a loss of livelihood: *“Whatever I worked for... went in the xenophobia violence. Because they looted everything, I had to calm myself. I lost a lot of things because of living in ... the camp”* Reported the participant (Vromans et al., 2011). In the same study, another participant described his sense of survivorship: *“The loss of this amount of money is not the first thing I have seen in my life. I have seen greater losses than this. I’ve seen much ... bodily harm ... I had that kind of thing; it’s not new. That has trained me to be strong in my ways of handling things” (Vromans et al., 2011).*

Again, informants in this study have provided at least a partial view of the experience of migrants seeking refuge during the May 2008. Informants’ narratives revealed recurrent victimisation. The men interviewed described the May attacks as reflections of a long-standing, ongoing pattern of assaults occurring in a menacing context of chaos and rumour. According to the study, the interviewees recounted rapes of foreign women, attempted murders, fights, stabbings and strong-arm robberies (Vromans et al., 2011). Described victimisation across a period at least 7 years, one participant summarized, *“We are disconnected. We are abused, verbally and physically, in trains and in buses and in taxis” (Vromans et al., 2011).* The same study reports discrimination that resulted in loss of jobs and other economic opportunities. For

example, one man told about employers' unwillingness to make accommodations to meet the travelling needs of displaced workers who were relocated to distant sites for their safety (Vromans et al., 2011).

In South Africa, the culture of impunity is particularly pronounced regarding xenophobic violence. However, Landau and Misago (2009) have reported that foreign nationals have been repeatedly attacked in SA since 1994 but few perpetrators have been charged and fewer convicted. Thus, the reasons for the attacks differ, with some blaming the contestation for scarce resources, others attribute it to the country's violence past, inadequate service delivery and the influence of micro politics in townships, involvement and complicity of local authority members in contractor conflicts for economic and political reasons, failure of early warning and prevention mechanisms regarding community-based violence; and also local residents claiming that *"foreigners too jobs opportunities away from local south Africans and they accept lower wages, foreigners do not participate in the struggle for better wages and working conditions"*. Other local South Africans claim that foreigners are criminals, and they should not have access to services and police protection. Foreigners are also blamed for their businesses that take away customers from local residents and the spread of diseases such as HIV/AIDS. Other South African locals do not particularly like the presence of refugees, asylum-seekers or foreigners in their communities (Landau and Misago, 2009).

Additionally, Landau and Misago (2009) go one stating that in some instances, state agents have actively protected those accused of anti-foreigner violence. For instance, before the May 2008 violence, some arrests were made at the different scenes of violence but most of them were released without charge due to community protests and mobilisation. The actual and perceived impunity with which perpetrators of xenophobic violence are seen to act can only continue to encourage the ill-intentioned to attack foreigners (Landau and Misago, 2009). **(Ref. Chap. 2. motivated offenders).**

A study conducted by Dodson (2010), reports that *"the attacks of May 2008 were indeed xenophobic, that their causes lie in a complex economic, political, social, and cultural factors, it went on stating that both contemporary and historical ordinary experiences of xenophobia were part of the everyday lives of African immigrants in South Africa"*. In May 2008, graphic images of violent attacks on foreign Africans living in SA – scenes of knife – and stick – wielding aggressors, wounded victims, burning houses, and even, in the most horrific photographs, a burning man – were seen around the world (Dodson, 2010). According to Igglesden et al. (2009), during two terrible weeks, citizens murdered more than 60 people, raped dozens, wounded close to 700, and displaced over a hundred thousand. In addition, Landau (2010)

has demonstrated that, along the way, perpetrators destroyed or 'redistributed' millions of rands worth of goods and hundreds of foreign-owned houses. Landau (2010), reports that "most victims were from beyond South Africa's borders, but a third were South Africans who had married foreigners, refused to participate in the violent orgy, or had married tune to belong to groups that were evidently not South African enough".

Nonetheless, many South Africans' unrest with foreign nationals is based on an assumed link between the presence of foreigners and threats to their property and physical security. However, a study conducted by Crush and Williams (2003), has demonstrated that nationally, 41% of South Africans feel that foreigners are a criminal threat. In Johannesburg, the country's 'crime capital,' Leggett (2003) reports that 63% of inner-city Johannesburg residents mentioned 'foreigners' as the group committing most of the crime in their area. Similarly, Landau and Jacobsen (2004: 45) argues that among 70% of Johannesburg residents who though crime had increased in recent years, almost three-quarters identified immigrants as a primary reason.

As with links between foreigners and South Africans' economic woes, political discourse regularly reflects assumptions of "foreign nationals" inherent criminality. In 1997, then Defence Minister, Joe Modise, remarked:

[A]s for crime, the army is helping the police get rid of crime and violence in the country. However, what can we do? We have one million illegal immigrants in our country who commit crimes and who are mistaken by some people for South African citizens. That is the real problem (cited in Human Rights Watch 1998:124).

Similarly, Landau et al. (2005a) reported the Johannesburg's Executive Mayor in 2004, who was quoted decrying the presence of "30 Nigerians on every street corner committing crime and undermining the city's safety and security"

However, "illegal immigrants" have been blamed by senior government ministers and official for placing strain on state resources or engaging in criminal activity (Crush et al., 2008; Steinberg, 2008). The report goes on stating that while the Lindela Deportation Centre has seen numerous rights abuses against foreign nationals, there have been incidents of police brutality and indiscriminate arrests of suspected foreigners in SA (Dodson, 2010). Dodson (2010) has also reported that the lives of foreign Africans living in South Africa are marked by discrimination, exclusion, and fear, regardless of whether they are newly arrivals or long established; legally or illegally resident; economic migrants, asylum seekers or refugees.

3.5. Migrant Workers and Victimisation

Throughout the ages, people have been leaving their homelands in search of work elsewhere. However, mobility of labour has been the foundation for economic development in many societies and has contributed to growth and prosperity in both host and source countries (Banning et al., 2004). Nonetheless, it can be argued that migrant workers play a vital role in the global economy, and today, one human being out of 35 is an international migrant (Ilesanmi, 2011). It is unfortunately that the cause of rising tension, particularly in the receiving countries, are the growing number of migrants due to the increased mobility of people from poorer areas to those better off. One problem is the perception of migrant workers as temporary guests, who will eventually go back 'home', when in reality they settle and become permanent members of society, entitled to rights as other citizens.

Nevertheless, poverty, and the inability to earn a decent living are traditionally major reasons behind migration from one to another country. War, civil strife, insecurity and persecution arising from discrimination are other factors allowing individuals to leave their home country to a foreign land (Ilesanmi, 2011). Nonetheless, migrant workers and their families frequently find themselves in situations of vulnerability in their host countries, partly due to their living and working outside of their state of origin. Migrants are then targets of suspicion and hostility because of their "aliens" status, in addition, they often share the socio-economic, and cultural handicaps of marginalised groups in the host country. Migrant workers however, often face discrimination in terms of employment: "exclusion from certain jobs, difficulty in access to vocational training and contracts that are inferior to those of nationals". They are also known to have been subject to inferior working conditions, they have been denied the right to participate in trade unions and employed illegally. Migrants are then at the mercy of their employers, forced to accept abhorrent conditions, in the worst cases amounting to modern day slavery or forced labour, incapable of seeking justice for fear of expulsion from the host country (Ilesanmi, 2011).

Nevertheless, Friebel et al. (2013) state that "migration is one of the most important ways through which workers can increase wages and their families' welfare". However, natives in host countries tend to fear that migrants increase unemployment among domestic workers and cause, lower wages, whereas, the overall effects of migration on host and source countries alike seem to be beneficial. According to Friebel et al. (2013), history is full of examples in which domestic workers took violent actions against immigrants in order to deter migration. The anti-immigrant violence in the nineteenth century New York, which was documented by Asbury (1927), the recent violence against Hispanic migrants in the USA or the xenophobic violence in

Eastern German after German reunification are inclusive examples of the violence against immigrants in the host countries (Friebel et al., 2013).

Similarly, a study conducted in the Middle East (Jureidini, 2010), shows that not only migrants' workers are victimised in the host country, but also the trafficking of migrant workers itself is violence against their human rights, hence, victims of trafficking for labour exploitation. Meaning, not only are they exploited, but also victimized by that act of being trafficked (Jureidini, 2010).

In this study the articles 13, 23 and 24 of the 1945 Universal Declaration of Human Rights are being violated daily against foreign domestic workers in a cruel, inhuman and degrading treatment manner in the Middle East, with restriction to freedom of movement; the right to free choice of employment, to just and favourable conditions of work; the right to equal pay for equal work; the right to form and join trade unions; the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay (Jureidini, 2010). All the above violence can be summarised as a discrimination against migrant workers, who are treated in an inhuman condition, by the host country or employers.

For instance, Cuprik (2013) argues that Ukrainian immigrants are especially vulnerable to abuse and forced labour. The study reports that more than 82 percent of Ukrainian men work more than 48 hours per week and only 10 percent of them said they did not experience any indicators of forced labour. They work mainly in low-paid positions like construction, warehouse or restaurant work, motivated primarily by pay.

In addition to the above, following social conflict that has been a continuous feature of Italian society over the last few years, Montagna (2013) has reported that the struggle of migrant workers, both documented and undocumented have intensified. The study reports the recurrent storming of temporary detention centres across the country; the slaughtering of seven migrants by local camorra on September 19th 2008 that has led to the revolt of a hundred migrants against racists' violence in Castelvoturno Naples.

According to the report, Italy has been one of the major countries of immigration in Europe in recent years, and migrants have become an important part of its society and labour market. Montagna (2013) argues that "The migrants experience in Italy is marked by geographical and occupational segregation, underemployment, lack of upward social mobility, gender discrimination (migrant women have lower rates of employment and are more likely to have an irregular income), lower pay, an average income significantly lower than that of Italians". Migrants are the first out of the labour market, they remain unemployed longer, and if

employed their skills are systematically unacknowledged. While they become an easy scapegoat and their criminalization increases, they systematically denied citizenship rights and their regularization becomes more difficult (Montagna, 2013).

A study conducted by Zegers de Beijl (1990) demonstrates that in Europe the majority of migrants still occupy the kinds of jobs for which they were originally recruited. For the most part they are poorly paid, low skilled, and have little access to training or promotion, but they do have much better access to unemployment. This is in line with discrimination of migrants in the labour market. It is well known that in many companies around the world foreign nationals are not well paid and most often are not paid according to their qualifications, this is another form of human rights violation that need to be addressed to ensure equality among people depending on their social classes.

In reference to the theoretical framework, this study refers to Lifestyle-Exposure theories of victimisation stating that the basic premise underlying the lifestyle-exposure theory is that demographic differences in the likelihood of victimisation are attributed to differences in the personal lifestyle of victims. An individual's lifestyle is the critical factor that determines risks of criminal victimisation (Meier and Miethe, 1993). Lifestyle is defined in this context as "routine daily activities, both vocational activities (work, school, keeping house, etc.) and leisure activities" (Hindelang et al., 1978: 241). People' daily activities may naturally bring them into contact with crime, or they merely increase the risk of crime that victims experience. Time spent in one's home generally decreases victim risk while time spent in public settings increases risk.

According to Meier and Miethe (1993), lifestyle and associations are expected to enhance one's exposure to risky or vulnerable situations that increase individual's chances of victimisation. This explains the victimisation of migrant workers, being first a vulnerable population that is exposed to employers who seek to employ cheaper labour. They are at risk of being victimised since the majority are undocumented and cannot claim their rights, hence, subject not only to exploitation, but also any kind of discrimination at working place.

In addition, those are greater differences in culture, language, work relationships, and coping mechanisms, as per the findings of a study conducted by (Kingma, 2008). This study was conducted among nurse migrant populations. In short, greater diversity in society and the workplace – offer many opportunities for excellence in transcultural nursing but also provide fertile ground for discrimination, harassment and isolation (Kingma, 2008). The findings demonstrate that migrant nurses are frequently victims of poorly enforced equal-opportunity policies and pervasive double standards. Thus, colleagues may purposefully pretend to

misunderstand them, try to undermine their professional skills, refuse to help, and sometimes even bully them, all of which increases the nurses' sense of isolation. Alice Winston, a Jamaican nurse, who remembers the prevalent racism in her US hospital perpetrated not only by native-born nurses but by other migrant groups can be an example:

“There was bias in the assignments and rostering. Colleagues would set me up to make mistakes. They would leave out vital information in the reports between shifts. The Filipino nurses would talk together in their language. They created a clique – I felt marginalised, an outcast. The other nurses intimidated me. Racism is scary. You get attacked because of your ethnic origins” (Kingma, 2008: 70-71).

This kind of victimisation (discrimination) among nurses is due to their routine activities which are the job they perform on a daily basis, they are exposed to potential offenders at work place, who manifest hatred and show discriminatory actions to hurt them.

In the same line with this study, a research recently conducted in Australia, has documented the discrimination practised against foreign-educated nurses. In this study, the density of the phenomenon is underlined, as different groups of migrant nurses are reserved special treatment (Kingma, 2008). The finding of this study has demonstrated that migrant nurses are not only discriminated against by employers, supervisors, and colleagues. He cited in Ball and Pike (2004) that “the Royal College of Nursing (UK) declared that two-thirds of black and ethnic minority nurses report having been racially harassed by patients”. Ball and Pike (2004) reported that some patients refused the care given by nurses from certain ethnic groups or nationalities in some cases.

However, discrimination in any shape or form is highly destructive. Adams and Kennedy (2006), state that “discrimination undermines the person but also society and its health system as a whole”. Consequently, it can be stated that “discrimination, marginalisation and De-skilling of the international nurse threatens patient safety and disrupts the health team cooperation dynamic required to advance the delivery of care”.

3.6. Institutional xenophobia & Language barriers

According to Olowu (2011), xenophobia manifests in diverse ways depending on the circumstances of its purveyors and victims. Such manifestations could be through discrimination in job placement, remuneration, housing, educational opportunities, health, water, and service delivery or social profiling. Conclusively, xenophobia is without any doubt a violation of international law norms, not the least in the twenty first century (Olowu, 2011).

Nevertheless, there is what Soyombo (2008) calls “institutional xenophobia”. Just as there is the notion of “institutional racism” or “institutional discrimination”, we may also talk of institutional xenophobia as a “situation in which the institutions of a society systematically express/exhibit hatred towards members of another group”. Soyombo (2008) stated that “institutional xenophobia is usually more covert than overt and is usually more difficult to identify”. Soyombo (2008) then provided the mass expulsion of a group such as “illegal” immigrants as an example of overt institutional xenophobia.

Nonetheless, Hale et al. (2011) argue that current waves of violence against immigrants are part of long tradition in the United States. They go on saying that in America, those identified as immigrants have been historically, and are contemporarily, the prime targets, although hate is easily extended to others as well. According to Hale et al. (2011), xenophobic practices and beliefs have long been utilised in the United States to justify and perpetuate oppressive power relations and to delineate who shall have access and opportunity and who shall not.

The increasingly horrific examples of the hate crimes against immigrants in particular, give the issue even more urgency than statistics alone. The headline killing of Marcelo Lucero, an Ecuadorean immigrant, in Long Island in 2008 revealed a whole youth subculture of violent behaviour directed at undocumented immigrants or people who look undocumented (Hale et al., 2011). Further atrocities nationwide paint a similar horrifying picture of disregard for immigrants’ lives. Sadly, said Hale et al. (2011), at this moment of our history, fighting xenophobic policies and practices through effective legislation and enforcement are not a priority for our national government leaders – rather, for many, their purpose is exactly the reverse.

In the same vein, a qualitative study conducted among 36 Asian migrants residing in North, South and North West Tasmania with the purpose of exploring the lived experience of Asian migrants’ health care-seeking behaviour, and also aiming at discerning the acculturation process by which Asian migrants are enabled to use the health system and identify strategies which assisted migrants to understand and use much better the health system, has demonstrated that language and cultural barriers are some of the difficulties encountered by some migrant populations in Tasmania when dealing with new health beliefs and the health care system which most often create confusion, disappointment and adverse mental health among migrants (Terry et al., 2011).

A study conducted by Hoang, Le, and Kilpatrick (2009) has suggested that “Asian migrants in Tasmania often face language and cultural barriers including increased confusion and anxiety as they enter the unfamiliar territory of the health care system” (Terry et al., 2011).

As an element of xenophobia in U.S, Rothman (2006) argued that “for some reason there is an irrational fear that foreign-owned security intellectual property puts the United States at risk”. In line with this study, it can be argued that the USA feels unsecure to see foreigners having business related to the security intellectual property. Knowing that no foreign can open such a business if not allowed by the country laws, but how it happens that there is a fight against this business? It is just because it is a foreign-owned business and citizens feel irrational for foreigners to have such a business within their country. This is a xenophobia attitude that might lead citizen to destroy foreigner’s business. In line with the previous, a study conducted by Ozkul and Obeng-Odoom (2013), demonstrates that politicians in the Global North frequently warn their populations of threats of possible migration flows from Africa. According to the study, the general argument goes like this: “if border security measures relaxed, migrants from Global Southern countries would flood Northern countries, would stay there permanently, and would cause social and economic problems for the rest of the society”. This view presents a xenophobic sentiment, an exclusionary attitude toward migrants.

In South Africa, the discourse around xenophobia is mostly evident in the rhetoric that is regularly employed by political leaders, the legislation that is already in place, aimed at controlling of the aliens, and the licence given to agents of the state, such as immigration officials and the police, to indulge in systematic abuse of foreigners, especially those from elsewhere in Africa. This refers to the argument of the sociologist Neocosmos (2008) stating that the recent May 2008 violence to be a manifestation not so much of xenophobic attitudes of the poor at the bottom of society as of a xenophobic discourse. This discourse starts at the top, at the highest levels of the African National Congress (ANC)-led state, and is prevalent among the elites,- the rising black elite as well as the established white elite, whose interests are the state’s main concern.

However, it can be argued that for various reasons, South African elites are happy to support this, or at least turn a blind eye. Fear of competition from people from further to the north is one of the involvements. Thus, Elite or would-be elite South Africans fear not only that foreign nationals may be better qualified for skilled and professional posts than they are but also that the foreigners may take advantage of the various avenues dedicated to black advancement that have been opened in post-apartheid South Africa (Sharp, 2008a).

For instance, Sharp (2008a) states that “it has now become extremely difficult to appoint black scholars from elsewhere in Africa to positions at South African universities (unless it can be shown that there is no local person with even remotely similar qualifications), and black foreigners who do get appointed are expressly excluded from the official reckoning of the extent to which the universities are meeting the ‘employment equity’ targets set by the state”. Mosselson (2010), then states that “the violent exclusion of foreigners is one of the central ways in which the new South African political community is being fashioned”. Mosselson continues arguing that the very same practice was established first and foremost by the state, through the entrenchment of extra-legal and, in some cases, overtly illegal ways of dealing with foreign nationals.

Xenophobia is a reality in the country and it has many consequences on foreign nationals in many ways. Being a foreign myself, I have been in contact with many foreigners living across South Africa, and similar stories have been the subject of narration amongst foreign nationals. One shared stories among foreigner women is that *“when going to hospital and you are treated differently, you find demoralised and feel like you should go to the private clinic where you will have to pay for your treatment instead of going to a government hospital where you will first be intimidated by the language.”* In most government hospital if you cannot speak Zulu, that’s where it starts, that’s how they first identify you as a foreigner. From there, the mood changes and you see that something is wrong. Your status will determine the kind of treatment you get as a foreigner.

Unlike in private hospitals, there is rarely xenophobic sentiments since the ‘foreign patient’ goes there using his/her own pocket, the treatment is paid for and therefore the issue threat is excluded because it is about business, and mostly the staff at private hospital are well trained and well instructed by their bosses on the need of treating patients with full attention. Most of the crimes committed against foreign nationals are mostly committed in township. Reason being is that, in townships there is a high level of unemployment, unskilled and poorer population throughout the country of South Africa. The failure of the government to deliver and meet the needs of these disadvantaged populations in terms of service delivery, has created anger amongst the local citizens thinking that foreigners have taken the jobs they could have done, and also they are beneficiating the social services rendered by the government making them get less than expected, hence the attack of foreign nationals is imminent.

3.7. Immigrants, Media and the Authorities in South Africa

Olukoju (2011), reports that a South African government report indicated elements of the government and civil society for fanning the embers of xenophobia. First, the media perpetuated negative stereotypes about migrants and carried sensational stories linking them with crime, poverty and unemployment. Yet, they fail to give the migrants themselves a chance to counter such negative portrayals. Second, senior politicians, like their European and American counterparts, have been exploiting latent xenophobia to advance their political careers by making inflammatory statements about foreigners and migrants. Allusions are made to the citizens' unmerited disadvantage in competing with foreigners and migrants for the "scarce resources" of their own country. Third, police officers strain themselves to link foreigners with crime. Though arrest figures do not corroborates such statements, they trumpet the popular but erroneous claim that "at least 60% of bank robberies and serious house robberies were perpetrated by Zimbabweans." Fourth, prejudice and stereotypes about foreigners were also informed by societal apathy towards and ignorance of the plight of refugees in and migrants to South Africa. This made innocent South Africans susceptible to manipulation by the media, police and politicians. Fifth, it was also alleged that the attacks were motivated by "a third hand" or fifth columnists, who sought to give the African National Congress government a bad name. Finally, the South African government too was culpable in that it first denied the existence of xenophobia and then blamed the foreigners for not integrating with the local community.

Several studies have shown how the media has uncritically reproduced xenophobic language and statements, time and time again. The media has certainly been complicit in encouraging xenophobic attitudes among the population (Crush et al., 2008: 42).

According to Smith (2010), the key points that the studies are in agreement about are that the majority of print media articles:

- Are anti-immigration, or at least make negative references to migrants and immigrants;
- Of an un-analytical/simplistic approach, with little in-depth analysis;
- Persist in using certain labels when referring to migrants such as 'illegal immigrants', and
- Perpetuate negative stereotypes about migrants using such terms as 'job stealers', 'criminals' and 'illegals'.

A study employing survey methodology has described the barriers that immigrants encounter in accessing justice. Poole and Pogrebin (1990) argues that many immigrants have had negative involvements with the ruling classes in their country of origin. These perceptions of authorities as oppressors may be transferred to officers in the United States in the absence of any direct familiarity with the ruling classes in this country (Davis et al., 2001). Davis et al. (2001) state that “When they do have contact with police here, the contact may be perceived as negative because of misunderstandings arising from cultural or language differences”. Migrants may however, avoid association with police because of concern about their migration status. Language difficulties and ignorance of criminal justice procedures also may restrict immigrants’ ability to report victimisation or become involved in criminal prosecutions.

3.8. Conclusion

The differential risk model of criminal victimisation by Fattah 1989 applies to the review of the literature in the manner that most of the studies examined have reported victimisation as a product of the ten categories of the theoretical framework implied in this study. It has shown that most of the violence happens to victims depending on their lifestyle-exposure and routine activities they involve in themselves. It can then be concluded that the likelihood of victimisation depends strongly on the presence of a motivated offender and the lifestyle as well as routine activities of the victims (here we refer to foreign nationals as victims and local citizens as potential or motivated offenders). Therefore it can be advisable that the community should ensure the safety of its population by granting each member of the society the legal right to live a free life as the basic of the Human rights foundation.

The reality of xenophobia is the result of the socio-economic condition in which local citizens are dumped in; they are living in a hardship time and by analysing circumstances of citizens, they just manifest their anger on foreign nationals as a fact, not because they do really hate non-citizens but because of their unsatisfactory life situation. The majority of those expressing xenophobia seem unemployed, now a foreigner who cannot fold the hands and wait the government or a family member to help, finds himself obliged to go out there and find a job mostly in informal sectors which are car guarding job or security job, with the aim to cover basic needs such as the rent, electricity, food, water and clothing, but also to support the family back in the country of origin. In the eyes of the local citizens it looks like the foreigner is taking their Jobs, but in reality the local South African is not ready to do that job, because for him/her, it is a low status job.

As we have seen in the review of the literature, xenophobia is a reality not only in South Africa, but also in the world at large. However, both the government and the citizens are accountable for its existence. The government's failure to deliver services has made the population to strive for their lives, and the problem is compounded by foreigners who also are in need of jobs, houses, and foods while the citizens themselves are still fighting for their economic freedom. This makes it hard to have a community free from xenophobia. Hence, the foreigner becomes a target (exposed) to the citizens who are potential or motivated offenders depending on the lifestyle-exposure and routine activities the foreigner embraces on the foreign land. Following is chapter four on research expectations. This chapter discusses the research expectations in this study. Perceptions are made and discussed focusing on what should be expected in this study.

Chapter 4

RESEARCH EXPECTATIONS

4.1. Rational/Motivation

In this study, the theoretical and empirical perspective associated with the experience of victimisation vulnerability of foreign nationals have been explored in the international literature with some support from the South African perspective by taking into consideration the information presented in the preceding chapters. However, more research is required to make more informed conclusions. Using existing information, this chapter presents specific and testable research expectations applied for the purpose of fulfilling the aims of the study as outlined in chapter one (see 1.5). As a number of factors were found to relate the experience of victimisation of foreign nationals both internationally and nationally, it was then decided to assess the perspectives that were found to have substantial theoretical or empirical support. Hence, the research expectations are presented as alternate in order to illustrate the expected direction or presence of the effect followed by a full rationale grounded in the theoretical and empirical perspectives presented in the preceding chapters.

- **Research Expectation 1. The majority of foreign nationals in this study are victims of crime.**

Since becoming a democratic society, South Africa has been exposed to global developments, thus opening its doors and especially its economic division to the world, and in turn paving the way to the growing influx of foreigners in search of jobs, trading opportunities, shelter (in the case of asylum seekers and refugees), leisure and education (visitors/tourists and students) etcetera. (Choane et al., 2011). However, Minnaar (2005: 293) asserts that “this influx of migrants has been accompanied by xenophobic sentiments and hatred, not only practised by the public, but also by government officials” quoted by (Choane et al., 2011).

The South African economic system has made the country become a land of opportunities for many foreign nationals, as well as a sanctuary of peace for those fleeing from war-torn countries, political conflict or ethnic-based violence which have then greatly increased unemployment, poverty and homelessness, especially in poor black communities due to aggressive competition for jobs and housing (Harvey, 2008: 9). To this end, the significance of anti-immigrant reaction in South Africa commonly attributed to an expression of dissatisfaction and frustration over the lack of service delivery, relates to the socio-economic and political

aspects of society. This has resulted in the scapegoating of foreign nationals as job stealers, criminals and many other naming because of the unsatisfactory condition in which the citizens are divided in since the apartheid system. As a result, some nationals find it necessary to resort to xenophobia.

In reference to the empirical study in this chapter, a study exploring the experiences of African migrants in relation to the South African citizens in the curse of xenophobic violence in SA has demonstrated that in 2008, severe xenophobic attacks erupted in South Africa as a result of civic tension caused by poor service delivery by the government. The study reports that black African migrants, who came to SA to seek employments for better job opportunities, or to further their education, or as refugees, became the victims of rage and violence (Chigeza et al., 2013).

It has been reported that “*many of the migrants were severely beaten, some were burnt alive, and some of the women were raped*” (Chigeza et al., 2013). The study reports that more than 60 migrants were killed (Dodson, 2010; Nell, 2008). Similarly, the same study reported that “*during the May 2008, xenophobic attack, the migrants’ houses and businesses were destroyed, leaving several thousands homeless and many were also subject to verbal slights and insults*” (Crush and Ramachandran, 2010; Neocosmos, 2008; Steenkamp, 2009).

At this stage, foreign nationals strive to earn their living in the country. They open spaza shops; others work as security guards, and car-guards. Their social life is always not easy when interacting with the locals knowing that they have differences and that anything can happen at any time. Unfortunately, many foreigners have experienced violence in many ways with their own local friends, peers as well as colleagues. The looting and destroying of shops have been noticed during the May 2008 and April 2015 Xenophobic attacks.

1.1. The majority of foreign nationals are victimised by some government officials

Although South Africa, since 1994, has made considerable progress towards instilling a human rights-based culture in its people, there still exist considerable abuses of foreign migrants by public officials and its populace (Harris, 2001).

In general terms, many politicians, the press, government departments – such as the SAPS, the SANDF and the DHA as well as the public at large, particularly those in the informal settlements, commonly blame foreigners for the worsening social problems. These range from rising crime and unemployment to the spread of diseases such as malaria and Aids (Davis and

Snyman, 2005). Of importance to note, though, is that the main thrust and public visibility of this debate has centered on the growth in xenophobia. Additional issues have been migrant labor, internally displaced persons, the trafficking in women and the smuggling of people by syndicates. As a matter of fact, the treatment of all foreign migrants in SA, irrespective of their legal or illegal status, has at best been problematic over the years. Exploitation and abuse abound from both officials within the system and members of the general public.

From this perspective, one can assume that foreign nationals are victimised by some government officials who have prejudice and stereotype views against foreign nationals, subjecting them to discrimination, verbal abuse as well as physical threat within the institutions in which they exercise their powers thus making foreign nationals a target of victimisation through scapegoating them.

For instance, a study conducted by Ozkul and Obeng-Odoom (2013), demonstrates that “politicians in the Global North frequently warn their populations of threats of possible migration flows from Africa”. According to the study, the general argument goes like this: “if border security measures were relaxed, migrants from Global Southern countries would flood Northern countries, would stay there permanently, and would cause social and economic problems for the rest of the society”. This view presents a xenophobic sentiment, an exclusionary attitude toward migrants. In line with the above argument, we can also refer to the statement of the South African former Minister of Home Affairs, in his first speech to parliament following his appointment as the Minister of DHA. In this regard, Mangosuthu Buthelezi proclaimed that:

‘If we as South Africans are going to compete for scarce resources with millions of aliens who are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme (in Human Rights Watch 1998:20)’ (Landau et al., 2005b).

But in the xenophobic attack of April 2015, the same former minister Buthelezi was amongst the first politicians to visit displaced foreign nationals, which can be seen as a publicity stunt or change of policy for the IFP leader.

In SA, the recent May 2008 violence, which created a xenophobic discourse evident in the rhetoric that is regularly employed by political leaders, the legislation aimed at the control of “aliens” that is already in place, and the licence given to agents of the state, such as immigration officials and the police to indulge in systematic abuse of foreigners, especially those from elsewhere in Africa, according to the sociologist Neocosmos (2008) was a manifestation not so much of xenophobia attitudes of the poor at the bottom of society as of a

xenophobic discourse that starts at the top, at the highest levels of the ANC-led state, and is prevalent among the elites, the rising black elite as well as the established white elite whose interests are the state's main concern.

1.2. The majority of foreign nationals will experience physical violence.

However, today SA faces new challenges with the slow maturation of democracy as an emerging country from a past characterised by violence and repression. Hence, violence today is complex, dynamic and creative in form moulded by both apartheid and the mechanisms of transition itself (Harris, 2001).

In reference to chapter 1, (see 1.4.5.2), the following are, a brief summary of the physical impacts of crime provided by Wasserman and Ellis (2007), with an overview of the range of possible reactions that victims may experience. These are Physiological anxiety, physical injuries, physical injuries that lead to other health conditions, increased risk of cardiac distress, irritable bowel syndrome, and chronic pain, permanent disability, disfigurement, immune disorders that increase the potential for infectious diseases, Substantial lifestyle changes, including restriction of activities once enjoyed, Lethargy and body fatigue, sleep disorders, loss of appetite, excessive appetite, or eating disorders, decreased libido and sexual dysfunction, inability to work, increased risk of future victimisation. For sexual assault victims: possible exposure to sexually transmitted diseases, exposure to HIV, and unwanted pregnancy.

It can be perceived that foreign nationals, among other many form of victimisation, suffer physical violence during their stay in the host community depending in their exposure to motivated offenders. Here again, we refer to the exposure category of the differential risk model of criminal victimisation, stating that "exposure to potential offenders and high-risk situations and environments" might, according to Fattah (2000b), increase the risk of personal victimisation (see, 2.1.2.4). This, means that there is a likelihood that foreign nationals will face physical violence if exposed to motivated offenders depending on the circumstance in which they meet. In this regard, Peacock (2013) argues that "social activities increase the level of exposure because the potential victim comes into close contact with a large number of unknown, anonymous potential offenders". For instance, the use of alcohol in public places can be one of the examples. This is how and when physical violence can occur among foreign nationals depending on their lifestyle/exposure model.

- **Research Expectation 2. It can be expected the victimisation vulnerability of foreign nationals will be associated in the majority of cases with risk factors.**

Migrants' status might then be theoretically considered as a risk for victimisation. Migrants may be perceived as different and hence, not fitting in with the peer group (Strohmeier et al., 2011). Peacock (2013) argues that the probability of being victimised is determined by a number of risk factors. Interestingly, the risk factors influencing victimisation are said to be attractiveness, suitability and vulnerability. It can be assumed that foreign workers are in close proximity and are exposed to criminal or motivated offenders within or at the working environment thus putting them at a higher risk of being victimised due to their vulnerability.

A study conducted in the Middle East (Jureidini, 2010) shows that not only migrants' workers are victimised in the host country, but also the trafficking of migrant workers itself is violence against their human rights. Hence, migrant workers are trafficked for employment exploitation. This means that not only are they exploited, but they are also victimized by that act of being trafficked (Jureidini, 2010). In reference to the articles 13, 23 and 24 of the 1945 Universal Declaration of Human Rights, the findings of this study have demonstrated that these rights are being violated daily against foreign domestic workers in a cruel, inhuman and degrading treatment manner in the Middle East, restricting their freedom of movement, the rights to free choice of employment, to just and favourable conditions of work, the right to equal pay for equal work, the right to form and join trade unions, the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay (Jureidini, 2010). All the above violence can be summarised as a discrimination against migrant workers, who are treated in an inhuman condition, by the host country or employers.

2.1. Vulnerability due to lack of capable guardians

This section refers to the opportunity category of the differential risk model of criminal victimisation by Fattah (1991). It can be perceived that a foreigner is an opportunity of a potential or motivated offender who can be subjected to victimisation because of lack of capable guardians which makes the potential victim a target to victimisation. The motivated offender notices that the foreigner is powerless, or has no guardianship, since this last is leaving on a foreign land, making him/her a suitable target for victimisation. Therefore, there is a perception that foreign nationals are victimised by motivated offenders within the host city because of lack of capable guardians. This is in line with Fattah (1991) when stating that the opportunity model takes into account, the lifestyles and routine activities perspectives. According to Peacock (2013: 22), this model is based on the idea that the "risk of criminal

victimisation depends largely on people's lifestyle and routine activities that bring them and / or their property into direct contact with the potential offenders in the absence of capable guardians". This means that the likelihood of foreigners being victimised depends on their lifestyle and routine activities that make them fall in the hands of potential as well as motivated offenders thus putting them at the risk of being victimised.

2.2. Vulnerability due to linguistics, fear and cultural barriers:

Linguistics, fear and cultural barriers affect the way foreign nationals seek and receive help in the community. Language barrier is one of the major factors that prohibit the use of health services because it jeopardises effective communication between ethnic minority patients and health care personnel. Hence, lack of local language skills can act as a barrier. More often than not, foreign nationals face victimisation because of the mere fact that they cannot express themselves in the local language freely. This type of victimisation can be seen within the health care services or within the community services.

The findings of a qualitative study conducted in Tasmania among 36 Asian migrants residing in North, South and North West Tasmania demonstrated that some migrant populations in Tasmania are likely to encounter language and cultural barriers when dealing with new health beliefs and the health care system which most often creates confusion, disappointment and adverse mental health among migrants. However, the study aimed at discerning the acculturation process by which Asian migrants are enabled to use the health system and identify strategies which assisted migrants to understand and use the health system better (Terry et al., 2011). A study conducted by Hoang, Le, and Kilpatrick (2009) has suggested that "Asian migrants in Tasmania often face language and cultural barriers including increased confusion and anxiety as they enter the unfamiliar territory of the health care system" (Terry et al., 2011). The findings demonstrated that poor language skills also have an adverse effect on the confidence of the patient. It can, therefore, cause additional emotional stress and discomfort to the normal stress that often accompanies medical consultations. Moreover, language difficulties can have a detrimental effect upon the patient's ability to comprehend proposed treatments and remedies.

In reference to the theory applied in this study, when talking about cultural barriers, one can refer to Fattah (2000b), who asserts that there is a positive correlation between powerlessness, deprivation and the frequency of criminal victimisation. Minority groups or members of groups that are powerless, deprived or culturally stigmatised are more prone to victimisation since they are often viewed as "fair game" (culturally legitimate victims) by

members of the dominant or conventional groups (Peacock, 2013: 23). It can be perceived that foreign nationals are culturally powerless, subject to stigma which leaves them with no option than falling in the hands of those culturally powerful and become their victims.

The subjective form of social-structural victimisation can then be referred to as the cultural victimisation which, according to Schneider (2001), is based on customs, tradition, religion and the ideology of a society. Noatbly, the structure of the economy and the system of power eminently influence views, value concepts, and the stereotypes of a society. In conclusion, the marginalization process is effective as it renders people powerless in their structural and institutional relationships. In this category, it can be assumed that the powerlessness of foreigners in a host city leads to their deprivation or cultural stigmatisation and more to victimisation by members of the dominant or conventional groups or motivated offenders in the dominant groups (see 2.1.2.3)

2.3. Vulnerability due to lack of information

Many foreign nationals suffer from lack of information of the working system of the city or country in which they find themselves. This can be a source of victimisation due to the fact that they do not know how to get help or how to get assistance within the hosting community. The major problem here is when foreign nationals are trafficked from the country of origin to a foreign country not knowing anything about that country or being misinformed by the traffickers as regards the specificities of their undertaking or the enterprise in which they get engaged which later turns out to be serious and dangerous situation rendering them vulnerable to all sorts of hazards.

2.4. Gender as a risk factor of criminal victimisation amongst foreign nationals

It can be perceived that the majority of foreign females are recorded as experiencing sexual violence in this study than men. However, in all violence that happens to human kind, women and girls are always at the forefront of the problem. The fact that they are physically vulnerable renders them to be an easy target of both potential and motivated offenders. Throughout history, women have been victims of sexual violence, sexual gender based violence, battering and many other forms of victimisations that perpetrators apply to undermine or sabotage the wellbeing of females. To sustain this argument, this study refers to a study conducted by Anani (2013), depicts rape and sexual violence to be the most extensive form of violence faced by foreign national women and girls while in Syria. Also, adult women and adolescent girls are reported as facing intimate partner violence (IPV), early marriage and survival sex as other forms of violence experienced since in Lebanon. It is,

therefore, unfortunately that the study reports minimal coordination and lack of adherence to the international standards of humanitarian assistance to be the hindrance to women's and girls' ability to access the services. Additionally, discrimination and mistreatment are also reported to be key barriers in accessing the services by female victims of sexual violence (Anani, 2013). Thus, from these findings, it can be surmised that females experience sexual violence due to their vulnerability, such as their physical condition and the fact that they cannot defend themselves. This puts them at risk of being criminally victimised.

Using community based participatory research, a study conducted by Keygnaert et al. (2012), in Belgium and Netherland among refugees, asylum seekers and undocumented migrants involving 223 in-depth interviews demonstrated that more than half of the reported violent experiences comprised sexual violence, including rape and sexual exploitation. The findings suggested the following: "refugees, asylum seekers and undocumented migrants in Belgium and the Netherlands are extremely vulnerable to violence and, specifically, to sexual violence" (Keygnaert et al., 2012). The assumption is that, everywhere females migrate, they are at risk and exposed to sexual violence. The perception of females being victims of sexual violence in this study is examined through the setting of the interview questions that respondents were asked willingly to answer, as a measurement to the statement in this study.

The vulnerability of an individual is produced by his or her location in a hierarchical social order and its diverse networks of power relationship and effects (Leatherman, 2005; Watts and Bohle, 1993). According to Quesada et al. (2011), "Individuals are structurally vulnerable when they are subject to structural violence in its broadest conceptualisation. This includes the interface of their personal attributes such as appearance, affect, cognitive status, with cultural values and institutional structures" (Quesada et al., 2011: 341).

Green (2007) argues that "a sense of vulnerability is shaped by the conditions of existence, whether they are biographical, environmental or cultural. Vulnerability is often used to express the level of risk posed to certain groups or individuals. The more vulnerable a person is the more at risk they are of victimisation" (Green, 2007: 92). It can be assumed that foreign nationals are exposed (See 2.1.2.4) to potential and motivated offenders who can be identified as those citizens who show unsatisfactory conduct by the government service delivery. Hence, they resort to scapegoating foreigners for job stealing, the increase in crime, and the presence of diseases. For instance, Collins (2007) reports that: "*post the 11th of September 2001 attacks on the twin towers of the World Trade Centre in New York, the 12th of October 2002 Bali bombing and the 7th July 2005 bombings on London's public transport system, concern about immigrants as terrorists, the extreme form of crime, has cemented the*

image of immigrants as perpetrators of crime in public and private discourses” (Collins, 2007: 58).

Thus, foreigners have become an opportunity of potential or motivated offenders showing their dissatisfaction with the services rendered by the government and direct their anger to foreigners. In reference to the theoretical framework, opportunity is one of the ten categories of the differential risk model of criminal victimisation developed by Fattah (1991). According to Fattah (2000a), criminal victimisation does not happen by chance and often depends on available opportunities to victimise.

- **Research Expectation 3. The majority of foreign nationals experience discrimination.**

Citizens often view foreign nationals as a potential threat to their economic success, national identity, and the social order. As such, foreigners are likely to become a target for hostility, prejudice and discrimination (Pettigrew, 1998). According to Olowu (2011), xenophobia manifests itself in diverse ways depending on the circumstances of its purveyors and victims. Such manifestations could be through discrimination in job placement, remuneration, housing, educational opportunities, health, water, and service delivery or social profiling.

3.1. Perceptions of discrimination in job placement

With regard to discrimination, it can be argued that South African employers and organisations have sought to systematically exclude foreigners from given professions or from working in particular areas in many instances. For example, on October 23, Palmary Palmary (2002) reported about 500 street-traders marching through Johannesburg’s’ streets chanting slogans demanding a boycott on foreigners’ goods and the deportation of foreigners. This can be regarded as evidence of the discrimination of foreigners within the job industry.

From the empirical perspective of this study, it can be predicted that there is an issue with foreign nationals being employed, and those who have access, face severe ill-treatments, such as working long hours for low pay and not having access to trainings to gain skills for higher positions (promotion). The fact that foreign workers are victimised by local workers can be explained by the differential association category of the differential risk model of criminal victimisation theory (Fattah, 1991). However, discrimination against foreigners in job placement is not an issue of South Africa alone. From empirical studies, one can notice that it is a worldwide issue affecting foreign nationals globally. As example, a study conducted by Zegers de Beijl (1990) demonstrates that in Europe the majority of migrants still occupy the

kinds of jobs for which they were originally recruited. For the most part, they are poorly paid, low skilled, and have little access to training or promotion, but they do have much better access to unemployment. In addition, according to Montagna (2013), migrants are the first out of the labour market and they remain unemployed longer, and if employed their skills are systematically unacknowledged. While they become an easy scapegoat and their criminalization increases, they are systematically denied citizenship rights and their regularization becomes more difficult. This is in line with the discrimination of migrants in the labour market. It is well known that in many companies around the world foreign nationals are not well paid and most often are not paid according to their qualifications. This is another form of human rights violation that needs to be addressed to ensure equality among people depending on their social classes.

3.2 Perceptions of discrimination within the health care institutions

Section 27 (1) (a) of the South African constitution states that: “everyone has the right to have access to health care services, including reproductive health care”. Here, I refer to inadequate access to basic health care services. Discrimination and mistreatment are key barriers to access services foreign nationals. The following empirical studies, demonstrate the phenomenon of foreign nationals within the health care system of the hosting countries in the world at large. For instance, a study conducted by Terry et al. (2011) found that some migrant populations in Tasmania are likely to encounter language and cultural barriers (see 2.1.2.10) when dealing with new health beliefs and the health care system which most often creates confusion, disappointment and adverse mental health for migrants (Terry et al., 2011). In addition, a study conducted by Hoang et al. (2009) suggests that “Asian migrants in Tasmania often face language and cultural barriers including increased confusion and anxiety as they enter the unfamiliar territory of the health care system” (Terry et al., 2011).

Similarly, a study conducted by Kingma (2008: 200) among nurse migrant populations has established that “greater differences in culture, language, work relationships, and coping mechanisms – in short, greater diversity in society and the workplace – offer many opportunities for excellence in transcultural nursing but also provides fertile ground for discrimination, victimisation, harassment and isolation”. According to Kingma (2008):

Migrant nurses are frequent victims of poorly enforced equal-opportunity policies and pervasive double standards (Kingma, 2008: 201)

Here, we refer to differential association (implies that a risk of being victimised is mostly seen in individuals who are in close personal, social or professional contact with potential

offenders), which is one of the ten categories of the differential risk model of criminal victimisation by Fattah (1991, (see 2.1.2.5).

3.3 perceptions of discrimination within educational opportunities,

Access to basic education is guaranteed for everyone in the South African constitution (see Section 29 (1) of the South African constitution). However, many migrants, refugees and asylum-seeking children face major challenges in accessing education. This is often made worse if they or their parents do not have legal documents. Hence, not having access to education has negative effects in the long-term integration of these children both in the host country and in the country of origin.

Also, against the backdrop of discrimination within the education system, Sharp (2008b) argues that “it has now become extremely difficult to appoint black scholars from elsewhere in Africa to high positions at South African universities (unless it can be shown that there is no local person with even remotely similar qualifications), and black foreigners who do get appointed are expressly excluded from the official recognition of the extent to which the universities are meeting the ‘employment equity’ targets set by the state”.

Thus, Adams and Kennedy (2006) argue that “discrimination in any shape or form is highly destructive. It undermines the person but also society and its health system as a whole. De-skilling, discrimination and marginalisation of the international nurse threaten patient safety and disrupt the health team cooperation dynamic required to advance the delivery of care”. However, Dodson (2010) reports that “the lives of foreign Africans living in South Africa – whether recent arrivals or long established; legally or illegally resident; economic migrants, asylum seekers, or refugees – are marked by discrimination, exclusion and fear”.

- **Research Expectation 4. It can be perceived that the majority of foreign nationals experience discrimination in housing**

South Africa has a long history of labour migration. Thousands of migrants from the region who work in various sectors have found homes in South Africa’s mainly black communities. However, some have traditionally been housed in hostels which are mainly occupied by men, as women were initially not allowed in these areas.

Many migrants access the same services as nationals, including primary health care, education, employment and others. Access to housing is a challenge for non-nationals, particularly those in the lower income levels. These migrants also live side by side with nationals in informal settlements. Others have either rented or bought government-subsidized houses from South

Africans. This practice has been a source of many a conflict within communities, with nationals accusing migrants of stealing their houses. This conflict has major implications for the integration of migrants in these communities. As a consequence, the majority of non-nationals stay in places for which they pay expensive rent. Belvedere et al. (2003), suggest that about two fifths of asylum seekers and refugees rent a room in a house or flat, or a back room or a cottage. Just over one third of applicants rent a room, but shares is with other individuals (Landau et al., 2005b). Importantly, because of immigrants' vulnerabilities, their lack of contracts, and their need for flexibility, many immigrants pay more for accommodation than South Africans. Due to their lower earnings, accommodation often represents a far greater proportion of expenditures for immigrants than South Africans.

It should also be recognised that because of the immigrants' limited funds and the need to accommodate non-working relatives, overcrowding is a significant problem. In Belvedere et al. (2003) study, respondents typically stayed in places with three rooms (excluding kitchen and bathroom), but with seven people, meaning that two or three people were sharing each room. It is not uncommon for non-nationals to have close to ten people sharing a room, often requiring that they sleep in shifts and make use of bathrooms or hallways. The partitioning of flats and houses into smaller units has potentially negative effects on the health, security, and economic productivity of the residents. It also has the potential of degrading the country's built environment (Landau et al., 2005b).

Thus, foreign nationals in communities that are characterized by high levels of tension often live in fear for their lives. This often results in migrants moving from one informal settlement to another in search of a more stable environment. This then has effects on their long-term establishment, but also, it has led the majority of foreigners running away from the townships where they can pay affordable houses and come to find accommodations in cities where it is assumed to be safe regardless of the amount to be paid for the rent. As a consequence, we experience a situation where we see overcrowding of the flats or rooms because of the "sharing system" for affordability of the rent, since not everyone is able to occupy a flat or a room alone. Hence, from the sharing system, those are many problems that evolve due to the different lifestyle of each individual.

- **Research Expectation 5. It can be assumed that immigrants undergo poorer psychological health condition such as depression, loneliness/isolation.**

From the acculturative stress perspective, immigration is an inherently stressful life and causes psychological health problems when immigrants do not have appropriate skills and strategies

to cope successfully with the stressors (Fandrem et al., 2012). These psychological health problems may operate as vulnerabilities for peer victimisation of young immigrants.

5.1. Depression as a psychological health problem among foreign nationals

Everyone occasionally feels blue or sad. But these feelings are usually short-lived and pass within a couple of days. When you have depression, it interferes with daily life and causes pain for both you and those who care about you. Depression is a common but serious illness. Many people with a depressive illness never seek treatment. But the majority, even those with the most severe depression, can get better with treatment. Medications, psychotherapies and other methods can effectively treat people with depression. Thus, victimisation is associated with a variety of intrapersonal problems and numerous studies in Chapter 3 of this study (see 3.2.3), has shown that depressive symptoms are a very relevant correlate.

Notably, there are several forms of depressive disorders but in this study we are going to focus on the Major depression. Major depression, is associated with severe symptoms that interfere with one's ability to work, sleep, study, eat and enjoy life. An episode can occur only once in a person's lifetime, but more often, a person has several episodes. Therefore, it can be suggested that some foreign nationals suffer from major depression due to their experience of victimisation in the host city. Each incidence of victimisation has its own effects, and among the many effects of victimisation, one should count depression for those foreign nationals who have undergone violence in the host community.

5.2. Loneliness as a psychological health problem among foreign nationals

According to Strohmeier et al. (2008), it is possible that victimised immigrants are more often isolated, because they may have problems being accepted by native peers and are, therefore, also more likely to be targets of peer victimisation. Loneliness is another psychological health problem faced by some foreign nationals. When they are on a foreign land, foreign nationals seem to be confused with their new community, which has different culture from the one where they come and they do not know who to talk to, and others remain isolated because of the fear of being identified as foreigners and as a result be subjected to threats. This has led foreign nationals to live a lonely life until they get used to the environment. Loneliness can emanate from what foreigners undergo as discrimination at all levels as they discover that they are not wanted by some locals who threaten them by calling them names. Therefore, they remain isolated and at the end they live a solitary life. Loneliness can at times be the result of the fear of crime which places people at high risk of victimisation.

- **Research Expectation 6. The majority of foreign nationals experience institutional xenophobia as exclusion within the Governmentality system.**

A number of public figures and politicians have made hostile, xenophobic statements about foreigners in South Africa. In his introductory speech to parliament, for example, Mangosuthu Buthelezi, the Minister of Home Affairs, stated,

if we as South Africans are going to compete for scarce resources with millions of aliens who are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme (Harris, 2001).

From this statement, it can be seen that to some extent a political statement can express a xenophobic sentiment, exposing foreign nationals to victimisation. This refers to what Harris (2001) calls the “scapegoating hypothesis” which explains that foreigners are blamed for limited resources and dashed expectations regarding the transitional process during 1994, after the apartheid regime.

- **Research Expectation 7. The majority of foreign nationals are subjected to humiliation and degradation.**

Humiliation and degradation can be seen in the form of unjust stereotyping, prejudice, bias and discrimination. The word humiliation, coming from the Latin *humilis* – low – literally means being “brought down” in some ways (Akerlof, 1980). However, a psychological description of what exactly this should imply is far from being unequivocal – and does not always match the “general” understanding of the term. The basic difficulty arises when distinguishing the emotion of humiliation from other similar social emotions – such as shame or embarrassment.

Few researchers (Akerlof, 1980; Hartling and Luchetta, 1999; Klein, 1991) studied humiliation explicitly. Notably, most studies refer to related themes and other self-conscious emotions. Many psychologists bracket shame and humiliation together and the notions of shame and humiliation are often used interchangeably. According to the most commonly used understanding of the terms of shame and humiliation, both of these experiences require an individual (himself) to interpret an event as shaming or humiliating and both focus on harm to the self (Janicka, 2013).

Klein (1991: 54), focus on the perspective of social power, linking humiliation to the aggressive rather than anxious emotions. In this context, humiliation may emphasise on the aspect of being forced into a degrading position by some kind of powerful forces (necessity) or others (Hartling and Luchetta, 1999), and thus may involve the feeling of powerlessness.

Klein (1991: 54) argues that humiliation is what one feels when one is ridiculed, scorned, held in contempt, or otherwise disparaged. In this context, Hartling and Luchetta (1999) define humiliation as the deep dysphoric feeling associated with being, or perceiving oneself as being, unjustly degraded, ridiculed, or put down – in particular, one's identity has been demeaned or devalued (Hartling and Luchetta, 1999: 264). In addition, the media also plays an important role in humiliating foreign nationals within a particular geographic environment, for instance, Smith (2010) argues that the key points that the studies are in agreement about are that the majority of print media articles:

- Are anti-immigration, or at least make negative references to migrants and immigrants;
- Of an un-analytical/simplistic approach, with little in-depth analysis;
- Persist in using certain labels when referring to migrants such as 'illegal immigrants', and
- Perpetuate negative stereotypes about migrants using such terms as 'job stealers', 'criminals' and 'illegals'.

This is in line with the experience of victimisation of foreign nationals. It can be perceived that the majority of foreign nationals will face humiliation in regard to the institution in which they find themselves but also depending on the availability of motivated offenders. Also, the assumption is that, throughout the process of victimisation, it can be perceived that foreigners will face humiliation and degradation as a consequence of their vulnerability leading them to the mistreatment of some citizens within the host community. In addition, the overall of the entire process of the experience of victimisation of foreign nationals is sustained by their humiliation and degradation. Whatever incident they undergo, is sustained by both humiliation and degradation of the individual due to his/her vulnerability within the host community. Again, this refers to the tenth category of the differential risk model of criminal victimisation (see chapter 2). Following is chapter five: research methodology. This chapter will describe the research methodology used. It will discuss how the study was conducted and will justify the choice of data collection methods used.

Chapter 5

RESEARCH METHODS

5.1. Introduction

This phenomenon study aimed at exploring the perceptions of foreign nationals on their experiences of victimisation in the city of Durban. However, the better understanding of this phenomenon according to the researcher, will attract the attention of the government, NGOs, and Civil society activists, and allow them to *“make special efforts to pursue preventive action and advocacy, including awareness campaigns and conflict resolution programmes, as well as other community interventions aimed at promoting social cohesion, but also to create awareness and to promote a democratic and just society with a human rights ethos as set out in the South African constitution, the bill of rights and other relevant International frameworks and treaties”*. In seeking to address this phenomenon, the study addressed three questions: (a) If victimised, what is the frequency and nature of the victimisation? (b) What is the impact of victimisation on a group of foreign nationals? (c) What is the nature and function of coping mechanism employed by a group of foreign nationals in the face of victimisation and victimisation vulnerability?

This section styles the study’s research methodology and comprises discussions around the following areas: *“(a) Research design, (b) Project area, (c) The research sample, (d) Data collection methods, (e) Interview process, (f) Analysing the data, (g) Ethical considerations, (h) Limitations of the study”*. The chapter culminates with a brief concluding summary.

5.2. Research Design

In reference to Holstein and Miller (1990: 103), *“Victimization has been cast as an interactional phenomenon contingent upon features of both victimizer and victim, thus leading victimological research to focus on the social contexts, correlates, and consequences of victimization”*. Hence, a qualitative approach was used in this study that simply assisted to focus on the exploration of the experiences of victimisation among participants. The use of a qualitative method was geared to exploring the experiences of the victimisation of a group of foreign nationals in the city of Durban. According to Baumgartner and Strong (1998), the use of a qualitative method facilitates a more in-depth understanding of factors that would be difficult to get in a quantitative survey alone. Subjective factors such as opinion, attitude, personality, emotion, motivation, interest, personal problems, mood, drive and frustration are

relatively more complex, and hence more difficult to capture quantitatively than variables that can be empirically verified.

5.3. Project Area

The data collection for this research was conducted in the city of Durban, province of KwaZulu-Natal (KZN). However, the “*Main Place Durban*”, Census 2011, demonstrate that “Durban is the largest city in the South African province of KZN. It is also the second most important manufacturing hub in South Africa after Johannesburg”. It forms part of the eThekweni metropolitan municipality. According to the “*Main Place Durban*”, Census 2011, the city of Durban has a total population of five hundred ninety-five thousand sixty-one. However, the presence of foreign nationals in Durban can be explained by the economic activities that take place in the metropolitan city of the eThekweni municipality including the informal settlement opportunities from previous generations. Unfortunately, the number of foreign nationals living in Durban is unknown. Crush and Williams (2005a: 4), argue that “the exact number of non-citizens in South Africa is unknown. This is primarily because the country is host to a large, unremunerated undocumented population”. McDonald et al. (1999), state that “this is also attributed to the continuous flow of undocumented immigrants into the country and the lack of reliable methodology to verify the numbers”

However, a study conducted by Bouillon (2002), has reported the following findings about the city: *“the Durban Central Business District (CBD) has become the first port of call for many foreign nationals, themselves a very diverse group of people in terms of economic and social circumstances. Durban attracts wealthy investors, immigrants hoping to find work as well as many refugees who have left horrific situations in their home countries. The city offers easy access to the large transport hub in Warwick Triangle and though this hub routes via taxis to various suburbs and townships (for example, many Ethiopian traders sell blankets on credit in the locations, access to business facilities and a large consumer base for various economic interactions. In the CBD, it has been demonstrated that foreign nationals from various geographic locations reside in Albert Park. The inner city is situated in south-east of the Durban CBD, the area takes its names from the adjoining large public park. It is primarily a residential area characterized by medium and high-rise flats, with small formal and informal businesses operating at pavement levels”* (Bouillon, 2002).

Additionally, Bouillon (2002) kept on demonstrating that “increasingly different nationalities have started to congregate in specific areas in the CBD. For example opposite the West Street cemetery is Abyssinian Lodge that predominantly provides accommodation to

Ethiopians and within this area in West Street there are Ethiopian restaurants and take-a ways - some are relocated in Albert Park. Pakistani and Indians immigrants find accommodation in the Grey Street area, whilst the Point Road area is reputed to 'belong' to the Nigerians. Nigerians, particularly in relation to the Point area are seen as excellent entrepreneurs, although more often than not stereotyped as drug dealers, and organizing sex work in the area" (Bouillon, 2002). The areas of data collection were: Faith Ministries Church, Durban Mission Church, and some Ethiopian and Somali Shops as well as in point where we find some Congolese and Nigerians, and many others foreigners.

5.4. The Research Sample

This phenomenon study focused on a group of foreign nationals residing in the city of Durban. Twenty participants regardless of their nationalities were invited to participate in the study. Participants were 19 to 35 ages old who have been in the city of Durban for more than 2 years and have experienced victimisation. This study used purposive sampling and snowball technique. According to Patton (1990), "in qualitative research, selection of research sample is purposeful", which according to Merriam (1998) is sometimes referred to as "purposive sampling" . Hence, participants in this study were purposefully selected from their churches, shops, and work sites but others were identified through snowball technique. Young et al. (2009) state that, "the logic of purposeful sampling lies in selecting information-rich cases, with the objective to yield insight and understanding of the phenomenon under investigation".

The purposive sampling technique, also called judgment sampling, is according to Tongco (2007: 147), "the deliberate choice of an informant due to the qualities the informant possesses". With purposive sampling, "the researcher actively selects the most productive sample to answer the research question based on the researcher's practical knowledge of the research area and the available literature"(Marshall, 1996). The advantage of purposive sampling, described as the hand-picking of subjects on the basis of specific characteristics, is that "it ensures a balance of group sizes when multiple groups are to be selected. The disadvantage is that samples are not easily defensible as being representative of populations due to potential subjectivity of researcher" (Black, 1999). Thus, snowball technique was used to facilitate the researcher to apply the purposive sampling technique. Snowball sampling can be said to be a form of non-probability sampling whereby the researcher begins identifying a person perceived to be an appropriate respondents, this informant is then asked to identify another prospective informant. This process is repeated until sufficient data has been collected by the researcher.

Snowball technique was used in the second stage, in the form that those individuals who were purposefully selected in the first stage, were asked by the researcher if they may know any one, either a friend or a person of same ethnic group, who has experienced any kind of violence or victimisation in the city of Durban. Noy (2008: 330) call it “sampling procedure which may be defined as snowball sampling when the researcher accesses informants through contact information that is provided by other informants; this process is, by necessity repetitive: informants refer the researcher to other informants, who are contacted by the researcher and then refer her or him to yet other informants, and so on”. For Watters and Biernacki (1989: 141), “snowball or chain referral sampling is a method that has been widely used in qualitative sociological research, a method that yields a study sample through referrals made among people who share or know of others who possess some characteristics that are of research interest”

However, after selection of participants, the researcher informed them about the research objective, and that they would withdraw from the research if they felt uncomfortable about answering the questions during the interview session. Permission was asked from each participant to record his/her information in the tape recorder before starting interview. This study took into account the risk or trauma that participants could have come across while conducting this study by providing a referral organisation that can help, to a participant who showed a sign of trauma; fortunately there was no such incidence during the interview process. They also referred to the differential risk model of criminal victimisation theoretical framework (see chapter 2) when conducting interviews.

5.5. Data Collection Methods

A qualitative survey-based research design was used to identify the various meanings underlying the respondents' perceptions of xenophobia and the causes ascribed to the phenomenon. This approach allowed for an in-depth thematic content analysis, revealing more detailed descriptions and a deeper understanding of xenophobia in South Africa.

Data collection was based on semi-structured interviews conducted on an individual basis. Since this study intended to interview foreign nationals, it was difficult to conduct a focus group due to regrouping problem, that to say, the participants from this study are from various countries, and their accessibility poses problem. However, gathering people from different countries that have experienced xenophobia or victimisation is not easy. Hence, individual interviews were conducted using purposive sampling & snowball techniques among 20 foreign national participants. Semi structured interviews was constructed in such a manner

that more neutral social demographic information was requested at the onset of the interview and more sensitive questions, once the research participant felt more at ease and comfortable in the presence of the researcher. The interview session started with less sensitive questions in order to facilitate the conversation between the interviewer and the interviewee by creating an “informal, friendly atmosphere that facilitated a natural flow of ideas and opinions”. The more social demographic data capturing was then followed by more in-depth sensitive probing.

The advantage of a semi-structured interview technique is that it allows informants to freely express their views in their own terms. Participants in this research were given opportunity to express themselves in their own word about their experiences of victimisation. Semi-structured interviews can also provide reliable, comparable qualitative data (Cohen and Crabtree, 2006). However, respondent can influence the topic so unexpected themes emerge as there is more depth of information, allowing researcher to probe to understand participants’ perspectives and experiences.

Additionally, because the order of questions is not fixed, the topic guide ensures that a core list of questions is asked in each interview, thus, flow and sharing of views are more natural. The weaknesses of semi-structured interviews are: “trained interviewers are needed to probe without being directive or judgmental; analysis of findings is difficult - must be done by people who did the interviews; researcher has to avoid bias in analysis; researcher needs to know something of the local culture to capture the interviewees real meaning; analysis is time-consuming; difficult to generalize findings”. Fortunately, the interview session was conducted by the researcher who is trained and aware of these weaknesses, and took them into consideration when doing data analysis by providing what participants have given as experiences.

During data collection, the researcher used English, French and Swahili to collect views from participants as the research is able to express himself in these languages. Before conducting this research, the researcher translated the research question guide into English, French and Swahili. For ethical reasons, only foreign nationals living legally in the city were interviewed. These are those with refugee status, asylum seekers holding temporary permit, and economic migrants with work permits.

5.6. Interview Process

The first preliminary interviews were done in October 2014. The rest took place between October and November 2014, depending on the availability of the participant. Interview

appointments were set up either face-to-face or over the phone. All the interviews were conducted face-to-face or one-on-one.

On the arranged date, the researcher always started by explaining the rationale of the study to participants. Then verbal consent for participating in the study and allowing the use of the recorder was sought. The duration of the interview was between 45 and 60 minutes. I used questionnaire guide to conduct semi-structured interviews (see Appendix I), and followed questions in their order.

Questions were open-ended and time was given to participants to gather their thoughts. The open-ended responses helped the researcher to understand the respondents' experience and meaning of suffering through their own narratives or viewpoints. Some questions were sensitive but there was no harm manifested by the respondents, meaning all questions were answered well. A total of 20 participants regardless of their gender were met. A semi-structure interview was conducted in an emphatic and ethically sound way. All the 20 participants were able to give their opinions on their experiences of victimisation in the city of Durban. Once completed, each interview was transcribed and sent to the supervisor for comments. An appointment was set with the supervisor for a discussion based on the interview material. Such discussions were constructive as they led to generating major themes which formed the core of the findings presented in the next chapter.

5.7. Analysing The Data

Data was analysed using thematic content analysis (Breverton and Millward, 2004; Camic et al., 2003). The following phases identified by Braun and Clarke (2006) guided the data analysis process: (1) active and repeated reading of transcribed data in order to familiarise the researcher with the information; (2) Initial codes were generated from the data but also relevant data were collated to each code; (3) different codes were organised into potential themes, and coded relevant collected data was extracted within the identified themes; (4) reviewing and refining each theme to determine whether themes form a coherent pattern and accurately reflects the data; (5) defining and discussing each theme in detail, (6) selecting and analysing extract examples from the data and relating back to the research questions and literature review.

Responses were grouped and divided into themes. Welman and Kruger (2001) stress that coding is a technique used to guarantee easier recovery and organisation of chunks of text to categorize it according to certain themes, codes are based on the research question and seek

to highlight the concept of explanatory model considered as a description and understanding or explanation of the onset and experience of victimisation.

5.8. Ethical Considerations

The researcher complied with the university's requirements. The application to the Human Research Ethics Committee (HREC) was submitted and full Ethical approval of the research questionnaire was obtained from the University of KwaZulu-Natal HREC (protocols **HSS/1487/013M**). A copy of the certificate of approval is attached as appendix in this study (see annexure). This allowed the study to be carried on the fieldwork and to achieve its aims.

Stressing the vulnerable character of participants in this study, the researcher was particularly concerned about the ethical issues by being sensitive to participants' experiences and avoiding judging them in the way they presented their stories (Eastmond, 2007). The study was essentially based on the victimisation experiences' narratives with each participant involved. Before starting the interview, an information sheet, (see appendix II), explaining the purpose of the research was presented to each participants, who then signed the information sheet as an agreement to participate in the study. Verbal consent to participate and verbal consent for recording the interview were sought from each participant (Babbie, 2004). To prevent the "risk of injuring" participants might have faced in any forms such as physically, morally and emotionally, vigilant attention was paid to the planning of interviews and questionnaire design (Babbie, 2006: 64).

Nevertheless, in both my research topic approach and the execution of the study itself, the ethics of privacy, confidentiality and anonymity were strictly respected. For instance, respondents were guaranteed that their identities will not be revealed to anybody. This has been reflected in the study's naming system for reporting purposes, where each respondent chose a pseudonym. However, due to the sensitivity of this research, the researcher ensured respondents that their information will be confident and anonymous, but also provided them the opportunity to choose their own pseudonyms. The purpose of this study was then informed to respondents, but they were also informed that participating in this study was not compulsory, so they were allowed to withdraw at any time from the study if they felt uncomfortable about answering the questions during the interview process.

During the fieldwork, potential problems were raised (social, physical or affective) and some participants asked questions related to their life condition in the Durban as a way of improving their socio-economic status. Respondents presenting emotional, psychological distress were referred to relevant service providers for therapeutic interventions. For this

purpose, the researcher had a list of referrals to free psycho-social support services that could be offered to all participants needing them. Three languages were used during the interview depending on the language of choice of the respondent; these are English, French and Swahili, all of them spoken by the principle researcher. This made it easier for the project to go smoothly because participants were able to choose the language they feel free to express their views. To sum up this session, to secure the storage of research-related records and data, warning measures were taken and nobody other than the researcher had access to this material.

5.9. Limitations of the study

During the fieldwork, the study was faced with some challenges that need to be mentioned here. The first limitation in this study was of data collection method employed, the data collection were done by interviews on an individual basis, because it was difficult to conduct a focus group during interview process due to the lifestyle of participants in this study. Participants in this study are not easily identified in group, but also each one lives his life different from someone else. Although participants in this study shared the same characteristics of their experiences of victimisation, it was not easy to gather them into groups to conduct a focus group interviews due to each one's lifestyle/routine activity. Even though there were limitations in this research, these did not affect the main aim of this research adversely. Some techniques were used to mitigate these limitations. For instance, during the interview process, I used to stop the interview and proceed later if the participant becomes emotional.

Also, as social sciences deal with human beings who express feelings and emotions, it was not easy to raise sensitive violent issues (Babbie, 2004). Some people were reluctant to disclose themselves. Others, especially women, did not contain their feelings and emotions after recalling painful events in cases such as physical assault and persecution. This often stopped the interviews and obliged the researcher to seek verbal consent in order to continue. However, this was not really a major problem. Some participants were relatively reluctant or too emotionally affected to narrate the different episodes of the dramatic events of their lives in the city of Durban. Furthermore, struggling on a daily basis and facing socio-economic hardship in their dire living conditions in the city of Durban, some participants saw the study as focusing sharply on their various overwhelming political problems. Nevertheless, all participants were interested in contributing to the study and no one raised the issue of being paid as a condition for taking part in the study.

5.10. Conclusion

A selected review of the literature was conducted preceding the actual collection of data in order to study the contributions of other writers and researchers in the broad areas of victimisation of foreign nationals in relation to the field of victimology. However, the researcher acquired approval from the HREC to proceed with the research, after the proposal defence. Nonetheless, outlining all procedures and processes needed was part of the HREC processes, to ensure adherence to standards put for the study of human subjects, including participants' confidentiality and informed consent. Face to face, individually contacts were made with potential research participants, but also appointment was made with those who agreed to participate in the study, depending on their availability. Semi-structured, in-depth interviews were conducted with 20 foreign nationals. Interviews were conducted on individual basis only. Among the 20 participants, all 20 participants responded to the questions and none withdrew from the study during the interview process.

To summarize, this chapter has described in detail different steps used in the data collection process. Various points, such as research design, choice of participants, interview running, and data analysis encountered challenges (limitations of the study) and ethical issues were discussed. Following is chapter six: analysis of data. In this chapter the researcher presents his data analysis and findings from respondents' interviews.

Chapter 6

DATA ANALYSIS AND INTERPRETATION OF FINDINGS

This study aimed at exploring the experience of victimisation vulnerability in the city of Durban with a sample group of foreign nationals. The understanding of this phenomenon was believed by the research to allow attract the attention of not only the South African government, but also NGOs, and Civil society activists so that special efforts should be made to pursue preventive action and advocacy including awareness campaigns, but also to implement conflict resolution programmes, as well as other community interventions activities aimed at promoting social cohesion in order to create awareness and to promote a democratic and just society with a human rights ethos as set out in the South African constitution, the Bill of Rights and other relevant International frameworks and treaties. The results obtained from 20 in-depth semi-structured interviews amongst a group of foreign nationals are then presented in this chapter.

Table 1. IDENTITY OF PARTICIPANTS

PSEUDONY MS	AGE	CITIZENSHIP	YEAR LEFT COUNTRY	DURATION IN SA.	IMMIGRATION STATUS
BIKOMO	35	DRC	2002	12	Permanent Residence
CHINELSO	34	NIGERIA	2007	8	Asylum Seeker
PETER	32	BURUNDI	2004	10	Refugee Status
BIMANA	33	RWANDA	2008	6	Asylum Seeker
CHRISTIAN	35	DRC	2004	10	Asylum Seeker
AMINA	34	DRC	2006	8	Refugee Status
PAMI	32	KENYA	2006	8	Refugee Status
EBEN	34	GHANA	2010	4	Work Permit
STERCOFI	32	GHANA	2012	2	Work Permit
OMARI	35	SENEGAL	2006	8	Work Permit
NGIKUMANA	34	BURUNDI	2008	6	Refugee Status
ABRAHAM	35	ETHIOPIA	2010	4	Asylum Seeker
MANGWENE	34	DRC	2005	11	Refugee Status
KINEBWE	33	MALAWI	2009	6	Asylum Seeker
KAMANENO	32	DRC	2004	10	Permanent Residence
ASCHALEW	31	ETHIOPIA	2006	8	Asylum Seeker
AZIZA	35	IVORY COST	2008	6	Asylum Seeker
NDIWIMANA	34	BURUNDI	2008	6	Asylum Seeker

CHIEDZA	35	ZIBAMBWE	2009	5	Refugee Status
UHURU	31	KENYA	2007	7	Refugee Status

This study included overall 20 participants, irrespective of gender. The participants fled their home countries between 2002 and 2012. The majority came from the Republic Democratic of Congo (n=5). The age varied between 31 and 35. The participant with the longest stay in Durban arrived in 2002 (n=1/20) but the majority of participants arrived in Durban between 2006 and 2008 (n=8). Table 2 below illustrate the socio-demographic characteristics of participants.

PART I.

a. The socio-demographic characteristics of respondents

Before embarking in the research expectations that answers the research questions for this study, the researcher sought to provide a session on the socio-demographic characteristics of respondents as to demonstrate the entire process of leaving their home countries and the choice of South Africa, after which, their victimisation vulnerability will be demonstrated from the findings as well as the nature and functioning of coping mechanism they employ in the face of victimisation vulnerability.

Table2. Shows socio-demographic characteristics of respondents

Respondents	Category	Number	Percent (%)par
Total			
Country of origin	DRC	5	25
	Burundi	3	15
	Ghana	2	10
	Kenya	2	10
	Ivory coast	1	5
	Malawi	1	5
	Nigeria	1	5
	Rwanda	1	5
	Senegal	1	5
	Zimbabwe	1	5
	Sub total	20	100
Age in years (mean,		33.42 ± 1.38	

STD)			
Age -Range		31-35	
Years of stay in Durban	2001-2005	5	25
	2006-2010	14	70
	2011-2014	1	5
	Sub total	20	
Years spent in Durban	2-4	3	15
	5-7	7	35
	8-10	8	40
	11-12	2	10
	Sub total	20	100

Legend: DRC= Democratic Republic of Congo; STD= Standard Deviation

Table2: Country of Origin and number of respondent per country.

As illustrated in table2, the majority (5/20 [25%]) of participants in this study are foreign nationals from DRC, with the least represented countries having only 1/20 respondent. Reason being is that foreigners from DRC were willing to participate in the study whereas other foreign nationals from other countries were reluctant in providing information about their experience of victimisation vulnerability during their stay in the city of Durban, hence they did not will to participate. The participating countries are represented in table 1&2 above. All respondents in this study did not provide their real names but rather they used pseudonym names so that they will not be easy identified by the readers of this study.



Figure1: Years spent in South Africa.

It also became critical to assess the duration that the respondents have spent in South Africa as immigrants. The results reveal that amongst a group of 20 participants, the majority of respondents 12 (60%) have spent 5 to 9 years in South Africa, some respondents 5 (25%) have spent more than 10 years whereas a few of respondent 3 (15%) have spent up to 4 years in SA. The years spent in SA, Durban varies between 2 to 12 years. The participants who have spent less years was of 2 years (arrived in 2012) and the participants who have spent more years in the country was of 12 years (arrived in 2002) in SA. The total number of years spent in SA by all participants is of 150 years in sum.

b. Reasons for leaving Home

It became apparent in the course of this survey to fully grasp the motivations for illegal immigration of foreign nationals into the Republic of South Africa (RSA) in general and in Durban in particular in order to fully understand the reactions and social ostracism that arise against them. The responses are presented in graphical form for analytical purposes as presented in Figure2 below.



Figure2: Reasons for leaving home

Survey data derived from the participants for reasons for leaving their home countries are varied. Of the 20 participants, the majority of respondents 11 (50%) attributed their migrating for political and Economic reasons, some 6 (30%) of the surveyed sample responded that they moved for War conflicts reasons, a few of participants 2 (10%) reported having left their home countries for visit purposes, and 1 (5%) stated education to be reason for coming to SA. It can be argued that Political and Economic problems are the main reasons why participants in this study fled from their home countries. Below are some narratives as why participant left his or her home country.

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

It was partly political, and partly economical, there is no job, and it is hard to sustain yourself. You cannot function if there is no income.

Eben, a 34 year old man from Ghana who has been in SA for 4 years reported:

I came to visit here, and got a girlfriend who said I should stay here with here.

Uhuru, a 31 year old woman from Kenya who has been in SA for 7 years reported:

The main problem is the political instability and economic situation. Everyone knows what is happening in my country.

Omari, a 35 year old man from Senegal who has been in SA for 8 years reported:

You know; lot of things, you want to survive; you want to help your family, so, lot of things.

The above narratives are part of the reasons why foreign nationals who participated in this study left their home countries and migrated to SA. As illustrated in figure 2, Political and economic problems have been noted as the major factors pushing the majority of foreign nationals to migrate to a foreign land.

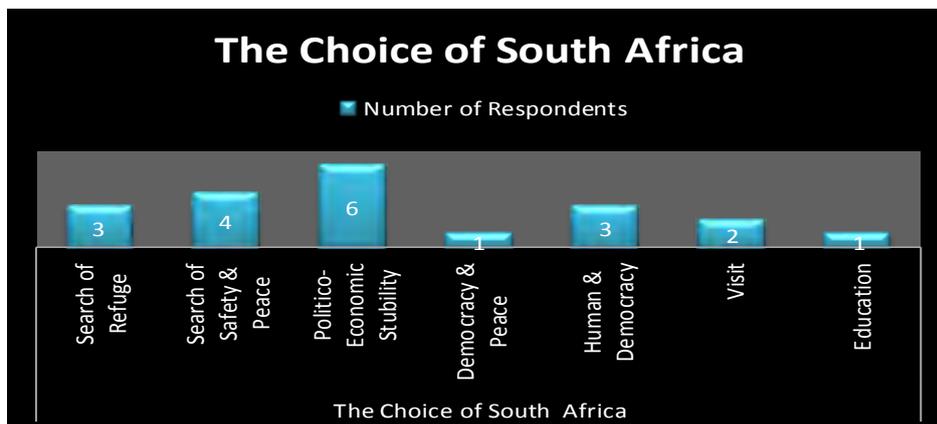


Figure 3: The Choice of South Africa

Survey data derived from participants for reasons for coming to SA are varied. Of the 20 participants, the majority 6 (30%) of participants attributed their migrating to SA for political and Economic stability claiming SA to be a politico-economic stable country, some 4 (20%) participants reported they came to SA for the search of safety and peace, some 3 (15%) of participants chose to come to SA for search of refuge, some other 3 (15%) of participants

chose to come to SA because they assumed there is respect of human rights and democracy, a few 2 (10%) of participants came to SA for visit purposes and 1 (5%) of the respondent reported having come to SA for study purposes. Below are some narratives on the reasons for choosing SA.

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

SA has been one of the strongest economies in Africa, and after the first elections in SA, the country has opened its doors to foreigner investors and for some years SA has been in the international and African news, for its progressive democracy, economy and peace. We have green pasture, economy, and I said why I should go outside Africa while we have a country such as this. After the democratic elections, we all heard good news about SA, So instead of me thinking going to Europe, why not coming in SA.

Ngikumana, a 34 year old man from Burundi who has been in SA for 6 years reported:

I think SA is one of the nearest countries of my country Burundi, and I thought that SA according to the news I was watching is a country which has political and economic stability and being part of Africa which is near to my country, that was my criteria.

Chiedza, a 35 year old man from Zimbabwe, who has been in SA for 5 years reported:

South Africa because those are many opportunities, uuuuuuhm may be to get a Job". Another one attributes her settling in SA to the peace: "I was in search of a peaceful country for my peace sake.

However, beside that the majority of participants chose to come to SA for political and economic reasons, some 20% of participants opinioned coming to South Africa for safety and peace with 15% of participants claiming having come to South Africa because it is a country where human rights are still highly respected comparing to many African countries. Below are some narratives of participants.

Bimana, a 33 year old man from Rwanda who has been in SA for 6 years reported:

SA is one of the countries which are trying to respect the people by trying to follow the international law and international obligations in terms of human rights.

Pami, a 32 year old man from Kenya who has been in SA for 8 years reported:

My selection of SA, was highly motivated by the news I always here about this country, about democracy and respect of human rights, but when I reached here, I met the human rights for refugees is questionable, that SA was finally free with the new elected government in 1994, that people could have a better life, that's why I came here.

Kamaneno, a 32 year old man from DRC who has been in SA for 10 years reported:

I chose this country knowing it is a country of human rights, a country where human dignity is highly respected, where people live in democracy, but unfortunately when I arrived here it was not the truth for foreigners, whatever is good in this country applies to citizens not foreigners, that's what I realised when arrived here.

A further reason was given by Bikomo, a 35 year old man from DRC who has been in SA for 12 years whose opinion was the indignifying nature of staying in refugee camps common in other countries: "It is because I did not want to stay in refugee tents, and SA is the only country which has refugees without tent". The rest share similar sentiments with one participant that "Because many Congolese, who left the country because of the war, used to tell us that South Africa is a peaceful country, no problem, there is peace all over, there is democracy and everyone is respected with dignity as a human being", reported Mangwene, a 34 year old from DRC who has been in SA for 11 years.

Hence, it can be concluded that even though the majority of participants came in South Africa because the country is politically and economically stable, other respondents have different views of why they chose to come to SA as it can be seen in the narratives above, and this should be taken into consideration when assessing the findings of this study.

c. Views of respondents when reporting to home affairs

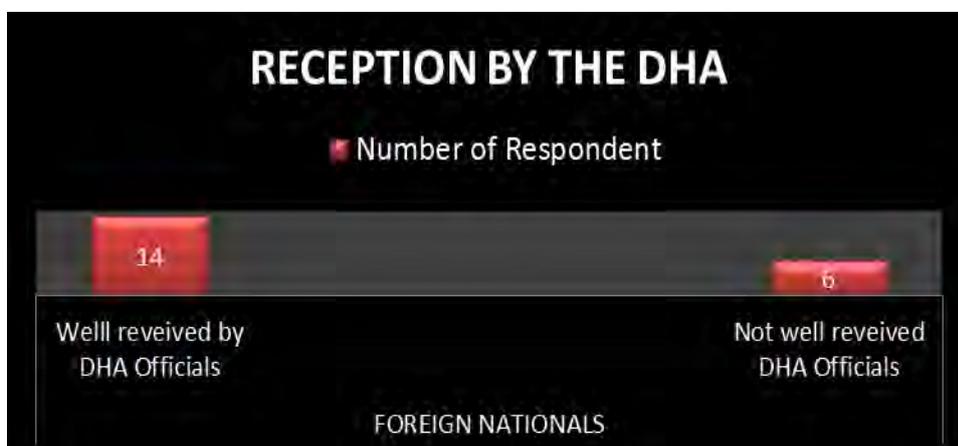


Figure4: Reporting to the DHA

Up on arrival in Durban, participants reported to the DHA as to authenticate their presence in the country and get legal documents for their stay in Durban. Among a group of 20, a majority 14 (70%) of participants has acknowledged having been well received by the DHA Officials, whereas some 6 (30%) participants claimed they were not well received by the DHA Officials, one of the participant reported “Yes, but the experience is not good because when they look at you, they just keep on sending you back, like “go you will come back” and so on..”. However, all 20 (100%) participants who reported to the DHA have confirmed being issued a legal document allowing them to legally stay in South Africa. Hence all respondents in this study have legal documents allowing them to temporary or permanently stay in South Africa. Figure 5 below, shows the types of documents for which participants were granted legal rights to stay in South Africa. The legal rights were asylum seeker, refugee status section 24; Permanent residence and work permit (Passport).

d. Types of documents

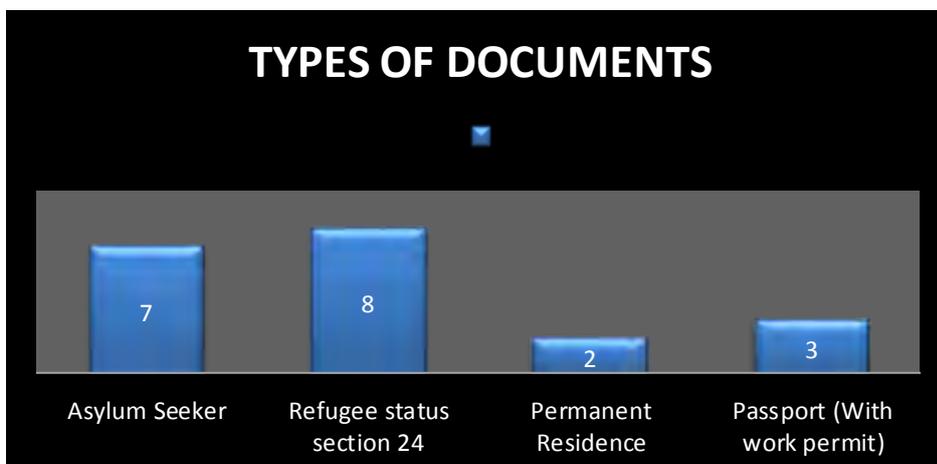


Figure5: Types of documents held by respondents.

As illustrated in figure5, the DHA issues different kind of documents to foreign nationals who report to them for their legal stay in the country. All 100% participants in this study have legal documents allowing them to stay in SA, among which 35% are Asylum seeker or permit holders; 40% are refugee status holders, 10% are permanent residence holders and 15% are passport holders. It can be argued that permanent resident holders are fewer than other different paper holders despite the numbers of years they have spent in South Africa. Reason being is that a permanent residence is the last legal paper a foreigner is issued in the process to legally stay permanently in South Africa, allowing the holder to have access to all facilities

available for citizens except the right to vote. Thus, it can be perceived that this has caused the DHA to be restraint in processing the cases of permanent residence applications as to limit the number of foreigners who are issued permanent resident document regardless of the years spent in South Africa. The researcher being a foreigner himself has been in the country for 9 years but still have not been granted permanent residence, and by doing a follow up on the reason, the researcher came to find out that the DHA is not willing to issue permanent residence to as many refugees as possible in order to restrain the number of the beneficiaries' government service delivery including local citizens.

For instance, when asked about the kind of document he is holding; Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported "Yes, I am a permanent resident after 4 years in SA." Whereas Ndiwimana, a 34 year old man from Rwanda who has been in SA for more than 6 years reported has not yet been issued a permanent residence:

I have got a bad experience with the home affairs department, just imagine, I have been here for 6 years and more but I am still using an asylum seeker paper commonly called Permit, this paper is a poison, you cannot do anything with it, you cannot apply for a Job because no one will accept this as your legal document, even though it is written on it that you are entitled to work and study in South Africa, but wherever you submit the paper, they say their system does not allow that kind of document, so they reject my application before even getting into the selection criteria. It is very sad for all these years I have been here but still suffering as a "new comer" just because the paper that I am using is blocking me to access at many facilities in the province and worse outside Durban.

According to the South African immigration law applicable to permanent residency, Section 27 (Residency-on-Other-Grounds Permits) of the "Immigration Act 2002 (Act No 13 of 2002)", a foreigner with five-year successive work permit status, and a "refugee" as referred to in Section 27 (c) of the Refugees Act should be eligible for a permanent residence. But it is unfortunate that the findings in this study have demonstrated the opposite. There is a severe restriction in issuing permanent residence to foreign nationals within the DHA, reason being is that the DHA officials are aware of the statement that "the holder of a permanent residence permit has all the rights, privileges, duties and obligations of a citizen, save for those rights, privileges, duties and obligations which a law or the Constitution explicitly ascribes to citizenship".

The majority 40% of respondents in this study are refugee status holders. However, when questioning about the type of the document issued by the DHA, respondent have reported that these papers do not work, and that everywhere they submit them for administration purposes, they usually reject them.

The case of Bimana, a 33 year old man from Rwanda, who has been in SA for 6 years, reported:

Yes the paper they gave me is a legal one, but it is kind of asylum seeker, but the big issue is that with that paper, you cannot open a bank account, to get a job, or go for education, you cannot do anything with that paper. It is blocking me somehow (Bimana).

e. Experience with DHA



Figure6: Experience with the DHA

As illustrated in figure 6, when asked about their experience with the DHA, a few 5% of participants has reported having a good experience with the DHA, whereas the overwhelming majority 95% of participants has reported bad experience with the DHA. Below some natives:

Chinonso (Asylum seeker) a 34 man from Nigeria who has been in SA for 8 years reported:

Home affairs, it has been corrupted, it has become individual, the system has changed, and they have made services tougher than before.

Eben, a 34 year old man from Ghana who has been in SA for 4 years reported:

Now the department of home affairs has turned to business, if you don't have R8000, R10.000 you cannot get a paper,

Amina a 34 year woman from DRC who has been in SA for 8 years, reported:

Home affairs per se, is there to help foreigners to get papers that allows us to live legally in this country, unfortunately the kind of papers that are issued to us, have a very strict limit, there is no freedom of movement with those papers, you have no access to many formal things, you cannot open a formal business, you cannot open a bank account, and many other stuff you are not allowed to do. Unfortunately, on that document issued by home affairs to refugees, it is written, that we are allowed to work and study, but in reality, companies won't hire you when you present those papers, it is sad, but what do we do? We just find other means or ways of earning a living.

Omari, a 35 year old man from Senegal who has been in SA for 8 years reported:

My experience with home affairs is not good, because of the kind service they offer to us. It is bad, and no respect toward foreigners. They make you wait long hours, while they are seating in the offices doing nothing.

Ngikumana, a 34 years man from Burundi, who has been in SA for 6 years reported:

"My experience is not good, because all the time I go to renew my paper they always give complications, they make you wait long hours while they are doing nothing in the office. I don't think they considers us as normal human being like themselves, they look down at us, neglect us, so nothing good with them for me, I can say."

Chiedza, a 35 year woman from Zimbabwe who has been in SA for 5 years reported:

"Not good, those people don't care about your age, we see how they treat even older people, no respect, shouting, shouting at people for no reason, and some time they send you back home unserved and they say come tomorrow after you've spent the entire day there. Mostly they say "the system is slow", but since morning what they have been doing in the office? The system goes down in the afternoon when you come to announce that the system is low? These people are not serious sometimes."

The overwhelming majority 95% of participants has reported negative experience with DHA, making people experience hardship in their daily lives in the city of Durban, in the manner that the paper provided by the DHA does not guarantee the holder to have access to the facilities provided to asylum seekers and refugees, as stated in the bill of rights. The issue raised by participants is the fact that the DHA issue legal documents regardless of the duration of expiration but in all the documents issued to "refugees" and "asylum seekers", it is written

that “you have the right to work and study” but the reality is that everywhere in private sectors and unfortunately in many government institutions participants have reported that “when you present your paper, they tell you that they do not know that type of document, we need a South African ID”. Again, the DHA has been accused of abuse of foreigners who report to them. Complaints are made that they make foreigners wait long hours while seating in their offices doing nothing, take bribe from foreigners in exchange of services that are meant for free, being careless, and not showing respect by shouting at people even the elders for no reason. All the above is the experience of foreign nationals within the DHA.

Part II

Xenophobia: Lived experiences of immigrants in South Africa/city of Durban

6.1. Research expectation 1, 1.1 to 1.2

6.1.1. The nature and frequency of victimisation

Research expectation 1; It is postulated in research expectation 1 that a majority of foreign nationals in this study will be victims of crime in which some of these crimes will be perpetrated by the officials working for the government of SA, and that the majority of foreign nationals will experience physical violence as one of the incidences of their victimisation vulnerability.

Victims of crime and types of crime



Figure7: Victims of crime and types of crime

Figure 7, represents the number of participants who have been victims of crime and the types of crime they have experienced during their stay in the city of Durban. As illustrated in figure8, the majority 85% of participants have been victims of crime, a few 10% of

participants have not experienced any form of crime, and one 5% of participants did not respond to the question saying that *"I don't want to remember what they did to me"*. Nevertheless, in reference to the report of participants, it has been noted that "petty crime", "house breaking", and "shop looting", are the main crimes that participants have experienced during their stay in the city of Durban.

a. Petty crime

Crime such as cell phone stealing, wallet, and pocket money (pocket money are money carried in pocket by a person) have been reported by some participants in this study as their crime experience in the city of Durban. According to participants, it happens mostly when going to and coming from work, in the morning and in the evening. Below are some narratives of participants who were crime victims and the types of crime they have experienced in the city of Durban.

Ndiwimana, a 34 year old man from Burundi who has been in SA for 6 years reported:

Yes, I often get attacked when coming back from my work, the people I first met took me the money I had in my pocket, and the phone, next time the phone only was taken, the following day, same place they took the other phone I bought and my wallet was taken, so it is scary and fearful.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported:

Petty crime yes, I had my telephone, and they stole it I used to work at the hospital and one day early morning, I went to wait for my transport, the area is full of homeless people, and it happens that they stopped me and took my phone and wallet, after few months my wife also was stopped as she was asked "if you want your life you give us everything you have, and if not we shoot you straight" so because of the fear, she handed them the watch and phone.

Kinebwe, a 33 year old man from Malawi who has been in SA for 6 years reported:

Yes. It was around 5pm. I was talking over the phone, and just saw 3 people around me and one pointed a gun at me, and said, to give them the phone and everything in my pocket, I had no choice, I gave them everything they wanted, my expensive phone, my wallet, and all the money that I had in the pocket. They left and did not beat or physically harm me.

b. Shop looting

Shop looting has been reported as one of the most common crime faced by foreign nationals who are running businesses in the city of Durban. This happens mostly during the xenophobic attack. In 2008, 2010 and 2015, foreign owned shops were looted by mobs of local citizens claiming that foreigners should go back home. Looting of shops is a serious crime because it involves property damage and sometimes it leads to killing of the shop owner in case of self-defence. Below are some narratives of survivals of shop looting.

Christian, a 35 year old man from DRC who has been in the city of Durban for 10 years reported:

Yes, in time of xenophobia 2010, I was running a shop, they came once and they looted everything in my shop, and my shop it falls down like that, and the police they did not do anything, they did not follow up, we never get anything from the government, from the police. Till today we never have any support from the police.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported:

Yes, I had, not even once. They meet you in the street, they stop you, and they search and take everything. First, they took my phone; second, they came to my shop 8 guys. They take phones, blanket from the shop, and so forth. 8 guys came with guns and knives and they killed one guy from my country.

Mangwane, a 34 year old woman from DRC who has been in SA for 11 years reported:

Yes, Xenophobia, we were attacked by the SA local citizens, women were saying we are here to take their husband, and men were saying we are here to take their wives, their jobs and many other things, also if you are dressed in home clothes, it becomes a big issue, it make them identify you easily and put you at risk of being physically beaten, insulted. It happens during the 2008 Xenophobia, myself, I was a victim of the xenophobia at this time, the shop was looted and my husband and I run away and left everything in the shop, after 2 days we came back, nothing was in the shop. Very sad, she said.

c. House breaking

House breaking has been reported as one of the crime experiences faced by participants in the city of Durban. It is a serious crime leading to the loss of valuable properties in the house where the victim lives. According to the Statistics South Africa 2014, "an estimated 730 000

households in South Africa experienced housebreaking/burglary in 2011 and a further 200 000 households were victims of home robbery, making these crimes the most prevalent household crimes” (Watney, 2014: 606-607). Therefore, it cannot be argued that housebreaking is only experienced by foreign nationals but it is a general crime issue facing all people living in South Africa as a country at large.

Peter, a 32 year old from Burundi who has been in SA for 10 years reported:

Yes, the place where we were sharing a flat, we once met our properties in the flat were stolen, and left the flat empty, and we went to report to the police but nothing happened, because we are foreigners, so we realised that sometime we just have to be quite, when things happen like that. Have more money and buy the stuff and life move on.

Aschalew, a 31 year old man from Ethiopia who has been in SA for 8 years reported:

Yes, 5 times at home where I stay, house robbery, they came and break the house and took the money and valuable stuff in the house such a TV, Radio, and cell phones. 6 times at work, they come as if they want to buy something, and after they point knives and sometime gun at you and saying they need ABC and I give them, so it happens most often.

Sub-research expectation 1.1,

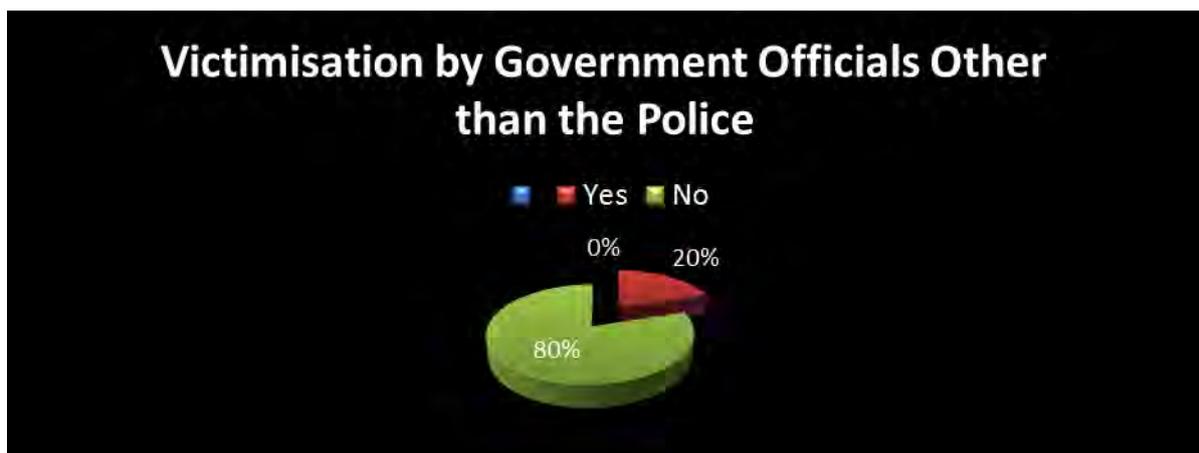


Figure8: Victimisation by government officials other than the Police

Sub-research expectation 1.1, states that the majority of foreign nationals will be victimised by some government officials. In reference to the literature review of this study, Olowu (2011) argues that xenophobia manifests in diverse ways depending on the circumstances of its

purveyors and victims. Such manifestations could be through discrimination in job placement, remuneration, housing, educational opportunities, health, water, and service delivery or social profiling. Therefore government officials operate in different government institutions putting them in direct contact with the clients they serve or people who seek services from these institutions. In the case of foreign nationals seeking services within government institutions, it can be assumed that they will not be welcomed or their needs will not be met, this leads us to what Soyombo (2008) calls “institutional xenophobia”. According to Soyombo (2008: 87), “institutional xenophobia is a situation in which the institutions of a society systematically express/exhibit hatred towards members of another group. Institutional xenophobia is usually more covert than overt and is usually more difficult to identify”.

However, when going about asking respondents if they have been victimised by some government officials other than the police, it became apparent that some government officials other than the police do victimise foreign nationals, but the findings in this study have demonstrated that a low number of government officials victimise foreign nationals in one way or another. As illustrated in figure 9 above, amongst a group of 20 participants in this study a few 4 (20%) have reported having been victimised by some government officials whereas an overwhelming majority 16 (80%) of participants have reported never been victimised by any government officials other than the police. This majority have reported “never been in contact with the government officials” Again, it refers to the exposure category of the differential risk model of criminal victimisation stating that “exposure to potential offenders and high-risk situations and environments” might according to Fattah (2000a: 65), increase the risk of personal victimisation. Uhuru, a 31 year old man from Kenya who has been in SA for 7 years reported:

No, I have never been in contact with any government official except home affairs and the police.

Nonetheless, the mostly accused government department that victimises foreign nationals is the DHA. Reason being is that almost all foreigners whether newly arrived, temporary or permanent residents, they all report to the DHA for papers applications or renewals and this has become a lifestyle of all foreigners in the city of Durban and in the country at large. This lifestyle exposes foreign nationals to the DHA officials mostly local citizens among which some have hatred sentiments towards foreign nationals making them potential or motivated offenders of foreign nationals who report to the department to legalise their stay in the country (Mabudusha, 2014) . Again, it refers to exposure category of the differential risk model of criminal victimisation by Fattah (1991). According Davis and Snyman (2005: 42) in

the lifestyle theories, before predatory criminal victimisation can take place, a “motivated offender” has to come in interaction with a potential victim and or such victim’s property.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported;

Very much often; we had an association based on discrimination of those who are not SA, but we were told they cannot give us papers to operate because we did not have a SA ID, we even took the municipality to high court, but it was unsuccessful. We have documents from DHA allowing you to work and study here in SA, but when you want to work, they bring many laws just to show you that you have restricted rights to work or open any business, same as to study. On one side you have DHA document allowing you to work and study, but when you apply for the job, they tell you that you are not a citizen; they cannot hire you, or give you a job.

Additionally, the CJS can also be seen as a governmental institution that has been in touch with foreign nationals. In this study, participants were asked to narrate on their experience with the CJS as to find out about their access to the justice and the treatment they receive by the CJS officers. Below is a figure demonstrating the experience of participants who have been in contact with the CJS in the city of Durban.

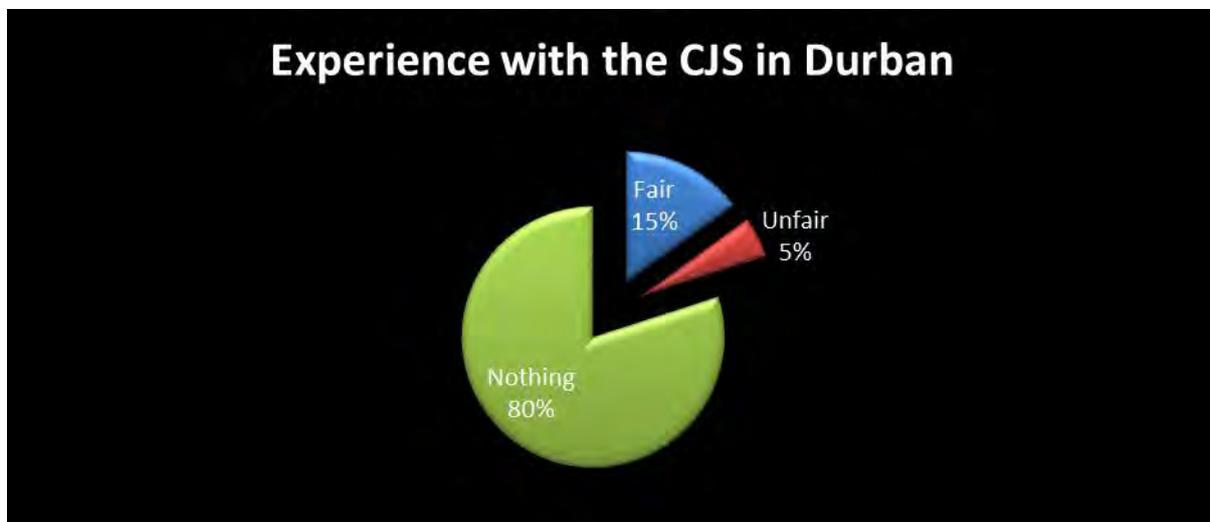


Figure 9: Experience with the CJS in Durban

The CJS has been identified by some respondents as a tool to suppress the poor on the benefit of the powerful people in the city of Durban. Foreigners minority in the city of Durban are considered as poor and powerless people, hence, the CJS does not seem to work for them. It has been reported by respondents in this study that the CJS is not affordable, so expensive,

but even for some foreign nationals who can afford, still facing unfair treatment in their cases during the trial. When going on about doing interviews for this project, a majority 80% of participants chose not to respond to this question thinking it was a tricky question as *“it doesn't help them in nothing”*, since the justice is in the hands of citizens, so the expectations of foreign nationals from the CJS should not be higher in terms of justice to foreigners. The CJS has been accused of corruption by respondents in this study, *“if you have money you have justice in this country”* they have reported. This statement shows that not everybody can afford justice in this country, mostly foreign nationals who have to live with low monthly income, and are powerless in terms of legal rights, but again the immigration policy in South Africa does not give them power for their rights.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported

It is very expensive to access the criminal justice system, it is not affordable by the poor, you want afford to hire highly profiled lawyers because you have no money to pay.

Christian, a 35 year old man from DRC who has been here for 10 years reported:

The justice here somewhere somehow they are wrong, they don't have a just justice because you see someone who killed a person, they arrest him and after their trial they release him on bail, a criminal who has killed a person, but they release him for bail, can you imagine what kind of justice is that?? How come you can kill someone and tomorrow you pay money and you go out; because if you are doing crime you must go to jail for long, long time, but if you have money here in SA. If you have money you are a free man.”

However, the claim of the above respondent seems not to be true as we cannot generalise one case to different cases. Not all murderers or rapists get bail in South Africa. One case cannot be used to generalise all cases. Bail applications are treated solely in their merits in the country.

Again, during interview session, a few 1 (5%) of participants have reported the unfairness of the CJS. The participants reported that the CJS does not work for foreigners rather for local citizens. They reported that *“if you open a case against a citizen, the officers will favour the citizen and let you down even if you are right, just because you are a foreigner”* (Kinebwe, a 33 year old man from Malawi). This has been repeatedly reported in this study by respondents as a reason why some foreign nationals do not like to go to the justice for any offence they

experience in the city of Durban. In addition to the unfairness of the CJS, it has been reported by respondent that “money is the justice in South Africa regardless of the sensitivity of the case, if you have money, you will win the case”.

Pami, a 32 year old man from Kenya who has been in SA for 8 years reported:

Well, the CJS of eThekweni, is very questionable, because I have seen in many instances, cases where a South African kills a foreigner and being arrested, but after few weeks not more than two weeks you see the person out the jail, and you start questioning yourself, if this the man who killed? And I ask myself why this man outside the jail? Is this to support citizens to kill foreigners, because it is not understandable; does it mean the CJS is supporting people to kill especially foreigners in this country? You don't know what is happening there.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported:

It is very poor. If you have money, you have justice regardless of the sensitivity of the matter, but if no money there is no justice. One lady killed one Nigerian, Ethiopian, but she were arrested and released after 2months on bail. So if you have money, you gonna do anything, you report but nothing comes out, no expectations, she killed 3men, a white man, one Nigerian, but she went in Botswana, and no one cares to arrest her because she has money

Kinebwe, a 33 year old man from Malawi who has been in SA for 6 years reported:

Justice in South Africa works first for South Africans, and then foreigners but remember, even though you have money and you are a foreigner it will work for a citizen with no money, so discrimination is high within the justice system. It goes to the South African first and to those who got money, so if I am a foreigner and got money there it works, but remember even though I've got money, I will never win a case against a citizen.

However, the CJS should be there to deal with “victims of violence” irrespective of the nationality of the victim, but in reference to what participants have reported, it can be noticed that the CJS does not work for foreign nationals, different arguments were given on the experience of participants about the CJS, which involve the police, the court and the prison. The police have been accused of being prejudiced when dealing with cases in which a foreigner is a victim and local citizen an offender, such a case never work for the victim (foreigner), and at certain extent the victim end up being victimised by the police officer, as a secondary victimisation. In addition to the police, the court also has been accused by some

foreign nationals who have had cases at the court, and their experience is not good when participants reported that “they never get justice, because every time there is a judgement, the offender is found guilty but in 2 to 3 days, he will be out on bail, putting the situation worse for foreigner who will now live in fear of being re-victimised by the same offender over again and again. Similarly the prisons are not conducive in keeping prisoners. Some participants who know friends and relatives who have been in prison have reported bad treatment by fellow prisoners who are citizens in this country.

Sub-research expectation 1.2, states that the majority of foreign nationals will experience physical violence. During the interview session of this study, when asked if they have been stopped by the SAPS, a majority 55% of participants have agreed having been stopped by police officers; unfortunately the stop mostly has turned into physical violence by the police as it can be noticed in the narratives of participants in this study.

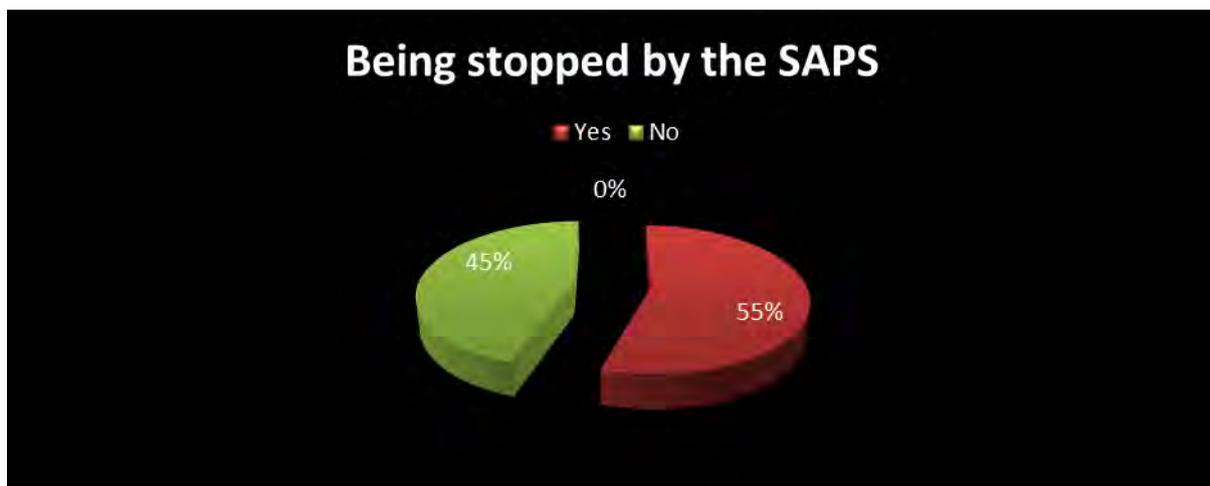


Figure 10: Being stopped by the SAPS

This subsection determined the extent to which the South African police service stereotyped foreign nationals by way of stopping immigrants in a way that makes them feel being violated against. When asked about whether the police stopped them while they were going about their business for presumed criminality, almost more than half of participants who say they have been stopped by the police cite instances where the police conduct a search in a manner that violates their dignity. However, this researcher aggregated the data on the basis of respondents who say they have been searched, and in many of these instances the police have even ended up cashing in on these searches. However, as illustrated in the figure above, the majority 55% of participants have reported that they have been stopped by the police whereas some 45% of participants have reported no they have not been stopped by the

police. Ngikumana, a 32 year old man from Burundi who has been in SA for 6 years reported:

Yes, I have been once arrested by the police in the road, they were searching for drugs, and the way they treated me was inhuman, I don't think if it was a South African, they could treat him the way they did to me.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported:

Yes lot of time, many they stops you for a good reasons, they just check your papers and leave you, but others want to search you in the pockets and if they find money, they will want to arrest you and make as if you have committed a serious offence and they take the money away from you, they intimidate you. I was once parking next to the building where I used to stay, but 2 police officers approached me and started questioning me, I told them I was waiting for my wife to come out of the flat because we are going somewhere, but they asked me for my licence, and they took it, with them, until I gave them money that's when they gave me back the licence and I left. Coming from church; they just grab my driver's licence and I had to pay R200.

Christian, a 35 year old man from DRC who has been in SA for 10 years reported:

Yes, they have arrested me, not even once, in Joburg, I was arrested several times, they pretend as if they are doing their job, they stop you, they ask you question, they search you, but if they see you have money they start intimidating you and they take your money and put you in their van but they release you because they have taken your money. Here in Durban, I was once arrested by the police and they called me they asked me to open my bag, they saw salt-fish in there and they started intimidating me saying "how these fish entered here in South Africa because it is not allowed", and I told them I bought them here in South African, I never leave the country to go and buy fish outside the country, they took me to their van they arrested me, from 4oclock, 2hours and halt, later on I gave them R50 and they left me, I went home, so the SA police are thieves, they are not helping foreigners.

From this narrative, as the researcher, I would like to state that giving a bribe to the police is a serious offence in the same way the police who took bribe committed an offence; therefore, it's better to report the matter to the high level of the justice than giving bribe to the police officers to avoid committing illegal acts as it seems to be the case in the above narrative.

Those who have been arrested by the police have claimed being threatened by the police officers for no reasons. In reference to participants, most of the arrest were assumed to be Nigerians due to their physical appearance and were treated as drug dealers, but it did not seem to be the true. Here some narratives of participants.

Pami, a 32 year old from Kenya who has been in SA for 8 years reported:

Well, I have been stopped once or twice and the manner I was treated it was not friendly, because they thought I was a Nigerian that is what my physical appearing portrayed me to be a Nigerian looks like they said, so the first think they did, they started putting their hands in my pockets, taking my phone out, and find my passport, they realised that I was not a Nigerian, and they said, ooh, you are not a Nigerian take back your things, ah, and they asked for an invoice of my phone, I asked them how can I keep a slip for 2years in my pocket, I told them, guys you have searched me, you know who I am and you can see I am not a Nigerian, so give me my stuff and let me go, and they left me regretting that if I was a Nigerian they could have arrested me. I don't know if Nigerians are criminal in this city or what is happening. "Oh, take back your things", they said, they did not even apologise,

Frequency of victimisation



Figure 11. Frequency of victimisation

Figure 11 illustrates the frequency of victimisation of a group of foreign nationals in the city of Durban. When asked participants how many times they have been victimised, the majority 70% of the participants have answered several times, some 40% of participants have answered once, and a few 10% of participants have reported never experience victimisation.

Among those who have been victimised, the nature of crimes is seen in figure 7, which demonstrates the types of crime that foreign nationals have experienced in the city of Durban. Petty crime such as (phone stealing, wallet and pocket money), shop looting and house robbery have been identified as the most common crimes experienced by a group of foreign nationals in this study. Christian, a 35 year old man from DRC who has been in SA for 10 years reported:

Several times, several times, several times, they have already taken my phones many times, maybe 5 times, you buy a nice phone, you buy a new phone, you find a group of people they surround you and show you knives and then they ask you everything you have in the pocket, and that how I used to lose all my phones.

Amina, a 34 year old woman from DRC who has been in SA for 8 years reported:

I was victimised thus once, but I can say that most often I am victimized, just because I don't bother complaining when it happens to me, knowing that nothing can be done, even if I report.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported:

They came to the location, they killed one guy from my country, once they arrested me and took my phone, they came to my shop, and they looted my shop and forced me to give them money. One in location, one in town

6. 2. Victimisation Vulnerability Associated with Risk factors

To better understand the vulnerability of foreign nationals, it is worthwhile referring to the argument provided by Strohmeier et al. (2011: 05) stating that “theoretically, immigrant status might be considered as a risk factor for victimisation. Immigrants may be perceived as different and therefore not fitting in with the peer group”. However, Peacock (2013) argues that the probability of being victimised is determined by a number of risk factors. Interestingly point out risk factors influencing victimisation among which attractiveness, suitability and vulnerability. It can be assumed that foreigner workers are in close proximity and are exposed to criminal or motivated offenders within or at the working environment, putting them at a higher risk of being victimised due to their vulnerability.

6.2.1 Research expectation 2, 2.1 to 2.4

6.2.1.1. Vulnerability due to lack of capable guardians

As stated in chapter 1 of this study, Dussich (2006: 118) explains vulnerability as a “physical, psychological, social, material or financial condition whereby a person or an object has a weakness which could render them a victim if another person or persons would recognise these weaknesses and take advantage of them”. Green (2007), argues that “Vulnerability is often used to express the level of risk posed to certain groups or individuals. The more vulnerable a person is the more at risk they are of victimisation. It can also be used to the level of harm we are likely to suffer when we are victimised. The greater the impact and consequences of victimisation the more vulnerable a person is” (Green, 2007). However, we can then refer to the opportunity category of the differential risk model of criminal victimisation by Fattah 1991 (Chapter 2). It can be perceived that a foreigner is an opportunity of a potential or motivated offender, who can be subjected to victimisation because of lack of capable guardians, which make the potential victim a target to victimisation. According to Peacock (2013: 22), this model is grounded on the idea that the “risk of criminal victimisation depends largely on people’s lifestyle and routine activities that brings them and or their property into direct contact with potential offenders in the absence of capable guardians”. Meaning, the likelihood of foreigners being victimised depends on their lifestyle and routine activities that make them fall in the hands of potential as well as motivated offenders, putting them at risk of being victimised.

To measure this concern, a question was asked to participants in this study about their perceptions of been victims of crime, in other word, their likelihood of being victimised as foreign nationals living temporary or permanently in the city of Durban. The figure below presents participants and their perceptions to of their victimisation vulnerability.

Self-perception of victim of crime (foreigner as a target of crime)



Figure 12. Self-perception of victim of crime (foreigner as a target of crime)

As illustrated in figure 13, when asked if they see themselves as victims of crime, the majority 70% of participants have reported living with fear as a result of their experience of victimisation knowing that they can be victimised anytime anywhere in the city of Durban, whereas some 30% of participants have reported having no feeling whatsoever.

Those who have agreed that they are at risk of being victimised in the city of Durban has acknowledged that there is lack of capable guardians for their protection, though their lifestyle and routine activities expose them to potential as well as motivated offenders as they leave home early to report on duty and come back to their places late after their shifts end. However, with regard to the crime situation in the province, some participants have acknowledged that “not only foreigners are target of crime, but criminals do not chose their pray” they said, but it is just matter of where and when you meet them. It refers to the differential risk model of criminal victimisation whereby people are mostly victimised due to their lifestyle and routine activities in which risk factors are involved (Fattah), as well as the differential association category of Sutherland. According to Sutherland, this category implies that “individuals who are in close personal, social or professional contact with potential offenders run a greater risk of being victimized” (Chapter 2, pg. 7).

Again, the scapegoating of foreign nationals has been another element of their vulnerability, here we can refer to Davis and Snyman (2005: 292) reporting that “many politicians, the press, government departments such as the SAPS, the South African National Defence (SANDF), the DHA and the public at large, particularly those in the informal settlements commonly blame foreigners for exacerbating social problems. These range from rising crime and unemployment to the spread of diseases such as malaria and Aids”. As a result we have had the May 2008 and April 2015 xenophobic attacks with all consequences they implied ranging from foreign owned shop looting to the killings of some foreign nationals in the city of Durban in particular and in the country at large. Nonetheless below are some narratives of respondents who were reporting on their perception about their likelihood of facing victimisation in the city of Durban.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported:

It is obvious that I can be a target of crime. These people, attack anybody, I think they do not care whether you are a foreigner or not.

Christian, a 35 year old man from DRC who has been in SA for 10 years reported:

Yes, even where I am working, you can find yourself working with citizens, but they don't like you, they can even kill you, they are jealous, because they can see that foreigners know how to work, they can see that we work hard, and are committed to the job, because they are very rough, they are very fast in killing, because they can see us foreigners we have skills and we like jobs, but, they are not serious with their life, so anytime your neck can be cut off if you are walking in SA, always your life is in danger, you are not safe if you are a foreigner, because anytime they can kill you.

Kinebwe, a 33 year old man from Malawi who has been in SA for 6 years reported:

As a foreigner I am a target, because the mind set of local citizens here is that overtime they see a foreigner, they see a criminal, a job stealer, and all negative things, so, as a foreigner, I live in fear, cannot walk certain areas at certain time because of the fear of being attacked, or victimised.

Amina, a 34 year old woman from DRC who has been in SA for 8 years reported:

Yes, you see, in this country we live in fear, everywhere you are not secured. We only rely in God's protection, because these people they are criminals, some of them are used to commit crime, and many unlawful acts.

Stercofi, a 32 year old man from Ghana who has been in SA for 2 years reported

Yes because there is too much crime here, you are not safe, only pray your God, so that God can protect you when you go out and help you come back safe to your flat, here I am not safe , too much crime here. Here if you are going somewhere you are not safe.

Omari, a 35 year old man from Senegal who has been in SA for 8 years reported:

Year, the Durban here, in this road, it is very bad here, especially in this road (Gillespie Street road). Yeah the Durban with thief boys, in this point road is very bad, all the time the boys are robbing people, it happens many times.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported:

Yes, I can see myself as a target of crime, because as you know, when I see what happened in 2008, with the xenophobic attack, so it doesn't prevent me to be one of the attack, so meaning, any time I can be one of the target, because in my

understanding they don't like us, they don't like foreigner people, so that's why I can be attacked, also the way they treat foreigners is not good.

Aschalew, a 31 year old man from Ethiopia who has been in SA for 8 years reported

Yes, there is crime everywhere here, and I leave in fear, knowing that I cannot walk at certain hours and at certain places for the fear of being victimised.

As illustrated in figure 15, some 30% of respondents in this study have responded that they do not see themselves as target of crime.

Uhuru, a 31 year old man from Kenya who has been in SA for 7 years reported:

No, I have been here for many years but I have not been attacked directly. So, I am not

6.2.1.2. Vulnerability due linguistic, fear and cultural barriers:

Linguistic, fear and cultural barriers affect the way foreign nationals seek and receive help in the host community. Thus, the "lack of local language skills can act as a barrier". Language barrier can be seen as "one of the major factors that prohibit the use of health services because it jeopardises effective communication between ethnic minority patients and health care personnel". Most often foreign nationals face victimisation because of the mere fact that they cannot express themselves in the local language. This type of victimisation can be seen within the health care services or within the community services.

6.2.2. Language problem

The respondents were asked if at all they have ever faced language limitations that render them feel a sense of social disconnect.

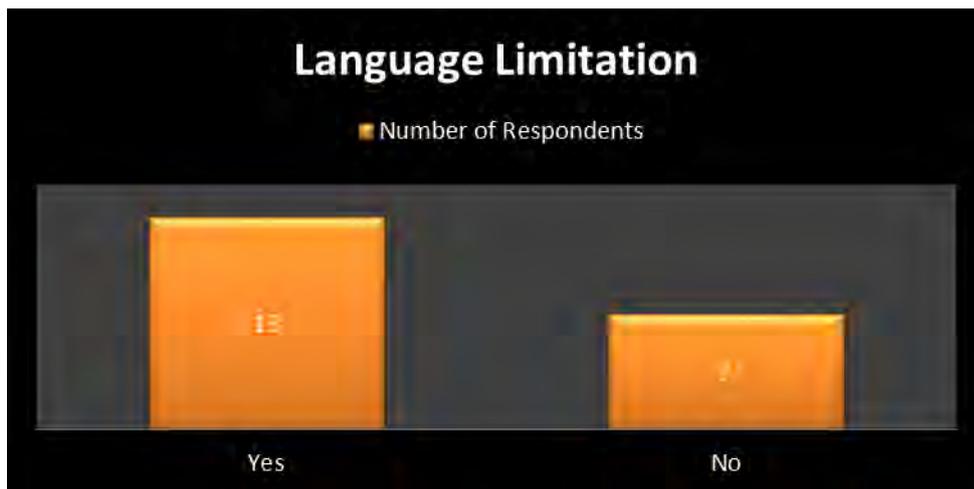


Figure 13. Language limitation problem

As illustrated in Figure 13, language limitation is seen as another factor contributing to victimisation of foreign nationals in the city of Durban. When asked about their experience about language in the City of Durban, which is an IsiZulu commonly speaking language, the majority 13 (65%) of respondents reported having been victimised because they cannot speak IsiZulu, and some 35% of participants reported never experience any language problem in the city of Durban. victimisation linked to language limitation has been seen leading to social disconnection as foreign nationals feel uncomfortable socializing and interacting with local citizens because they cannot speak their language and they are afraid of insults and being called names just because they cannot speak IsiZulu. During interviews, the researcher has found that victimisation due to language barrier happens in taxis, hospitals and at the DHA when there is an interaction between foreigners who need help from officials of these departments commonly staffed by local citizens.. Hence it can then be argued that language plays an important role in the victimisation of a group of foreign nationals in the city of Durban. However, when asked the question “have you experienced language limitation problems in the city of Durban? If yes, what were the incidents?”

Chinelso, a 34 year old man from Nigeria who has been in SA for 8 years reported:

A huge problem here in Durban, if you cannot even say “kunjani” it is a problem, everywhere in the Taxi, hospital, you feel like being looked down, because you cannot express in Zulu language.

Amina, a 34 year women from DRC who has been in SA for 8 years reported:

Yes, in a taxi when you cannot speak in Zulu, sometime you won’t get back your change if you paid more and expecting change. So it is always a problem here in

Durban if you cannot speak Zulu, because the black people here when they meet a black foreigner they pretend as if they don't know English, and they talk to you in Zulu, but if they meet a white or Indian, they speak fluent English, and you question yourself, why this kind of attitude? Why our fellow Africans treating us badly? And you realise that there is the sentiment of jealousy, they don't like us for any reason, thinking we are here to take their women, and Jobs, whereas in reality we don't.

Pami, a 32 year old man from Kenya who has been in SA for 8 years reported:

Yes, the problem of language here in Durban, is very critical, you will face hardship in many things if you cannot express in Zulu, for instance, I was once threatened by the taxi driver who refused to give me back my change after I have paid a note of R20, I waited for the change until I started asking for my change but the driver was talking in Zulu only knowing that I could not speak Zulu, so it was a sad experience, and got my change because of other people who were in the bus asking him why he does not want to give me my change.

Mangwene, a 34 year old woman from DRC who has been in SA for 11 years reported:

Yes, here if you cannot speak Zulu, it is a big problem, in the Taxis, in hospital, they will only talk to you in Zulu, knowing you cannot speak their language, but they keep on traumatising you telling you things that you don't understand, and this becomes a threat, because it brings fear. Here if you cannot speak Zulu, it's over for you.

Eben, a 34 year old man from Ghana who has been in SA for 4 years reported

Yes, that is the big problem, because if you tell the person 'listen here' he says 'ANGUZWA' (Angikuzwa, meaning I do not here you) even if he knows and understand what you are trying to ask, because you are a black person, but when they meet with white people, they speak fluent English as if they are specialist in it. The language problem happens most often at work with colleague, so we have no choice, just force and accept all kind of marginalisation because I need money.

Foreign nationals in this study have accused some Zulu people that they pretend not to speak English when they meet an African black foreigner. They only speak IsiZulu, and mostly by "intimidation", but when it comes to a white or an Indian, "they speak English fluently like professionals". Reason being is because of the bad attitudes they display on black foreigners. However, as illustrated in figure 14, 35% of participants reported they have never experience language limitation problems in the City.

Bimana, a 33 year old man from Rwanda who has been in SA for 6 years reported:

NO, but what is good with the citizens here, they are happy when they feel that you want to know their language, and you can say some words and they correct you.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported:

No, I come here knowing English and I had to learn IsiZulu as soon as possible, because if you want to live better with a certain group of people, you have to learn their language, so I had to learn to speak Zulu so I really did not have a serious language problem...

In conclusion according to respondents in this study, language is seen as one of the intimidating tools used by some local citizens to victimise a group of foreign nationals. As it can be noticed during the interviews, those who never face language limitation problems are foreign nationals who came in Durban and learnt how to speak IsiZulu immediately. Hence, they communicate easily with the locals and this helps them to be free from intimidations and not facing victimisation due to language barrier. Unlike those who do not know or unwilling to learn the local language, they are the one facing language limitation problem as they cannot express themselves in the local language, therefore, it can be advisable to foreigner nationals living in the city of Durban to learn how to speak IsiZulu as to avoid any threat due to language barrier, but also learning an indigenous language facilitate social integration within a given community.

6.2.3. Vulnerability due to lack of information

Many foreign nationals suffer from lack of information of the working system of the city or country in which they find themselves. This can be a source of victimisation due to the fact that they do not know how to get help or how to get assistance within the hosting community mostly when they arrive for the first time in the country or in the city. The most problem here is when foreign nationals are trafficked from the country of origin to a foreign country not knowing anything about that country or being miss informed by the traffickers that only is a serious vulnerable situation and a dangerous one.

In this study, there was no specific question intending to find out about the victimisation vulnerability of a group of foreign nationals related to their lack of information, but we can refer to what respondents have reported as their experience in finding accommodation upon

arrival in the city of Durban, how where they received, how they got information about the working system of the country at large and of the EThekweni Municipality in particular, but also how are they connected to the lifestyle of the city. In general, this takes us back to analyse how a group of foreign nationals are received in their hosting communities as it is seen to be their first time in a place, they need accommodation and more information on how to settle in that particular place. Here the researcher wanted to find out how a group of foreign nationals get accommodation, jobs and how do they cope upon arrival in the city of Durban.

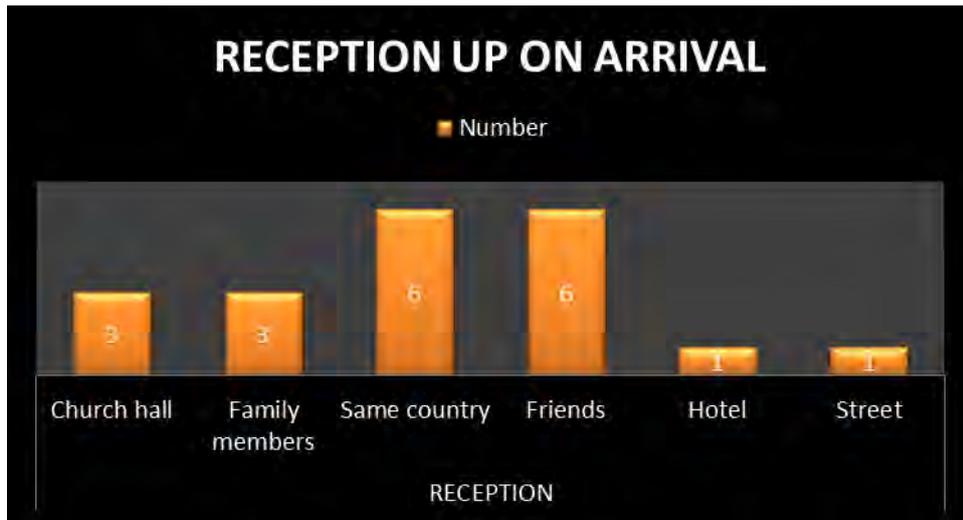


Figure 14: Reception up on arrival in the city of Durban.

From the surveyed data, it can be noticed that foreigner nationals are received by different people from back home providing them with full information about the city and how to behave in the city, but still others spend time in the street before meeting people from same country or family members. The reception area in this study is noticed into three groups as follows: the first group was in the Hotel and Street, the second group was received by their friends and same country people, lastly the third group was received by family members and churches. The grouping is done by number of percentage of participants under each group. Those with same percentage are grouped together as to illustrate their experience in finding accommodation in the city of Durban.

a. The first group: Hotel and Street

As per Figure 15, among the participants, 5% (n=1 participant) has reported having spent nights in street and 5% (n=1 participant) at the hotel for a period of time before finding an accommodation.

Ndiwimana, a 34 year old man from Burundi who has been in SA for 6 years reported:

I spent a week in the street until I met one guy from back home same area who asked me when I came and where I was living, I explained him everything and he took me to his flat for 2months free of charge, until I started working, these informal jobs (car wash).

Stercofi, a 32 year old man from Ghana who has been in SA for 2 years reported:

The first time I arrived here I was sleeping in a hotel, but after a month my brother who came here long time before, came and said I should leave the hotel because it is too expensive, and he took me to his flat until I started getting my salary, and was able to pay for my rent.

b. Second group: Church halls and family members

The second group of respondents are those who were received in the church halls and by family members. From figure 4, it can be noticed that 15% of participants was received in the church halls, and 15% was received by family members. When asked “how did you get an accommodation”:

Pami, a 32 year old man from Kenya who has been in SA for 8 years reported:

The issue of accommodation is very critical and very difficult as well because at that moment I did not know anybody, so I had to find a church, I went to a church, and I was accommodated in the church, until I found a job, and was able to pay for my rent. Find out where I could find a Job to get money to pay for an accommodation and to buy food to eat.

Omari, a 35 year old man from Senegal who has been in SA for 8 years reported:

I have my brother who gave me accommodation.

c. Third group: friends and same country people

From Figure 15, one can notice that the majority of foreigners are accommodated by people from same country and friends from their home land. This forms 30% of participants who have been received by their friends and 30% of participants who have been received by people from same country of origin.

Kamaneno, a 32 year old man from DRC who has been in SA for 10 years reported:

Not easy, in other countries they provide houses for refugees, but here it is hard as a new comer to find accommodation, until you find people from back home meet you and accept to give you a space for few days.

Bimana, 33 year old from Rwanda who has been in SA for 6 years reported:

It was a trouble, I was just living with people from my country that accorded me few days to stay with them, they helped me find a car-guard job, and I could be able to pay my rent until now.

Christian, a 35 year old from DRC who has been in SA for 10 years reported:

I got to live with my friends who gave me accommodation for few days, and after 1 months I found a job and I started paying my own accommodation, sharing a flat with 4 guys, so we were four of us in a room each one paying his part, and this for long.

Amina, a 34 year lady from DRC who has been in SA for 8 years reported:

I met a sister who I knew from home she is the one who gave me an accommodation and helped me find a work in a saloon, to do hairs.

Kinebwe, a 33 year old man from Malawi who has been in SA for 6 years reported:

I was welcomed by a friend from Durban station, he took me to his flat and stayed there for a month, after I found a Job, since then, I could pay my own room.

During the field work, participants have provided different cites of their receptions up on their arrival in the city of Durban. It can be argued that up on arrival in the city of Durban, the majority of participants do not face accommodation problems as they are received by their family members, friends, and people they knew from back home as well as church halls belonging to the community from back home. These same receivers of newly arrived foreign nationals are the one providing them with full information on the life situation in the city of Durban. Only a few people struggle to find accommodation and spend nights in the street. The fact is that when received by the above mentioned groups, foreign nationals are informed about the working system of the city of Durban in particular and of the country at large. Newcomers (newly arrived in the country or city) are informed on how to get jobs and the working system of the government department such as the DHA and the SAPS. Hence the level of victimisation vulnerability due to lack of information in this regards is very low.

6.2.4. Gender as a risk factor of criminal victimisation amongst foreign nationals

When planning for the research expectations of this study, it was perceived that the majority of foreigner females will experience sexual violence in this study than men. There is an assumption that in all violence that happens to human kind women and girls are always at the forefront of the problem. They are physically vulnerable that render them easy target of both potential and motivated offenders. Throughout history women have been victims of sexual violence, sexual gender based violence, battering and many other sorts of victimisations that perpetrators apply to undermine or sabotage the wellbeing of females.

To sustain this argument, this study refers to a study conducted by Anani (2013: 76), demonstrating that “rape and sexual violence were identified by focus groups and key informants alike as the most extensive form of violence faced by foreign nationals women and girls while in Syria. Intimate partner violence (IPV), early marriage and survival sex were identified by adult women and adolescent girls as other forms of violence experienced since arrived in Lebanon”. Fortunately, this study did not find anything as such in the case of foreigner females living in the city Durban. Amongst a group 20 participants, a few women who were interviewed did not report gender based violence or sexual harassment by local citizens as one of their victimisation experiences in the city of Durban. Therefore, respondents and researcher in this study did not express gender as an issue of consideration when explaining the phenomenon of the victimisation vulnerability of a group of foreign nationals in the city of Durban.

6.3. Research expectation 3, 3.1 to 3.3

6.3.1. Victimisation of Discrimination

From this research expectation, the researcher thought to find out whether a group of foreign nationals have access to social services in the city of Durban as to answer research expectation 3, with its sub expectations. Again, it refers to what Olowu (2011) argues that xenophobia manifests in diverse ways depending on the circumstances of its purveyors and victims. Such manifestations could be through discrimination in job placement, remuneration, housing, educational opportunities, health, water, and service delivery or social profiling. Therefore the issue here was to find out if participants were discriminated against in the city of Durban when accessing to social services. Three sub-research expectations were then formulated to assess discrimination in job placement (Sub-research expectation 3.1), to assess the access to social services within government institutions such as health care institutions and educational institutions (Sub-research expectations 3.2 and 3.3)

6.3.1.1. Discrimination in Job placement

From the empirical perspective of this study, as per research expectation 3.1, it can be predicted that there will be an issue of a group of foreign nationals being employed, and those who will have access, will be facing severe treatments, such as working long hours for low pay, not having access to trainings to gain skills for higher positions (promotion). The fact that foreign workers will be victimised by local workers can be explained by the differential association category of the differential risk model of criminal victimisation theory (Fattah, 1991), (See chapter 2). However, discrimination against foreigners in job placement is not an issue of South Africa alone; from empirical studies, one can notice that it is a worldwide issue amongst foreign nationals. As example, a study conducted by Zegers de Beijl (1990) demonstrates that in Europe the majority of migrants still occupy the kinds of jobs for which they were originally recruited. For the most part they are poorly paid, low skilled, and have little access to training or promotion, but they do have much better access to unemployment.

When seeking to find out about the experience of a group of foreign nationals in the job market of the city of Durban, the researcher thought to ask a question of the types of works in which participants were involved in. it became apparent that due to institutional xenophobia (chapter 3, see 3.8), the majority 80% of participants in this study are involved in informal sectors (e.g., Car guarding, Street vendors, hair cut saloon etc.) regardless of their level of qualifications whether they got it back home or here in South Africa, the findings demonstrate that a group of foreign nationals are discriminated against in terms of jobs. As a results they end up in informal sectors in which they still face hardship for their business to work as normal as possible.

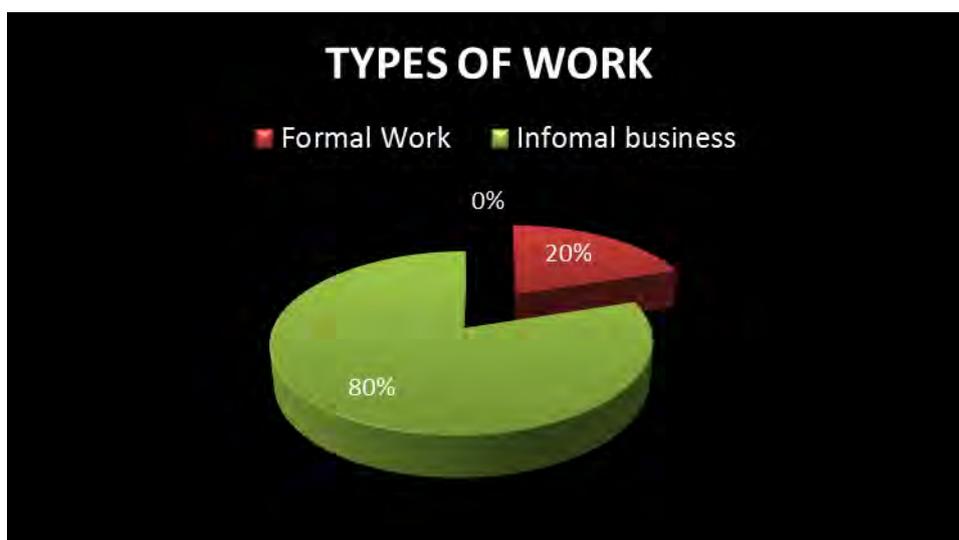


Figure15. Types of work done by foreigner nationals in the city of Durban

As illustrated in figure 16, this study presents two types of works that participants do in the city of Durban, but most of these are seen as their first jobs up on arrival in the city of Durban. These are informal business and formal work.

a. Informal business

When asked about “What work do you do in Durban? Are you satisfied?” the majority 80% of participants reported being involved in informal sectors or business as they cannot find jobs in formal sectors due to a high level of discrimination within formal sectors of which most are governmental institutions and private companies owned by local citizens. This group declared not being satisfied with their jobs because of the conditions in which they operate. Unfortunately some of them hold university degrees but they have stated that they cannot find proper jobs matching with their qualifications just because they are foreigners.

Chiedza, a 35 year old man from Zimbabwe (holding a refugee status) who has been in SA for 5 years reported:

I do any job in order to survive. I am a general worker, wherever I find a job I do it, to survive. There is nothing to be satisfied with here, I don't have a permanent job, sometime I spend weeks with no job how can I be satisfied with such a condition of life?

Kamaneno, a 32 year old man from DRC who has been in SA for 10 years reported:

Not easy, I did car guard to pay my rent and go to varsity. Now you find yourself with a university degree but you cannot get a job according to your qualification only because you are a foreigner, I am working as a chemical practitioner but in reality when you see the pay, it is not according to my level of study. The work I am doing does not match with my level of study, just doing it so that I can pay my rent and bills, so I cannot be satisfied.

Aschalew, a 31 year old man from Ethiopia who has been in SA for 8 years reported:

I run a small business, but I am not satisfied. I am just doing it because with my paper I cannot find a good job as a foreigner here, I do have qualification but I do not have a document, even though the one I have entitles me to work here in South Africa, but everywhere you go, they say you need a passport with working permit or an ID, and this has been a major problem for me, reason why I decided to do business.

b. Formal work

Some 20% of participants have reported being involved in formal work. This is due to either their skills or a connection from someone well positioned. Some of the participants who are involved in formal work have reported being satisfied with their work but there is still an unsatisfactory climate whereby participants has reported “doing the job but not being paid according to the amount of service rendered”.

Stercofi, a 32 year old man from Ghana who has been in SA for 2 years reported

I am a mechanical engineer, and I am satisfied because it is my field, but the problem is that I have no choice, because with my document I cannot expect a better job according to my qualification, they just hire you and pay you whatever amount they want, regardless of your qualification.

Omari, a 35 year old man from Senegal who has been in SA for 8 years reported:

I am doing business; yes I am satisfied because it is my own business, every morning I come to my shop and in the evening I close. So I don't do anything else besides my shop.

It can be concluded that, up on arrival in the City of Durban, participants in this study got jobs by connection regardless of their qualifications they got back home because most of the jobs they find are in informal sectors where they do not require university qualifications. Unfortunately even those who have studied here at the South African Universities are still facing job discrimination, they cannot find a job equal to their qualifications and end up in informal sector again. Other element cited is the document issued by the DHA, the majority of participants in this study has accused the DHA for providing legal documents with a strict limitation to the job market. The paper issued to refugees and asylum seekers entitles them to “study and work”, but when submitted in the job market, these papers are rejected; this makes life tougher for participants. Hence, some foreigners end up being involved in informal business and sometime illegal ones. But this should not be the reason as those are many ways of earning life besides getting involved in illegal activities because no state should allow or accept even its own citizens to become criminals because of its incapacity of providing jobs to everyone. Therefore foreign nationals should learn how to live in harmony with the norms and values of the host communities despite the hardship they encounter as to make peace and also respect of self.

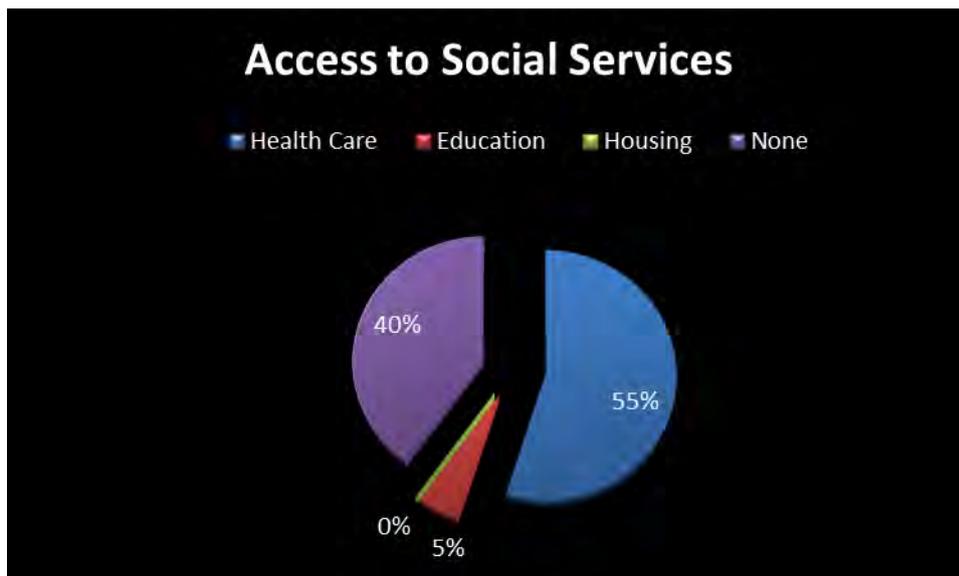


Figure 16. Access to Social Services

This study went on finding out whether a group of foreign nationals have access to the South African social services as every local citizen in the country. The finding shows that social services are available for every one living legally in South Africa and particularly in the city of Durban but with restriction to foreigners. During the interview session, when asked if they have access to social services rendered by the local government in the city of Durban, the majority 55% of respondents have accepted having access to health care, a few 1/20 (5%) of respondents accepted having access to education, and some 40% of the participants have denied having access to any social services and none 0% of participants have access to housing. However, the non-access to housing by foreign nationals can be explain by the statement of Hunter and Posel (2012), stating that “nearly one-fifth of urban households in South Africa reside in an informal dwelling”, they go on stating that “insufficient and inadequate housing for the urban poor has a long history in South Africa, with apartheid-era policies of urban containment resulting in overcrowded and under-serviced townships and informal settlements on the urban periphery” (p. 473).

According to the 2006 General Household Survey, “14.5% of households in South Africa lives in an informal dwelling, rising to almost one-fifth of households (19.1%) in the Western Cape (StatsSA, 2006). Whilst most of those reside in informal settlements, 590,000 households (approximately one-third of all households living in informal housing), reside in backyard shacks (SAIRR, 2008), representing 5.7% of all South African households” (StatsSA, 2006). Consequently, it can then be argued that the number of local citizens living in informal settlements can be seen as one of the reasons why non-nationals could not have access to

housing as a huge number of local citizens themselves are still facing difficulties in accessing to housing as one of the social services offered by the government to its citizens.

6.3.1.2. Discrimination within the Health care department

Health care has been seen as a well delivered social service that the South African government render to a group of foreign nationals. The researcher being a foreign himself has been a beneficiary of free health care not even once at Addington Hospital which is the biggest government hospital in the city of Durban, where foreigners mostly refugees and asylum seekers have right to free primarily health care. But still there is a complaint accusing the government hospitals, (mostly Addington Hospital situated in the South Beach next to the beach itself) of providing poor treatment or medication to foreigners when they go to the hospital. Below are some narratives of some respondents.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported:

Health care is the best thing the government is still offering to foreigners, I cannot blame the health service...

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

One thing that I would like to say and be grateful about in SA is about the health care, it has been accessible to us, as a refugee, I should appreciate that the government has made the health care accessible to us, and at zero cost, ..

Christian, a 35 year old man from DRC who has been in SA for 10 years reported:

...health care, the government does not have medication, they have many people waiting for free medication, and what free medication, you go to hospital ó to ó, and you go back with Panado, is that health care? Why if you have your own money you cannot buy your own medication, they have no medication, just go and see, you go to the hospital but you go back with Panado! There is nothing there.

Unfortunately those who were not able to have access to some of the social services have accused the DHA being the hindrance for the fact that the DHA does not issue proper papers allowing them to have access to the facilities in the province, as many institutions only accept ID book; refugees and asylum seekers hold papers but not ID, those who have maroon ID (for refugees) are easily accepted in some of the eThekweni municipality social services, and those who just have papers, they are not easily accepted even though their papers are legal and delivered by the DHA.

Chinonso, a 34 year old man from Nigeria who has been in SA for 8 years reported:

How can you have access to these services if the DHA is not willing to give you proper documents? I have been here for 8 years but I am still using a permit, and this document is not accepted and sometimes unknown by many government offices, the banks and even companies, so it is hard to have access to these services because when they ask you to submit your ID, you only hand the paper that they return back to you saying they need your ID or Passport not that paper, so you end up leaving the place because you have no explanation to say, to tell them so that they can understand and help you, worse when you want to open a bank account, it has become impossible. Even if you have money in the bank when your paper has expired you have no right to withdraw money in your account even at the tellers they cannot help you get money from your account

6.3.1.3. discrimination within educational opportunities

When it comes to education, only 1/20 (5%) of participants have reported having had access to education whereas an overwhelming majority 19/20 (95%) of participants have reported not having access to education in the city of Durban. The issue here as it can be noticed, is about finance; education in South Africa is costly and a few foreign nationals amongst whom the majority are refugees cannot afford to pay for their tertiary education in South Africa. Nonetheless, there is a system of loan in many South African universities to enable the disadvantaged population to have access to high education, amongst which refugees, but even though having the right to study, most of the Universities do not issue loan to foreign nationals (refugees) living legally in South Africa willing to further their studies. In a group of 20 participants, only one has had access to education, this shows that there is a big gap in accessing to education by a group of foreign nationals.

Pami, a 32 year old man from Kenya who has been in SA for 8 years reported:

Well I am one of the lucky people who have accessed to the education opportunity, because not very many people after me have got that privilege of studying here in South Africa. Health care, I have access to health care because I have my document with me; as long as my document is still valid I have access to health care, but housing is questionable, there is no access to housing unless you have your own cash to pay for your rent, nothing much than that for foreigners, mostly refugees, because as refugees we only have access to primary health care, education it depends on the likelihood of each individual, and the chance to get education opportunities.

Education being an important tool of change in every ones' life is seen not affordable by the overwhelming majority 95% of foreigners making them live with less hope for their future.

...the education depends, you can have access to primary education, secondary education, but when it comes to University, you are limited because of the fees implications to study at varsity level. It happens that the University of KwaZulu-Natal (UKZN) was the only varsity which was offering loans to foreigners; unfortunately it has also stopped its good habit of giving loans to refugees, which make life tougher for foreigners (Bikomo)

Amongst a group of 20; some 40% of participants have reported never gaining any social services from the local government in the city of Durban. The claim was made saying that "the so social services are meant for citizens only but not to foreigners".

Mangwene, a 34 year old man from DRC who has been in SA for 11 years reported:

No, I have limited access to what is called social services here, what is known as social service here is meant to citizens only, not to foreigner.

Kinebwe, a 33 year old man from Malawi, who has been in SA for 6 years reported

It is problematic. Education! How do you pay that education? Housing is a dream for foreigners, some time you go to the agency they tell you straight, that "here we don't take foreigners. Or sometime they ask you for paper that you cannot find.

In conclusion, Service delivery has been a major challenge for the government in South Africa with a large number of disadvantaged populations relying on these services. It is well documented today that the raising of xenophobia in South Africa is the result of poor service delivery by the government, and a group of foreign nationals is seen by some local citizens as the cause of the government inability to deliver properly the services to its citizens accusing foreign nationals of benefiting the services that were meant to local citizens. On one side, local citizens accuse foreign nationals for having taken their employments, having had access to their facilities, on the other side, foreign nationals claim not receiving anything from the South African government as a result, they end up in informal sectors and others end up in antisocial behaviours or criminal activities as it can be seen in this study, as a way of earning a living in the city and in the country at large. Hence, it is the responsibility of the government to control its service delivery to its communities making sure citizens are getting as much help as possible by also respecting the rights of foreign nationals who have needs to be met by the South African government as seen in their conventions with the international community.

6.4. Discrimination in Housing department

6.4.1. Research expectation 4.

This research expectation stipulates the following:

Many migrants access the same services as nationals, including primary health care, education, employment and others. However, it can be argued that access to housing is a challenge for non-nationals and some local citizens as well, particularly those in the lower income levels. These migrants also live side by side with nationals in informal settlements. Others have either rented or bought government-subsidized houses from South Africans. This practice has been a source of many a conflict within communities, with nationals accusing migrants of stealing their houses. This conflict has major implications for the integration of migrants in these communities.

As a consequence, the majority of foreign nationals stay in places for which they pay expensive rent.

The figure 16 above illustrates this statement where none of the participants has agreed to have had access to housing in the city of Durban, to sustain this claim, Christian, a 35 year old man from DRC who has been in SA for 10 years reported:

My brother you want me to die”, “if you go to ask a free house in SA, you want to die, you are a foreigner and you want to get an RDP house for government?, for free?, forget because you can't get, means you want your neck to be cut off...

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

... whenever it becomes to housing, this is the most difficult part, because you need to find your own accommodation, which is very complicated, because of documentation, the paper given by home affairs, limits you, you cannot have access to all facilities as citizens.

Stercofi, a 32 year old man from Ghana who has been in SA for 2 years reported:

...there are no housing for foreigners here, the accommodation is too expensive, that is why we have many foreigners living in the street, they just give you any price when they find out that you are a foreigner, it is too much expensive.

Mangwene, a 34 year old woman from DRC who has been in SA for 11 years reported:

No, I have limited access to what is called social services here, what is known as social service here is meant to citizens only, not to foreigner.

Uhuru, a 31 year old man from Kenya who has been in SA for 7 years reported:

...let say about the RDP, there is a big misunderstanding between them, what about me a foreigner?

Nevertheless, in interpreting the findings in figure 17, it can be noticed that there is unfair distribution of facilities to the people living in the city of Durban. Hence, it can be argued that there is discrimination in some governmental institutions such as housing department where in a group of 20/20 (100%) of respondents none 0% has ever gain access to housing as one of the social services offered by the government. As a result, it becomes complicated for the integration of migrants in the Durban communities. This confirms what has been found in the literature review as a consequence of not having access to housing stating that “*the majority of non-nationals stay in places for which they pay expensive rent*”. Belvedere et al. (2003), suggest that “about two fifths of asylum seekers and refugees rent a room in a house or flat, or a back room or a cottage. Just over one third of applicants rent a room, but share it with other individuals” (Landau et al., 2005a). Notably, “because of immigrants’ vulnerabilities, their lack of contracts, and their need for flexibility, many immigrants pay more for accommodation than South African”. Due to their lower earnings, accommodation often represents a far greater proportion of expenditures for immigrants’ than South Africans. All the previous are just concerns for not having access to housing within the housing department which is entitled to settle housing issues to poor local citizens and to refugees unable to pay for their rents.

6.5. Research expectation 5, 5.1 to 5.2

6.5.1. The impact of Victimisation

Research expectation 5 stipulates that immigrants will be undergoing poorer psychological health condition such as depression, loneliness/isolation. According to Fandrem et al. (2012), immigration is an inherently stressful life and causes psychological health problems when immigrants do not have appropriate skills and strategies to cope successfully with the stressors. As an example, these psychological health problems may operate as vulnerabilities for peer victimisation among young immigrants.

As it has been indicated in the literature review of this study, the most salient characteristics of victims are intrapersonal problems such as anxiety, low self-esteem and depressive symptoms,

or interpersonal problems such as peer rejection. According to Strohmeier et al. (2008) , it is possible that victimised immigrants are more often isolated, because they may have problems being accepted by native peers and are therefore also more likely to be targets of peer victimisation. Here, we refer to the differential risk model of criminal victimisation by Fattah (1991), where people are victimised due to their lifestyle/routine activity which make them targets of potential or motivated offenders. Victimisation is associated with a variety of intrapersonal problems and numerous studies (Davidson and Demaray, 2007; Hawker and Boulton, 2000; Strohmeier et al., 2008) have shown that depressive symptoms are a very relevant correlate.

Nonetheless, after identifying the nature of victimisation of a group of foreign nationals in this study, the researcher sought to find out what are the feelings or how victimisation impact on respondents during and in the aftermath of victimisation. Below is a figure which represents their feelings after victimisation.



Figure17. Feelings after victimisation

During the interview session, participants shared their victimisation experiences by providing the types of crime they have experienced during their stay in the city of Durban. However, when asked about their feelings in the aftermath of their victimisation, some participants have reported depression, stress, trauma and isolation as the main problems they encounter after their victimisation. Other participants have just reported that, they feel very bad, feel down, and feel angry. But by listening to them, it goes back to trauma, depression and stress.

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

A person of my age and coming from a country which has been ravaged by conflict and war, and when you are in a country such as this one where you thought to better your life, and being victimised like that, it make me feel down, I am depressed, and feel like I was nothing, the place where I came for safety, and find out that it was not meant to be.

Amina a 32 year old woman from DRC who has been in SA for 8 years reported:

It is painful, especially when you are victimised knowing that there is no help in terms of justice. So it is sad, I feel demoralised and traumatised thinking that if I was home it couldn't have happened to me.

Pami, a 32 year old man from Kenya who has been in SA for 8 years reported:

I have never gone to any anger management problem, but I was so chocked when I was victimised especially from a fellow black African, it was disgusting, I had to get angry for a very long time, but I tried to deal with it, and pray to God for peace of mind. I was very angry for a very long time until I had to speak to somebody about it, and I also prayed to God to give me peace of mind until I forgot.

Manwene, a 34 year old woman from DRC who has been in SA for 11 years reported:

Very bad, feel traumatised, you are living with fear, knowing that anything can happen any time, and you feel like home is better. It makes you feel as if you were still in war conflict zone.

Kinebwe, a 33 year old man from Malawi who has been in SA for 6 years reported:

It's not easy. I thought of going back home, you think everything is bad, you feel that you can even die because of heart attack. I panicked and went flustered

Kamaneno, a 32 year old man from DRC who has been in SA for 10 years reported:

I was stressed, traumatised and felt like I should go back home. I felt alone, left with no support, it is stressful.

The majority of participants reported feeling stressed after their victimisation. The impact of the victimisation in this study is mostly psychological than physical, most of the participants in this study who has been victimised has suffered psychological damage such as trauma, depression as well as isolation, resulting in fear. Thus, participants have reported living in fear in the city of Durban, thinking that "*what has happened will happen again*". Loss of properties

during shop looting can be seen as an economic loss but still, it plays to the psychological part of the victim who is affected by the crime, and make the victim create sentiment of fear and low self-esteem. Likewise, the looting of shops can also be seen as physical damage to the properties, hence it also affect the economic situation of the shop owner who has lost goods in the shop and make the victim unable to operate as a result, it then leads to poverty.

Assuredly, Sub-research expectation 5.1 and 5.2 which are depression and loneliness have been discussed above as it has been noticed that some foreign nationals suffer depression and loneliness during and in the aftermath of their victimisation.

6.6. Research expectation 6. Foreign Nationals and Institutional Xenophobia



Figure18. Major challenges or problems experienced by foreign nationals.

To come up close to the end of the interview, participants were asked about their major challenges or problems that they always experience in the city of Durban. Figure18 above represents the total number of respondents which is of 20 and the number of participants under each challenge. From figure18, it can be grasped that the main problem that respondents always face here is the DHA. The majority 13/20 (65%) of participants have reported the DHA as being their main challenge in the city of Durban. Reason being is that the DHA is seen as a point of start for everything in the city for foreigners. Up on arrival in the country, it is the responsibility of each and every foreign national to report to the DHA for document purposes, as to legalise his or her stay in the country. Participants in this study are all legal foreigners holding legal documents from the DHA. The issue here is the hidden politics

behind the legal documents offered by the DHA to foreigners. Subsequently, foreigners hold legal documents but with restriction to social services available to local citizens. This has been seen as institutional xenophobia whereby, the DHA is used to restrict a group of foreign nationals from accessing socio-economic facilities in the city of Durban.

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

One of the big issues that cannot be taken away is the problem of documentation, because, with our paper you cannot open a bank account, have access to social services such as job, and you not using the proper paper, it make you difficult, for you to get some very important services such as jobs...

Christian, a 35 year man from DRC who has been in SA for 10 years reported:

...the biggest problem is with home affairs, each year they bring strategies to make us suffer more, today to get paper is a problem, before in one day, you get your paper, you renew it, but today, it takes even 3months, very problematic, so, the police, home affairs, and the accommodation, those are the three main challenges foreigners are facing, here. If a citizen goes to the police to report having a problem with a foreigner, that is a "meat" for the police, they will leave everything they are doing, and collect you, because they will definitely get money from you, through intimidation., but if you are a foreigner going to report a citizen, they will tell you to wait, they used to say, "wait for the van is not here", there is no van here, so you must wait, until you decide yourself to leave, or they just open a case but no follow up, no investigation, and sometime, if they arrest the criminal, one or two days, the person is out, and the stolen goods, such as phone remain with the police and you cannot claim it back..

Aziza, a 35 year old man from Ivory Coast who has been in SA for 6 years reported:

The problem is the paper, even the business is not easy because I am a foreigner, you cannot get permit to run business. They give you an asylum paper but you cannot do anything with the paper, you cannot even open a bank account for now, before you could open a bank account with the paper, but now, it has become complicated, you cannot open it with that paper. If you read, you will see on the paper it is written that you can study and work, but when you apply for jobs they say they don't know about your paper, and you cannot get a permit to do business, so whenever we do business if the metro come they chase us a way saying we are not allowed to run business in this country. You can't do anything with asylum paper.

Ndiwimana, a 34 year old man from Burundi who has been in SA for 6 years reported:

The main problem to me, and not only me but for the majority of foreigners, is the problem of documentation. It is okay when you go to home affairs, you report and they give you a legal document which allows you to work and study in this country, when they issue you a paper, you jump, you become excited, but in reality that paper is a way to get rid of you, because it won't help you in anything, the only thing you can do with the paper is to show to the police officers when they arrest you, But with that paper, you cannot apply for a good job even if you are qualified for the Job, even if you are educated from South African Universities, still there is no job for you every time you submit your application with a refugee status or asylum seeker permit as your identification. Unfortunately even those holding permanent residence always complain about discrimination when in private institutions, because in reality the SA does not allow foreigners regardless of the level of study, and social status the person has, to work within government institutions.. In my case I have been here for 6 years but still using asylum and no where I can apply for the Job and expect to be hired.

Correspondingly, not only the DHA is concerned with institutional xenophobia, but also many other governmental institutions such as housing, educational institutions even within health care institutions still, some foreign nationals are facing discrimination in the hands of government officials working within these institutions. This has been illustrated in the previous narratives of respondents.

6.7. Research expectation 7. Foreign nationals subject to humiliation and degradation

As it can be deduced in the review of the literature, (Klein, 1991) Klein (54), focus on the perspective of social power, linking humiliation to the aggressive rather than anxious emotions. In this context, humiliation may involve more emphasis on the aspect of being forced into a degrading position by some kind of powerful forces (necessity) or others (Hartling and Luchetta, 1999), and thus may involve the feeling of powerlessness.

This is in line with the experience of victimisation vulnerability of a group of foreign nationals. Therefore, research expectation 7, states that the majority of foreign nationals will face humiliation in regard to the institution in which they find themselves but also depending on the availability of motivated offenders. Also, the assumption is that, throughout the process of victimisation, it can be perceived that foreigners will face humiliation and degradation as a consequence of their vulnerability leading them to mistreatment by some citizens within the host

community. Furthermore, the overall of the entire process of the experience of victimisation of a group of foreign nationals is sustained by their humiliation and degradation. Whatever incident they undergo, is sustained by both humiliation and degradation of the individual due to his/her vulnerability within the host community. Again, this refers to Structural/cultural proneness which is the tenth category of the differential risk model of criminal victimisation (chapter 2, see 2.1.2.10). In this regard, Fattah (2000b) argues that there is a positive correlation between powerlessness, deprivation and the frequency of criminal victimisation. In addition, Peacock (2013) argues that “minority groups or members of groups that are powerless, deprived or culturally stigmatised are more prone to victimisation since they are often viewed as ‘fair game’ (culturally legitimate victims) by members of the dominant or conventional groups”

Nonetheless, to measure this research expectation, the researcher thought to find out about the attitude of South Africans towards non-nationals in the city of Durban. The question was asked to find out on how a group of foreign nationals think about the local citizens. It came to find out that not all foreigners think South Africans do not love them, some said they have no problem with local citizens, other foreigners said local citizens do not love them. The figure below represents the percentage of those who think local citizens have bad, good, and bad/good attitudes towards them.

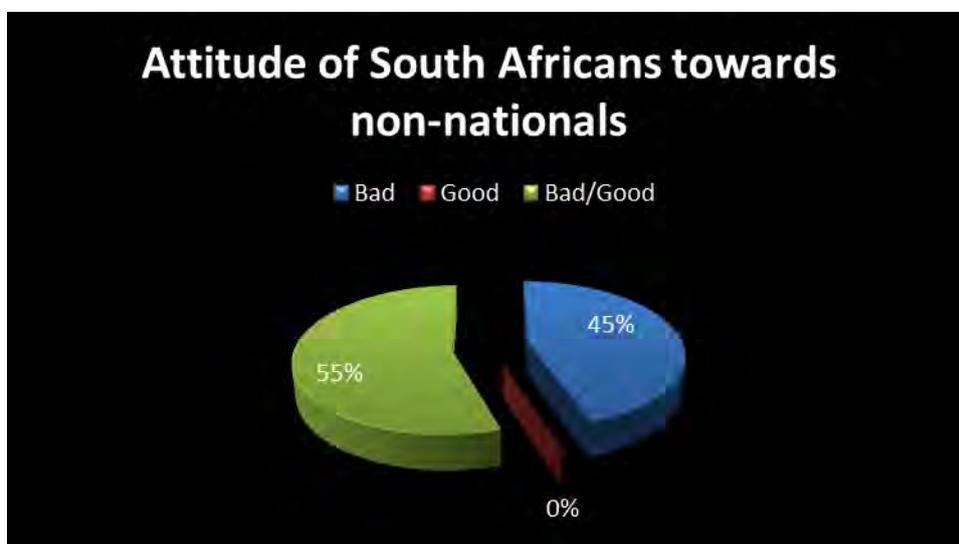


Figure 19. Attitude of South Africans toward non-nationals

As illustrated in Figure 19, when responding to the question, amongst a group of 20 respondents, some 45% of participants reported that the South African people have bad attitude towards foreigners, 0% reported the South African have good attitude, but the majority 55% of participants have reported that “some South Africans are good and others

are bad". The explanation to this is that in all countries there will always be good and bad people, you cannot find a country with 100% bad people or 100% good people. The issue here is that none of the participants said South Africans are good. They only said some are good and bad; and some participants said they are bad.

Additionally, the majority 55% of respondents have indicated that South Africa is a country with four races, which are black, Indian, white and coloured. During the report, participants, who are mostly from the African continent, have showed their concerns about the attitude of their fellow Africans (local citizens), reporting that "only black South Africans threaten other black foreigners from other African countries". White, Indians and coloured have been reported not having problems with foreigner nationals. The question remains to find out why this difference.

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

Partly I must say SA is the mostly black African country. The majority are black people. The minority are white, Indians and coloured but the majority of black SA that I've met, they are not welcoming, they do not accept African black people in this country because they have been causing insults, calling names and they are not very happy about seeing foreigners in the street, but I have learnt how to live with them, and accept the way they behave, and let life move on.

Amina, a 34 year old woman from DRC who has been in SA for 8 years reported:

the children of this country they just neglect us, they are seeing us as useless people, for them we are kwerekwere, they think we are here to take all their belongings, their properties, so it is very hectic, complicated. But to be honest, some are good and others are bad, because in all countries, not all people are bad, those who like us we are good with them, those who hate us we keep ourselves far away from them.

Eben, a 34 year old man from Ghana who has been in SA for 4 years reported:

South Africa is fine, not everybody is bad, we have bad and good people in here like everywhere else in the world, but in reality those who are bad are really bad, you feel how they hate you, they don't want to feel you even.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported:

SA is a very nice country, but the citizens don't like us, they think we come from the farm back home, but only black people hate foreigners

Kinebwe, a 33 year old man from Malawi who has been in SA for 6 years reported:

These people they don't understand that South Africa is a name, and we are human being in a country. They treat us as people who do not meant to live, badly, not knowing that we are human being. They forget that they benefit from us and we also benefit from them, it is very negative, the way we are seen or treated by the local citizens.... Humanity is what is needed. Example is the Zulu people, they think everyone should speak Zulu, they think if you cannot speak their language; you are not a human being. So, they really do not care but just marginalise foreigners and so forth. In a negative way, these people don't understand that South Africa is a country and it is a name, and we are human being... they need to understand that they are dealing with human being.

Kamaneno, a 32 year old man from DRC who has been in SA for 10 years reported:

In terms of local citizens, they don't want to see us having a good life, when you do a small business, it becomes a problem for them, and when you find a job in a company, it is another problem, so I came to conclude, that the majority of citizens does not like foreigners because they think foreigners are a threat to their socio economic life condition, which is not right. They say we foreigners sell drugs, and are involved in criminal activities, meaning, everywhere they see a foreigner, they see a criminal, so they do not know that we are also human being like them. Fortunately, those are other citizens, they like us, they protect us against the threats of their brothers, and that's why, I am still here because not all citizens hate us, some time you feel love than home, and you feel comfortable. And also having a paper here is not a guarantee of having a Job.

Aschalew, a 31 year old man from Ethiopia who has been in SA for 8 years reported

Not all South Africans are bad people, some are very good, kind, but the majority of them are bad, like bad. "Whenever they have problems they want to point fingers to us" making us the reason for any negative situation they are facing. They say we take their jobs, and yet when we apply for those jobs, they reject our application saying "you don't meet the requirement for this job", now we are doing business, and still we are taking their job...

Uhuru, a 31 year old man from Kenya who has been in SA for 7 years reported:

Actually, if we go to percentage I may say the big percentage they don't like us, they are some people they don't care, they don't want to hear us, and they even call us names like "kwerekwere" laughter...

Again, there is an issue of race in the findings, it has been noted that hatred of local citizens towards foreign nationals manifests only on black foreign nationals whereas the country has foreigners from all the part of the globe, but when conducting this study, it has become to the attention of the researcher that local black citizens only threaten black foreigners from African countries, but not other foreigners from other continents of the globe. This can be explained by the pull factors or reasons why the majority of black Africans chose to immigrate to South Africa, which is mostly political economic stability. Mostly, African foreigners leave their countries to South Africa for economic reason, they come to search for jobs, and many other opportunities, this put them into conflict with local citizens who are still struggling for their well-being, unlike Europeans, Asians, and Americans who come to South Africa, most of them come for business purposes, for which there are mostly the bosses. Others come because their skills are in demand in some industries or companies operating within the country. This can be considered as the reason why local citizens do not threaten of attack foreign nationals other than those coming from the African continent.

Chinonso, a 34 year man from Nigeria who has been in SA for 8 years reported:

It is very difficult, the big issue here is that when black South Africans see a black foreigner, they feel bad; they feel you are a threat to them for the fear that you are here to take their jobs and their women, and from this you become a danger to cast out from nuisance. I can say only white and Indians foreigners are respected here in SA, but not black African foreigners.

From the narratives one can approve the research expectation 7, stipulating that a group of foreign nationals in this study will face humiliation and degradation. From the findings above, it can be argued that the bad attitude of some local citizens towards a group of foreign nationals is manifested by humiliating and undignified participants as it can be seen in the names calling "Amakwerekwere" and insults by the local citizens. Humiliation of a group of foreign nationals also goes to the scapegoat of foreign nationals as job stealers for instance by local citizens in the city of Durban.

After that the findings have demonstrated humiliation and degradation manifested by local citizens in their attitudes towards a group of foreign nationals, the researcher thought to find out whether a group of foreign nationals understand the issue of human rights and if their

human rights were respected by both local citizens and government officials. The none-respect of human rights of an individual can then be seen as humiliation and degradation. Hence it can then be seen as a violation of section 10 of the South African Bill of Rights, stating that “Everyone has inherent dignity and the right to have their dignity respected and protected”.



Figure 20, feelings about the Respect of Human Rights

During interview session, respondents in this study were asked if their human rights were respected in the city of Durban, an overwhelming majority 90% of participants reported that their human rights are not respected in South Africa, whereas, a few 10% of participants reported their human rights being respected. The assumption was that human rights are only in their written books such as the constitution and the bill of rights, but in reality these rights do not work for foreigners. This statement is well illustrated in the narrative report of participants in this study. Participants in this study have claimed that “the existence of human rights in the country is only known by local citizens who are the beneficiaries of those rights”. An overwhelming majority 90%, of foreigners have denied that human rights are not applicable to foreigners rather to local citizens only.

Mangwene, a 34 year old woman from DRC who has been in SA for 11 years reported:

NO, this is for South Africans only; there are no human rights here for foreigners.

Kamaneno, a 32 year old man from DRC who has been in SA for 10 years reported:

No, I cannot say, there is human right for refugees here in South Africa. Everything is written in papers but in reality not applicable to the concerned people, those laws for the protection of foreigners’ rights here are not applicable, nothing happens, no respect to foreigners, and the treatment, either by the police or the citizens, as well as home affairs is very bad.

Bimana, a 33 year old man from Rwanda who has been in SA for 6 years reported:

No, as I said, you can have problem, but no one will be there to help you, not even the police or any organisation around.

Bikomo, a 35 years man from DRC who has been in SA for 12 years reported:

Not really. My problem is the inability to fight for my rights, I think one even in Europe, you cannot expect to be given your rights on a silver plat, you have to grab it, you need to fight for it, as refugees we have Human rights to fight for, but they are doing nothing to help refugees, because even in Europe, you cannot expect your rights to be easily given to you, you need to claim them.

Christian, a 35 year old man from DRC who has been in SA for 10 years reported:

I don't think so, because SA they don't have a human rights, if they have a human rights their support must start by foreigners, because , you must go to home affairs and see how people are being treated, how people spending nights outside just to wait for a paper, just a paper, a paper you suppose to get for one day, but you have to sleep for one week waiting for a paper, they just come to their office and start drinking coffee, they only start helping you 4.O'clock when the office is about to close, they send a big number of people back, and you have to stay there to wait the next day and see if they will attend to you, one week you have to sleep outside like a dog, something that you can get in a minutes, can you imagine you sleep outside one week, and they tell you that you must go home and come back, and they start telling you what they want, calling you names, nonsense, because they don't respect you, they call us "kwerekwere", because they don't respect us, they don't think we are human being like them, they think we are animals, there is no human rights there.

Pami, a 32 year old man from Kenya who has been in SA for 8 years reported:

Ahahah, the issue of rights has always been very problematic with refugees in South Africa. Meaning even the human right council, I don't think it plays a big role with regard to human rights of refugees because most of the people whenever they are victimised and they are denied their human rights, like let say with the department of home affairs, when a lady with 3 kids, is seeking for refuge in this country standing in line the entire day, and the home affairs cannot recognise such a critical situation, then it means that there is no human rights with refugees in this country, and if there are human rights, it means a very few people benefit in their matter.

Eben, a 34 year old man from Ghana who has been in SA for 4 years reported:

My human rights have been turned around, everything has changed to money, if you have money you can do whatever you want, if you have money you are king here.

Stercofi, a 32 year old man from Ghana who has been in SA for 2 years reported:

I cannot say the human rights are working for foreigners; there are no human rights for me here

Chiedza, a 31 year old man from Zimbabwe who has been in SA for 5 years reported:

Human rights; I don't know there is someone who cares about my human rights, I never notice that.

Uhuru, a 31 year old man from Kenya who has been in SA for 7 years reported:

Okayyyyyyyyy, I can just say yes or not they are respected, because actually I don't know my right. (lack of information), Actually, I just live like a human being, because as a foreigner I don't know my rights, nobody came to me and tell me that I have to know my rights. I don't have a paper where they state my rights

It can be concluded in this research expectation 7, that the entire process of human rights is linked to the attitudes of South Africans towards foreign nationals. Whatever has been reported as bad attitudes of local citizens towards their fellow African foreign nationals, confirms the non-respect of human rights of a group of foreign nationals which can be considered as their humiliation and degradation due to their vulnerability conditions in the city of Durban. The manifestation of humiliation and degradation can be explained by different qualifications diverted to foreign nationals by local citizens expressing their attitude towards foreign nationals thereof leading to lack of respect of foreign nationals' human rights. Things like hatred, names calling, neglect, stereotyping have been reported by participants as some of their experiences with local citizens who tend to diminish and humiliate them just because they are foreigners. This leads the researcher to make reasonable recommendations to whom it may concern to educating the local citizens and some governmental officials mostly the DHA on why foreign nationals should be considered with respect as every human being in reference to the conventions signed between South African government and the international community allowing the country to open its doors to foreign nationals regardless of the push and pull factors. See the following chapter 7, for more details on recommendations.

Part III. Nature and Function of Coping Mechanism

In the face of victimisation vulnerability, it is possible that participants have undergone lots of unusual conditions that can be noticed in the impact of their victimisation. Nevertheless, a group of foreign nationals has sought to cope with their victimisation situation in different ways, but the most applicable way was reporting to the police when victimised. As it can be noticed in the figure below, those are respondents who have reported to the police but they have got bad experience and lost trust in the police who were supposed to support and protect them, others have never reported to the police because of the bad experience their friends or relatives have had when reporting to the police. The accusation by a group of foreign nationals about the abuse of the police is unfortunately seen as hindrance to the coping mechanism of respondents in the face of their victimisation vulnerability. This has led in the loss of trust in the police hence complicating the nature and function of coping mechanism employed by a group of foreign nationals in this study.

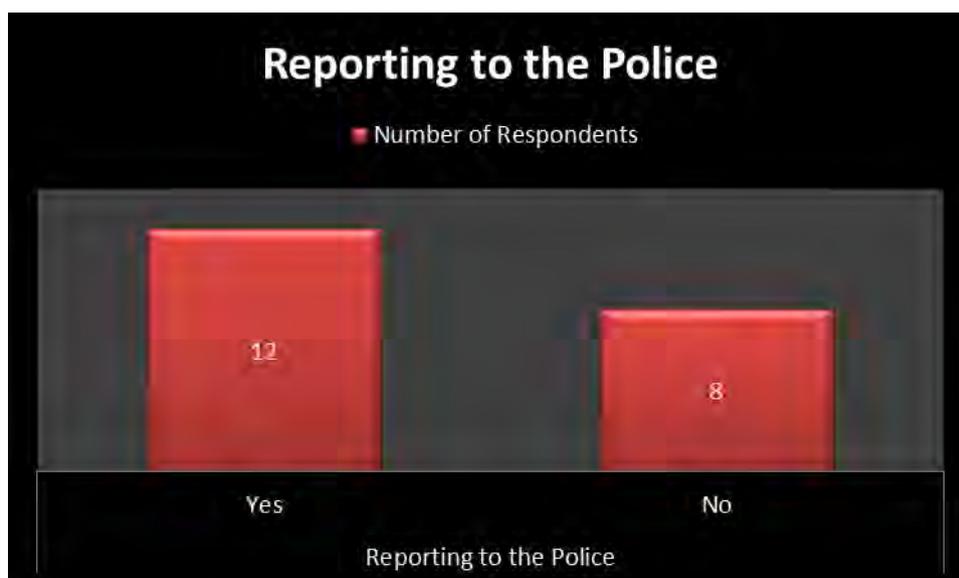


Figure21 . Reporting to the police

Amongst a group of 20, the majority 60% of participants have agreed that they have reported to the police and some 40% of the participants have disagreed not have reported to the police. Those who have not reported to the police about their victimisation have justified that the reason for not reporting to the police was that “they believed the police will not do anything”, they believe that “reporting to the police is a worst of time”. Those who have reported to the police have said to have a bad experience with the police, accusing the police not doing their job properly and sometimes threatening the accuser as a secondary victimisation.

a. The reaction of the police

Section 205 (3) of the Constitution of the RSA imprints that the “remit of the police is to prevent, combat and investigate crime, to maintain public order, to protect and secure the inhabitants of the Republic and their property and to uphold and enforce the law”, but still the police have been accused by some foreign nationals in this study, of the unprofessional ways of doing things. During the report process to the police, four possible accusations have emerged where participants claimed that mostly when someone go to the police to report a possible victimisation, “the police do not care”, “the police do not do anything”, the “possibility of secondary victimisation”, “worst of time” and one participant reported that “it is better if you dealing with Indians or white police officers”.

Below are some narratives of respondents about their experience with the police when reporting their victimisation.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported:

It depends which police you want to report to. I got my two cars stolen, and I did report but I felt like I lost my time going to report, because I don't understand what the police do, and not sure if the police know their job, or just being careless about my case because I am a foreigner, so for me reporting to the police whatever matter it is, is worst of time, because you will never expect the best from them. I don't know if they did not care because I am a foreigner or because I am poor or maybe because they are overwhelmed.., you here questions such as “why you cannot go back to your country.

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

Ever since we were victims of robbery, and we reported to the police that did not do anything, we were so disappointed because, whatever we did, the police did not care, they just write down the case and said they will come for investigation, but they never come until we moved to the place, it happens that some of the friends have problems and want to report to the police, but I always forbid them because it is a worst of time, from my own experience, as a foreigner, reporting to the police is sometime exacerbating the problem, they sometime victimise you by intimidation (secondary victimisation), it put a negative conception in our mind about reporting to the police, so every time it happens to someone close to me.

Christian, a 35 year old man from DRC who has been in SA for 10 years reported:

Yes I do, they pretend to deal with the case, at the beginning, and sometime they catch the criminal, they put him in jail for 2 days, and after they release the criminal, I go to the police to report but they don't do anything.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported

Even if I report to the police what they gonna do? We once went to the court because of one guy who killed a brother from Ethiopia, we went there to open a case, they arrested the criminal but after one month he was released by bail, so what is the point of reporting to the police or court?

Mangwane, a 34 year old man from DRC who has been in SA for 11 years reported:

Yes, I have been to the police to report, but the big challenge with the police is that, if you report a case against a citizens, you just have to forget, because in reality, they won't do anything, and some time they can arrest the criminal but one day in police station, the person will be out with no trial at all, and sometime the police officer recover the stolen stuff in case of robbery, but unfortunately they won't give you back your property, and they end up intimidating you if you try to make any claim, so the police used to victimise people mostly foreigners in many ways, reason why you will hear foreigners saying they cannot report to the police because they are scared of secondary victimisation instead of justice.

Those who have not reported to the police have said the police will not do anything and that reporting to the police is a worst of time. This statement is from the experience that their friends or relatives have experienced when reported their cases to the police.

Bimana, a 33 year old man from Rwanda who has been in SA for 6 years reported:

No, I haven't reported to the police, because I've heard from many people that reporting to the police is a worst of time. Because in reality they will do nothing because I am a foreigner

Amina, a 34 year old woman from DRC who has been in SA for 8 years reported:

No, I could not go to the police because I was scared, because I thought I won't get help to the police knowing that I am a foreigner here.

Eben, a 34 year old man from Ghana who has been in SA for 4 years reported:

I haven't gone to the police station, I hear people complaining about the police, so why should I go there if the police not helping foreigners in their cases?

Chiedza, a 35 year old man from Zimbabwe who has been in SA for 5 years reported:

I haven't been to the police, but those who have been there always advice that it is a worst of time to go to report to the police if you have a case against a citizen, because in reality they want favour you in the place of a citizen, and sometime you may end up experiencing secondary victimisation, so there is no need to go to the police for me I think.

During the interview session, one participant has mentioned race issue within the police stations, claiming that the black police are bad to report to than white and Indian police officers. The black police officers are accused being supportive to their fellow citizens when they offend against foreign nationals, but white and Indian police officers are seen as being impartial when dealing with cases between foreign nationals and local citizens. This has led the participant to choose to whom to report to when there is a problem between them and local citizens as they assume that reporting to black police officers will be a worst of time because they think black police officers will be in support of their fellow citizen who has committed an offence against a foreigner that jeopardise the entire process of justice.

Mangwene, a 34 year old man from DRC who has been in SA for 11 years reported

Umh, normally I, I just look at the police station first, when I am victimised, to who I Must report, for example, if there are black police officers, I don't go directly to report to them, I wait until I see the white guy or Indian police to report then I go and report to them, because normally the black police they don't help us.

Kamaneno, a 32 year old from DRC who has been in SA for 10 years reported:

No, because for me reporting to the police is a worst of time, nothing will come out there, so there is no need actually to go and open the case, worse if it is a citizen against a foreigner, don't even try to report.. No

b. Lack of trust in the police and secondary victimisation

In this study, respondents have claimed having lost trust in the SAPS because of the way the police officers deal with their cases. There is a claim that when reporting to the police in a case of robbery, sometime the goods stolen are found but the police do not give back to the owner who is a foreigner, reason being is that the police officers know that there is nowhere

the person will take the case. This becomes a secondary victimisation. But still respondents have also reported that sometime you report a serious case and the offender is arrested but after two to three days, the offender is out on bail and the victim starts living in fear knowing that the offender will revenge. This experience of foreign nationals with the police has created fear to foreigners knowing that the justice is not working for them. As a consequence, there is an increase of the feelings of fear, and disappointment in the working of the justice system in the city of Durban.

Aschalew, a 31 year old man from Ethiopia who has been in SA for 8 years reported:

Yes, I've reported a case to the police, what is good with them, when you come, they listen to you and open a case for you, but after you leave, you will wait and wait but never hear anything from them, they do not do a follow up, mostly if it is a case between a foreigner and a citizen, you just have to forget, sometimes if it is a robbery case, they find the stolen stuff, but you will never get the stuff back to you. And some time they arrest a criminal and after few days you see the same person around you again, so it puts you in fear, so for me I do not see the reason of reporting to the police whatever the crime might be.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported

Even if I report to the police what they gonna do? We once went to the court because of one guy who killed a brother from Ethiopia, we went there to open a case, they arrested the criminal but after one month he was released on bail, so what is the point of reporting to the police or court?

Therefore, in reference to the above claims about the malfunctioning of the police, it can be argued that there is not a good relationship between the police and some foreign nationals. From their experience with the police, foreigners have lost trust in the police, because of the impartiality role played by the police officers when dealing with different cases engaging local citizens and foreign nationals. This has exacerbated the victimisation situation of foreign nationals by local citizens who are aware of the support they get from the police when arrested in a case against a foreigner. The failure of the police to deal with these kinds of victimisations has contributed to the high level of crime on foreign nationals as they fail to punish the criminal as one of the strategies to decrease crime situation in the city of Durban. The study shows that the police have failed in their duty that is to combat and prevent crime, to maintain order, etc. by being impartial during their exercise. Hence the coping mechanism becomes ineffective.

c. Foreign nationals as perpetrators of crime in the city of Durban

Despite their victimisation vulnerability, the findings of this study have demonstrated that some foreigner nationals are perpetrators of crime in the city of Durban; as a consequence they have exacerbated the crime situation in the province. The question was asked to respondents in this study as to find out if foreigners were involved with criminal activities. Even though the number of respondents who have reported knowing some foreigners who are involved with criminal activities is lower than those who said knowing nothing, it can be noticed that some foreigners are also involved in criminal activities.

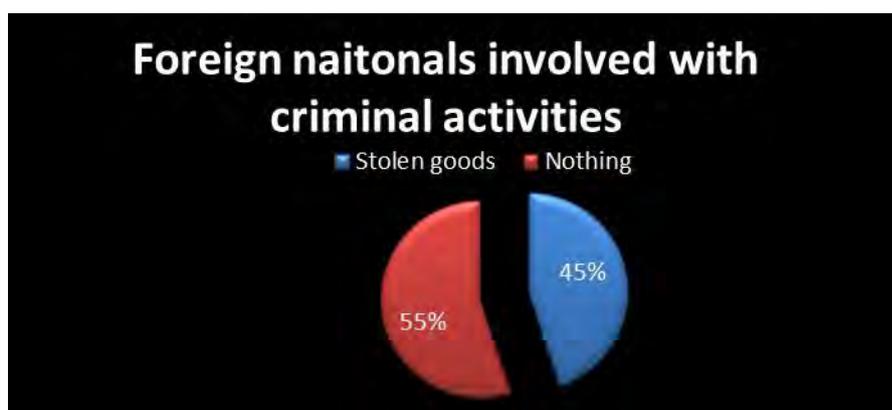


Figure 22, Knowledge about foreign nationals involved with criminal activities

During their stay in Durban, it can be assumed that some foreign nationals are involved with criminal activities leading them to their victimisation. This study confirms the statement that some foreign nationals are involved with criminal activities as their ways of earning a living due to hardship they encounter on a foreign land. Figure 22 illustrates the knowledge about foreign nationals involved with criminal activities. The question was asked to respondents in this study who are themselves foreigners. The question sought to find out whether respondents were or knew someone (foreign nationals) involved with criminal activities. It was surprising to find out that some foreign nationals are involved with criminal activities; unfortunately this lifestyle has been the cause of their victimisation during their operations. **(Chapter 2, risk factors of criminal victimisation)**

When being interviewed, participants reported knowing friends and other foreign nationals who are involved in criminal activities. The majority 55% of respondents have reported that "foreigners who are involved with criminal activities deal with stolen goods". An explanation was given by respondents that, they buy stolen goods and others finance the criminal, mostly local poor citizens who go out there to rob and bring the goods to their bosses who are "foreigners". This is a true situation which has exacerbated crime trend in the city of Durban

and in the country at large, whereby some foreign nationals have been reported buying stolen goods or being themselves offenders.

Kamaneno, a 32 year old man from DRC who has been in SA for 10 years reported:

We live with them, they are all over the city, but we cannot do anything, they have no other means to live, they just deal with citizens who steal stuff such as cell phones, laptops and others things, it is a normal life for them here in Durban and in Joburg.

Bikomo a 35 year old man from DRC who has been in SA for 12 years reported:

People are much more involved in stolen goods. Trading activities because there is no other option for them; Yes, here I can say that I do not appreciate the behaviours of our young people, because they indirectly promote criminal activities, they buy stolen goods, a friend of mine said that they came to sell to him a cell phone a brand new blackberry, cell phone, which has a blood on it, and you understand that we can't keep on complaining, because we are contributing to the crime situation in the country, by doing business with South African criminals stealing and sometimes killing people to get properties and come to sell them to foreigners at a cheaper price. So I can say that, as foreigners we are also contributing to the exacerbation of crime in the city.

Peter a 32 year old man from Burundi who has been in SA for 10 years reported:

There are many different form of crimes, kind of crimes being committed such as people who buy stolen goods, such as cell phones, TV, laptops, computers and many other stolen properties, unfortunately it has become part of the social life among foreigners, and the activities have been normalized, so now, these are things that have become normalised because everybody think that if you buy these things, there is nothing wrong with it, because even owners are not curious getting it back, it has been normalised, so these are people we known, they are doing it in a friendly way, and you feel like it is a business now.

Nonetheless, some types of crime have been assigned to different foreign nationals. Drugs are known as a criminal activity perpetrated by Nigerians and Tanzanians, car stealing by Mozambicans, and those who come with fake documents such as doctors are known as people from Uganda for the sake of securing a job for which they are not trained or have no skills whatsoever, whereas Congolese were reported being involved in informal jobs such as car guarding and security guards exempting them from any criminal activity. A survey of car guards in Tshwane conducted by Steyn et al. (2015: 18), has demonstrated that "the majority

of immigrant car guards (63%) originated from the DRC". However, it can be argued that this claim seems not to be true as some Congolese are also involved with criminal activities. As a researcher, I know some of the Congolese guys who are dealing with criminal activities in the city of Durban, and recently one of them was killed during their hijacking operation. Currently many foreigners are involved with criminal activities regardless of their country of origin. This is known from foreigners having friends and relatives dealing with criminals in the province. It has become a normal life for them to earn a living; as a consequence, there is an increase in crime trend in the province because of the huge number of foreigners involved in antisocial behaviour.

Christian, a 35 year man from DRC who has been in SA for 10 years reported:

Because there are many foreigners here, all are not good, many are in drugs Nigerians deal with drugs, Mozambique still cars, Ugandans they are fake doctors, and Congolese are here to work car guard and security jobs, and studying.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported

Yes, I know they are many doing illegal business, even citizens, but I know Tanzanians, Nigerians dealing with drugs and other illegal trade.

However, some 45% of respondents have reported not knowing foreigners who are involved with criminal activities claiming that if they could have friends or relatives who are criminals it means they are part of the deal as well, *"because you cannot be a friend of a criminal if yourself you are not a criminal"* they said. By listening to these participants one can argue that they just do not want to cite their friends or relatives for the fear that they can be traced after the interviews. Others have reported not knowing directly foreign nationals involved with criminal activities but they have heard about foreign nationals dealing with stolen goods such as cell phones, laptops, TVs etc. However, the researcher think that not only some foreigners deal with petty crime such as cell phones stealing, laptops, etc., but in reality some foreigners are involved in serious crime in the city, even in murders. The killing mostly happens when they go for a house robbery as one friend told me when explaining to him the aims of this study. He said, *"I do have a group of criminals, I give them money they go and get me goods, if it will take to kill someone they do it"*. So this study confirms that some foreigners do commit serious crimes including murder.

Aschalew, a 31 year old man from Ethiopia who has been in SA for 8 years reported:

No, I do not know any, but just heard about what some foreigners are doing here as illegal activities to earn a living, which is not good at all.

Ndiwimana, a 34 year old man from Burundi who has been in SA for 6 years reported:

No, I don't know them, but I know that foreigners are involved in some illegal activities.

Uhuru, a 31 year old man from Kenya who has been in SA for 7 years reported:

I used to hear that foreigners sell drugs and buy stolen goods but in reality I don't know anyone or have seen them in these criminal activities.

Do you have “friends who are involved with criminal activities”?

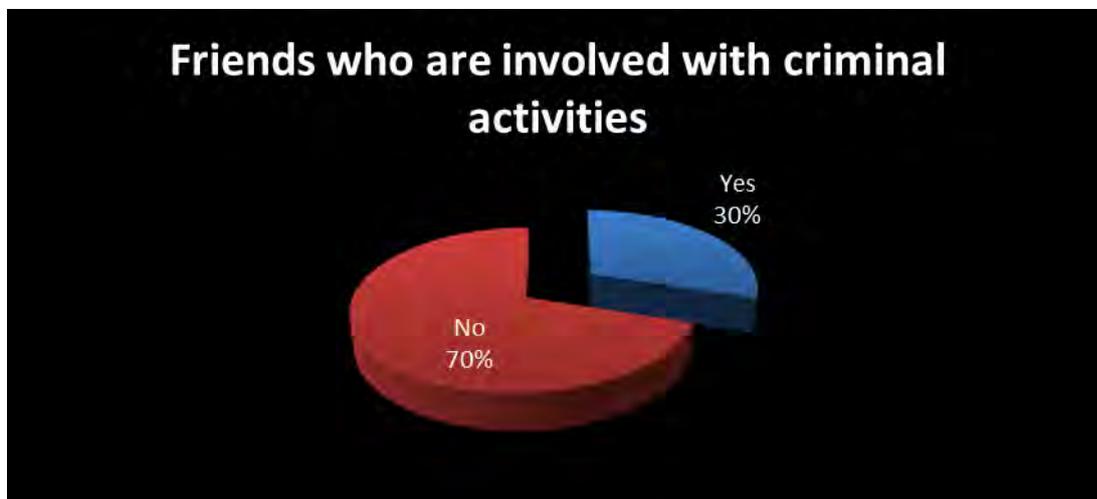


Figure23. Knowledge about friends involved with criminal activities

Similarly, during the interview session, participants were asked if they have “friends who are involved with criminal activities”. These friends should be also foreign nationals with whom they live or who they know. As illustrated in figure 22, a majority 70% of participants have denied having friends who are involved in criminal activities by saying that “they would not have these kind of people as friends, due to their beliefs” and others due to the fact that they can just not support having friends who are criminals because it affects their lives directly, whereas some 30% of participants have acknowledged having friends who are involved with criminal activities in the city of Durban, for which some have even been sent to jail because of their antisocial behaviours.

Uhuru, a 31 year old man from Kenya who has been in SA for 7 years, who is one of the respondents who denied having friends involved with criminal activities reported:

No, I should not have a friend of such an antisocial behaviour, never, and if I know you are in these things as a friend of mine, I will avoid you, and you will never even receive my call, because if my friend is a criminal, I will end up being arrested because of his misconduct.

Peter, a 32 year old man from Burundi who has been in SA for 10 years reported:

To be honest I am not in a position to name any body admit that I have friends who are involved in criminal activities, but the reality is that we live with them, they are around us, in the morning and evening they come to you to show you stuff, it is up to you to refuse or buy, but for me I will never support such activities, because it is illegal, and it is a crime, just imagine buying a cell phone of someone who was stabbed or killed to get a cell phone from the person, you see them every morning when you wake up....

Kinebwe, a 33 year old man from Malawi who has been in SA for 6 years has reported:

There are people that I know who are involved in criminal activities. Some of the foreigners choose to commit crime not because they want, but because of the hardship kind of lifestyle they live in here, they cannot find any other option, they involve themselves in trading stolen stuff such as phones, TV with flat screen, and many other things, these people they say, the country is not giving them any option to earn a living in a formal way, so they end up being involved in criminal activities; for them to survive, they have to involve in criminal activities.

Bikomo, a 35 year old man from DRC who has been in SA for 12 years reported:

I know young people, many; most young people are trading with criminals directly or indirectly or trading with dealers, people are very much involved in trading activities. I know little boys who are trading with criminals directly or trading with dealers.

d. Positive attitudes or Characteristics of Migrants

Nonetheless, the researcher thought to find out what a group of foreign nationals think about their lives regardless of their victimisation vulnerability kind of lifestyle they live in within the city of Durban. Again, this plays a role of coping mechanism when participants were providing their views as to how they see themselves and think of their lives regardless of the hardship they face in the city of Durban. The question focused on the positive attitudes of characteristics

of participants as to measure their capabilities of managing the challenges faced during and in the aftermath of their victimisation vulnerability.

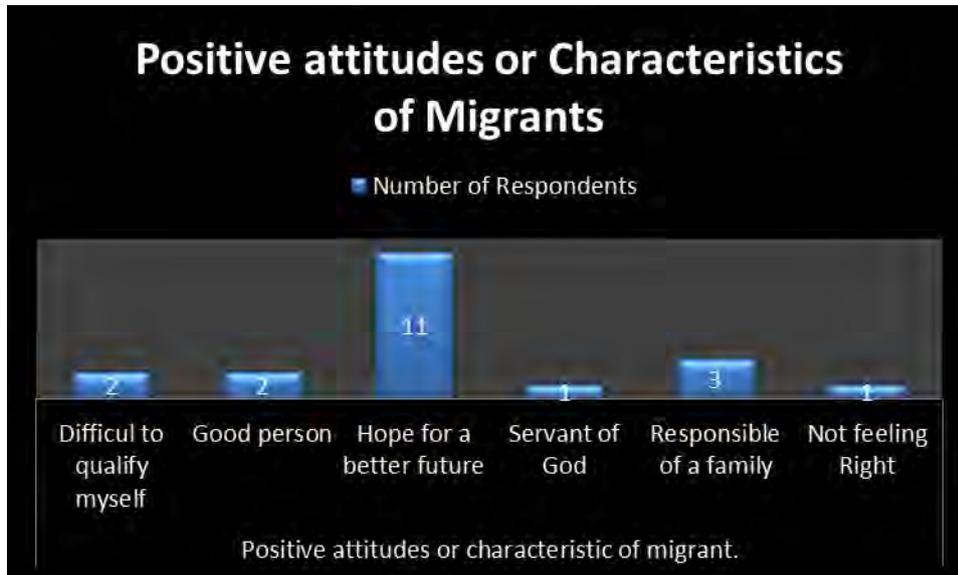


Figure24. Positive attitudes or Characteristics of Migrants

To complete this session of interview, it deemed important for the researcher to ask participants in this study about what can be seen as their positive attitudes or characteristics. The question aimed to find out about the coping mechanism employed by foreign nationals when dealing with victimisation. The question also bring the mind of participants to the level of understanding that despite what they have gone through or faced as victimisation during their stay in the city of Durban, they are human being as everybody and they must have self-esteem and hope for the best for their lives. As illustrated in figure23, in a group of 20 respondents, the majority 11/20 (55%) of participants have reported having hope for a better future, some 15% of participants reported they are pride of being responsible of a family, a few 10% of participants could not qualify themselves, 10% of participant reported they are good persons, 1 (5%) participant reported being a man of God (Pastor), and only 1 (5%) of respondents reported not feel right. This last respondent has shown a sense of low self-esteem.

Stercofi, a 32 year old man from Ghana who has been in SA for 2 years reported:

I am a good person, I take care about myself, about my wife and my daughter, so I feel great because I am responsible and have no problem with the government here. I am fine with my life.

Omari, a 35 year old man from Senegal who has been in SA for 8 years reported:

I am special because I am self-employed and doing things by myself not depending on anyone. I am fine and happy with my life.

Ngikumana, a 34 year old man from Burundi who has been in SA for 6 years reported:

Well, I am a man, and I have hope to a better future, I trust that God is with me. I am also an educated man, and hope that one day I will secure a better job and have a better life.

Abraham, a 35 year old man from Ethiopia who has been in SA for 4 years reported:

I am special because I am a servant of God, I am a pastor and I am proud of myself. So whatever I face as problems, I know God is there for me and I am not scared of any human being.

Mangwene, a 34 year old woman from DRC who has been in SA for 11 years reported:

I am at peace, I feel good and proud of my business despite that we have to pay expensively but at the end of the day, you get something to eat, to pay your rent and life goes on.

Aschalew, a 31 year old man from Ethiopia who has been in SA for 8 years reported:

I am married and have a son. I am special for my family and I am happy for my wife and my son. So I am special for them, but not for everybody, only for my family.

Uhuru, a 31 year old man from Kenya who has been in SA for 7 years reported:

I am a human being, and I depend on myself, have my own business even though it is a small business, but I can pay my rent and buy food for my wife and 2kids.

However, what is good with this study is that even though respondents have had bad experience of victimisation vulnerability in the city of Durban, by talking to them, you feel that they are still confident, and many have positive attitudes with boldness hoping to make it in their lives. It gives an impression that the victimisation kind of situation they have underwent and are still undergoing can be majored at a low level not being too harsh. They cope with the situation by understanding that things happen and everywhere people experience problems, so the issue is just as human being is to know how to cope and deal with the problem every time it arises regardless of the place and situation in which it happens.

6.8. Conclusion

To sum up, in this chapter a discussion of the results for the research expectations with the goal of fulfilling the aims of the study was presented. The results were discussed in relation to theory and research pertaining to the experience of victimisation vulnerability of a group of foreign nationals. Respondents shared their experience and their views on xenophobia situation in the city of Durban. Following is chapter seven: conclusions and recommendations. This chapter will offer a discussion of the findings of the preceding chapter and conclusion. The conclusion summarizes the research discussed and provides recommendations for further research.

Chapter 7

CONCLUSIONS AND RECOMMENDATIONS

7 . 1 Conclusions pertaining to the aims and objectives of the study

7.1.1 Introduction

The purpose of this study was to explore with a sample of a group of foreign nationals their experience of victimisation vulnerability in the city of Durban. The conclusions from this study follow the research questions and the findings and therefore address three areas: (a) the frequency and nature of victimisation, (b) the impact of victimisation on a group of foreign nationals, (c) the coping mechanism employed by a group of foreign nationals in the face of victimisation vulnerability. The major findings and conclusions that were drawn from this research will be the following discussion, after which recommendations and final reflection on this study will be provided by the researcher.

7.1.2 Perception that a group of foreign nationals will be victims of Crime as an expression of Xenophobia

The first major finding of this research is that the majority 85% of participants have been victims of crime. Crime such as petty crime, house breaking, and shop looting have been identified as the main crimes that a group of foreign nationals have experienced during their stay in the city of Durban. It has been noticed that most of the victimisation are perpetrated by black local citizens and that government officials are not much seen as perpetrators for these crimes as they are not in full contact with a group of foreign nationals. Amongst a group of 20 participants, 80% reported have never been victimised by any government official, accusing the DHA to be the only governmental institution victimising a group of foreign nationals as it can be seen in the findings of this study. In addition, when explaining about their experience with the DHA, an overwhelming majority 95% of participants have reported bad experience with the DHA. This is seen in the narratives of participants in the analysis chapter. However, the issue raised by respondents is that the DHA issue legal documents regardless of the duration of expiration but in all the documents issued to refugees and asylum seekers, it is written that “you have the right to work and study” but the reality is that everywhere in private sectors and unfortunately in many governmental institutions participants have reported that “when you present your paper, they tell you that they do not know that type of document, we need a South African ID”, consequently, they end up in informal sectors regardless of their qualifications. Moreover, the DHA has been accused of abuse of foreigners

who report to them. Complaints are made that “they make foreigners wait long hours while seating in their offices doing nothing, take bribe from foreigners in exchange of services that are meant for free, being careless, and not showing respect by shouting at people even the elders for no reason”.

In addition to the DHA, at some extent, the police also have been accused of their misdealing with cases involving a foreigner and a local citizen by being impartial but also causing secondary victimisation on foreigners who report to them. Consequently some foreigners chose not to report to the police regardless of the matter or crime faced. Hence, in this study, some 40% of respondents have reported not bringing their problems to the attention of the police. This is from the negative experience of those who have reported to the police 60% of respondents. During the report process to the police, four possible accusations have emerged whereby respondents claimed that mostly when someone go to the police to report a possible victimisation, “the police do not care”, “the police do not do anything”, the “possibility of secondary victimisation”, “worst of time” and one respondent reported that “it is better if you dealing with Indians or white police officers”.

Nonetheless, the belief that the police won't do anything, worst of time and the fear of secondary victimisation has caused loss of trust by a group of foreign nationals in the police. As a result, some foreign nationals chose not to report and deal with their cases in an unknown way, mostly they chose to keep quiet and suffer the consequence of their victimisation. Moreover, the findings of this study demonstrate the extent to which the South African police service stereotyped foreign nationals by way of stopping immigrants in a way that makes them feel being violated against. When asked about whether the police stopped them while they were going about their business for presumed criminality, almost more than half of respondents who say they have been stopped by the police, cited instances where the police conduct a search in a manner that violates dignity.

In addition to the police, the court also has been accused by some foreign nationals who have had cases at the court, and their experience is not good when respondents reported that “they never get justice, because every time there is a judgement, the offender is found guilty but in 2 to 3 days, he will be out on bail, putting the situation worse for foreigner who will now live in fear of being re-victimised by the same offender over again and again. Similarly the prisons are not conducive in keeping prisoners. Those foreign nationals who have been in prison have reported bad treatment by fellow prisoners who are citizens of this country. Therefore, it can be concluded that a group of foreign nationals are victimised by some black local citizens including some home affairs officials as well as the police as a result of their day

to day interactions, which is justified by the lifestyle/ exposure model and routine activities of respondents in the city of Durban as stipulated in the differential risk model of criminal victimisation by (Fattah, 1991), See (chapter 2).

Also, this study sought to find out the frequency of victimisation of a group of foreign nationals who have experienced victimisation in the city of Durban. The findings of this study states that the majority 70% of respondents have been victimised several times, some 20% of respondents have been victimised once but only a few 5% of respondent has reported never been victimised during their stay in the city of Durban.

7.1.3. Victimisation association with risk factors

The second major finding was that a group of foreign nationals are victims of crime due to certain risk factors leading them to victimisation. Strohmeier et al. (2011: 05) argues that “in a theoretical way, immigrant status might be considered as a risk factor for victimisation. Immigrants may be perceived as different and therefore not fitting in with the peer group”. Meaning, the fact of being an immigrant in a foreign country can be perceived as a risk factor by itself. Some people are victimised just because they do not belong to the host communities. This is explained in the findings where some respondents have reported experiencing victimisation just because there are foreigners (chapter 6). Additionally, Peacock (2013) argues that the probability of being victimised is determined by a number of risk factors. Interestingly point out risk factors influencing victimisation among which attractiveness, suitability and vulnerability. All the previous explain how a group of foreigners happens to be victimised. Their attractiveness, suitability and vulnerability have been contributing factors to their victimisation.

Dussich (2006: 118) explains vulnerability as a “physical, psychological, social, material or financial condition whereby a person or an object has a weakness which could render them a victim if another person or persons would recognise these weaknesses and take advantage of them”. Also, Green (2007) argues that Vulnerability is often used to express the level of risk posed to certain groups or individuals.

Nevertheless, the majority 70% of respondents have reported living with fear as a result of their experience of victimisation knowing that they can be victimised anytime anywhere in the city of Durban, whereas some 30% of respondents have reported having no feeling whatsoever. However, those who have agreed that they are at risk of being victimised in the city of Durban have acknowledged that there is lack of capable guardians for their protection, though their lifestyle and routine activities expose them to potential as well as

motivated offenders as they leave home early to report on duty and come back to their places late after their shifts end.

Similarly, language barrier has also been considered as among the vulnerability tools employed by some local citizens to suppress a group of foreign nationals in the city of Durban. Hence, it can then be argued that language plays an important role in the victimisation of a group of foreign nationals in the city of Durban. When asked about their experience about language in the City of Durban, which is an IsiZulu commonly speaking language, the majority 13 (65%) of participants reported having been victimised because they cannot speak IsiZulu. The findings demonstrate that victimisation due to language barrier happens in taxis, hospitals and at the DHA when there is an interaction between foreigners who need help from officials of these departments commonly staffed by local citizens. Again, it refers to the exposure category of the differential risk model of criminal victimisation by Fattah (1991).

In conclusion, the findings show that language can be seen as one of the intimidating tool used by some local citizens to victimise a group of foreign nationals. As it can be noticed during the interviews, those who never face language limitation problems are foreign nationals who came in Durban and learnt how to speak IsiZulu immediately. Hence, they communicate easily with the locals and this helps them to be free from intimidations and not facing victimisation due to language barrier. Unlike those who do not know or unwilling to learn the local language, they are the one facing language limitation problem as they cannot express themselves in the local language. Therefore, it can be advisable to foreigner nationals living in the city of Durban to learn how to speak IsiZulu as to avoid any threat due to language barrier, but also learning a language facilitate social integration within a given community.

7.1.4. Vulnerability due to lack of information

Lack of information can be dangerous to anybody, mostly when someone arrives at a place for the very first time. Here we refer to those foreign nationals who arrive in the city of Durban for the first time, how are they informed of the working system of the eThekweni municipality? This section was answered by referring to how a group of foreign nationals are received in the city of Durban. The findings demonstrate that upon arrival in the city of Durban, a group of foreign nationals are received by different people from back home providing them with full information about the city and how to behave in the city, but still others spend time in the street before meeting people from same country or family members. The reception area in this study is noticed into three groups as follows: the first group was in the Hotel and

Street, the second group was received by their friends and same country people, lastly the third group was received by family members and churches. The grouping is done by number of percentage of respondents under each group. Consequently, when received by the above mentioned groups, foreign nationals are informed about the working system of the city of Durban in particular and of the country at large. Newcomers (newly arrived in the country or city) are informed on how to get jobs and the working system of the government departments such as the DHA and the SAPS. Hence the likelihood of victimisation vulnerability due to lack of information in this regard is very low.

7.1.5. Gender as a risk factor of criminal victimisation

The perception that gender should be a risk factor among immigrants has been questionable in this study. In reference to the literature review of this study, there is an assumption that in all violence that happens to human kind women and girls are always at the forefront of the problem. They are physically vulnerable that render them easy target of both potential and motivated offenders. Throughout history women have been victims of sexual violence, sexual gender based violence, battering and many other sorts of victimisations that perpetrators apply to undermine or sabotage the wellbeing of females. Fortunately, this study did not find anything as such in the case of foreigner females living in the city Durban. Amongst a group of 20 participants, a few women who were interviewed did not report gender based violence or sexual harassment by local citizens as one of their victimisation experiences in the city of Durban. The findings in this study demonstrate that women and men face the same nature of victimisation regardless of their gender. Therefore, respondents and researcher in this study did not express gender as an issue of consideration when explaining the phenomenon of the victimisation vulnerability of a group of foreign nationals in the city of Durban.

7.1.6. The perception of discrimination as victimisation of a group of foreign nationals

The findings demonstrate that the majority 80% of participants in this study are involved in informal sectors (car guard, street vendors or informal business, security guards, etc.) regardless of their level of qualifications whether they got it back home or here in South Africa. According to the findings, a group of foreign nationals are discriminated against in terms of jobs in the city of Durban. Additionally, study has reported discrimination in job market for those participants who have done their studies within the South African universities. The claim is that regardless of them having completed their studies here, they cannot find a job equal to their qualifications and end up in informal sector again. Other element cited is the

document issued by the DHA. The majority of participants have accused the DHA for providing legal documents with a strict limitation to the job market. The paper issued to refugees and asylum seekers entitles them to “study and work”, but when submitted in the job market, these papers are rejected; not acknowledgeable in many private companies, worse even in some governmental institutions. Consequently, this makes life tougher for participants and leads them to get involved in informal business and sometime illegal ones, but this is not to be generalized to all foreign nationals. Hence the risk of some foreign nationals becoming involved with criminal activities as one of their coping mechanism employed in the face of victimisation due to discrimination.

Nevertheless, the discrimination of some foreign nationals is also seen in the service delivery system, in which a group of foreign nationals is denied to having access to some of the social services rendered to local citizens by the government. However, Health care has been reported by the majority of respondents as a well delivered social service that the South African government render to a group of foreign nationals, but still there is a complaint accusing government hospitals for providing poor treatment or medication to foreigners when they go to the hospital.

Whereas an overwhelming majority 19/20 (95%) of participants have reported not having access to education in the city of Durban. The issue here as it can be noticed, is about finance; education in South Africa is costly and a few foreign nationals amongst whom the majority are asylum seekers and refugees cannot afford to pay for their tertiary education in South Africa. Nonetheless, there is a system of loan in many South African universities to enable the disadvantaged populations to have access to high education, amongst which refugees, but even though having the right to study, most of the Universities do not issue loan to foreign nationals (mostly asylum seekers and refuges) living legally in South Africa willing to further their studies. Above all, it is unfortunate that the findings demonstrate that all 100% of respondents none has had access to housing as one of the social services offered by the government to its citizens. Unquestionably, it can be agreed up on that there is a high level of discrimination in some governmental institutions towards a group of foreign nationals residing within the city of Durban.

7.1.7. Nature and consequences of victimisation

The findings have demonstrated poorer psychological health condition such as depression, stress, trauma and isolation as the main problems a group of foreign nationals encounter during and in the aftermath of their victimisation. Therefore, it can be concluded that the

impact of the victimisation on a group of foreign nationals in this study is mostly psychological than physical. Most of the respondents who have been victimised, have suffered psychological damage such as trauma, depression, stress and isolation, resulting in fear. Consequently, respondents have reported living in fear in the city of Durban, thinking that “*what has happened will happen again*”. In addition to psychological health condition, loss of properties during shop looting and house breaking can also be seen as economic loss which can still play a psychological side effect on the victims.

7.1.8. Foreign nationals and institutional xenophobia in the city of Durban

From the findings of this study, it can be grasped that the DHA has been the main challenge a group of foreign nationals always experience in the city of Durban. Reason being is that the DHA is seen as a point of start for everything in the city for foreigners. Up on arrival in the country, it is the responsibility of each and every foreign national to report to the DHA for document purposes, as to legalise their stay in the country. Respondents in this study are all legal foreigners holding legal documents from the DHA. The issue here is the hidden politics behind the legal documents offered by the DHA to foreigners. Subsequently, foreigners hold legal documents but with restriction to social services available to local citizens. This has been seen as institutional xenophobia whereby, the DHA is used to restrict a group of foreign nationals from accessing socio-economic facilities in the city of Durban.

Correspondingly, not only the DHA is concerned with institutional xenophobia, but also many other governmental institutions such as housing, educational institutions even within health care institutions still, some foreign nationals are facing discrimination in the hands of government officials working within these institutions. This has been illustrated in the previous narratives of respondents. These findings support the review of the literature presenting huge number of studies demonstrating evidence on institutional xenophobia in South Africa.

7.1.9. Foreign nationals subject to humiliation and degradation

The findings from this study demonstrate that the majority of foreign nationals have faced humiliation and degradation during the process of their victimisation in the city of Durban. Whatever incident they undergo, is sustained by both humiliation and degradation of the individual due to his/her vulnerability within the host community. Again, this refers to Structural/cultural proneness which is the tenth category of the differential risk model of criminal victimisation (chapter 2, see 2.1.2.10). The findings demonstrate that the majority of respondents 55% have claimed that, even though South Africa is a country with four races, which are blacks, Indians, white and coloured, they have showed their concerns about the

attitude of their fellow black local South Africans reporting that “only black South Africans threaten other black foreigners from other African countries”. White, Indians and coloured have been reported not having problems with foreign nationals.

Even though, the findings of this study demonstrate the treatment of black local citizens on their fellow black African foreign nationals, it cannot be concluded that only black local citizens discriminate against fellow black African, but in some extent, foreigners are discriminated against by almost all existing races in South Africa. , it can also be argued that not only black foreign nationals are victimised but also other foreign nationals from other continents of the globe do face lesser degree of discrimination. The differences in the level of xenophobia can be explained by the pull factors of immigrants in South Africa. Mostly, African foreigners leave their countries to South Africa for economic reason, they come to search for jobs, and many other opportunities, this put them into conflict of interest with local citizens who are still struggling for their well-being, unlike Europeans, Asians, and Americans who come to South Africa, most of them come for business purposes, for which they are mostly the bosses. Others come because their skills are in demand in some industries or companies operating within South Africa. Therefore, even though people from other continents can be perceived to undergo lesser degree of discrimination within the South African institutions as a form of xenophobia, the above claim can be considered as the reason why local citizens do not threaten or attack foreigners other than those coming from African continent.

Therefore, it can be argued that the bad attitude of some local citizens towards a group of foreign nationals is manifested by humiliating and undignified them as it can be seen in the names calling “*Amakwerekwere*” and insults by the local citizens. Humiliation of a group of foreign nationals also goes to the scapegoat of foreign nationals as drug dealers for instance by local citizens in the city of Durban.

In addition, to the above, an overwhelming majority 90% of participants reported that their human rights are not respected in South Africa. The assumption was that human rights are only in their written books such as the constitution and the bill of rights, but in reality these rights do not work for foreigners. This statement is well illustrated in the narrative report of respondents in this study. Respondents have claimed that “the existence of human rights in the country is only known by local citizens who are the beneficiaries of those rights”. An overwhelming majority 90%, of foreigners have denied that human rights are not applicable to foreigners rather to local citizens only.

It can then be concluded that the entire process of human rights abuse is linked to the attitudes of South Africans towards a group of foreign nationals. Whatever has been reported as bad attitudes of local citizens towards their fellow African foreign nationals, confirms the non-respect of human rights of a group of foreign nationals which can be considered as their humiliation and degradation due to their vulnerable conditions in the city of Durban. Things like hatred, names calling, neglect, stereotyping and job stealers have been reported by respondents as some of their experiences with local citizens who tend to diminish and humiliate them just because they are foreigners. This leads the researcher to make reasonable recommendations to whom it may concern to educating the local citizens and some governmental officials mostly the DHA on why foreign nationals should be considered with respect as every human being in reference to the conventions signed between the South African government and the international community allowing the country to open its doors to foreign nationals regardless of the push and pull factors. See the following chapter 7, for more details on recommendations.

7.1.10. Nature and Function of Coping Mechanism employed by a group of foreign nationals

Reporting to the police can be seen as an effective way of dealing with victimisation every time it occurs. This can be considered as a coping mechanism employed by a group of foreign nationals when reporting to the police about their victimisation, so that the police can take the matter in their hands. Nevertheless, when victimised, a group of foreign nationals used to report to the police for justice to be done. However, it is unfortunate that the findings of this study have demonstrated the disappointment of the majority 60% of participants who have reported to the police, they have lost trust in the police accusing the police of committing secondary victimisation due to the misdealing with their cases involving them with local black citizens. As a consequence, some 40% participants have chosen not to report to the police because of the bad experience their friends or relatives have had when reporting to the police, believing that the police will do nothing.

Furthermore, the abuse of the police on a group of foreign nationals is unfortunately seen as hindrance to the coping mechanism of respondents in the face of their victimisation vulnerability. This has led to the loss of trust in the police, hence complicating the nature and function of coping mechanism employed by a group of foreign nationals in this study. This experience of a group of foreign nationals with the police has created fear to foreigners knowing that the justice is not working for them. As a consequence, there is an increase in the feelings of fear, and disappointment in the working system of the CJS in the city of Durban.

Therefore, it can be concluded that a group of foreign nationals has lost trust in the working system of CJS of the city of Durban. First, due to the lack of impartiality of the police, second, the court is not serious when dealing with cases involving a foreigner and a local citizen. In this regards, foreigners complains that the court uses bail to release a person who has committed a murder of a foreigner. Again, it increases feelings of fear in a foreigner thinking that the offender will again threaten as to revenge on the victim who laid a complaint.

7.1.11.Foreign nationals as perpetrators of crime in the city of Durban

A group of foreign nationals has thought to make ways of living a better life in the city when considering that they are discriminated against within private and governmental institutions. Hence, some foreign nationals chose to embark in criminal activities as a coping mechanism employed in the face of the tough conditions in which they live. Admittedly, the findings confirm the statement that “some foreign nationals are involved with criminal activities” as their ways of earning a living due to hardship they encounter on a foreigner land. This was reported by some respondents who have friends or know of foreign nationals involved with criminal activities. However, it was surprising to find out that some foreign nationals are involved with criminal activities; unfortunately this lifestyle has been the cause of their victimisation during their stay in the city of Durban (Chapter 2, risk factors of criminal victimisation)

Likewise, the findings demonstrate that the majority 55% of participants have reported that “foreigners who are involved with criminal activities deal with stolen goods”. But this finding can be questionable as to my knowledge, not only some foreign nationals deal with stolen goods, but also others commit serious crimes such as house breaking and sometime killing of property owners during their operation. An explanation was given by respondents that, they buy stolen goods and others finance criminals, mostly local poor citizens who go out there to rob and bring the goods to their bosses who are “foreigners”. This is a true situation which has exacerbated crime trend in the city of Durban and in the country at large, whereby some foreign nationals have been reported buying stolen goods or being themselves offenders. Consequently, they commit crimes in the city of Durban.

A study conducted by Singh (2013), provides the founding about recorded “voices of foreign nationals who are awaiting trial at the Medium A, Westville Correctional Centre in Durban, South Africa, on their perceptions and responses of crime and criminality”. Drawing on available statistics from the DCSs for the year February 2011 indicates that “South Africa had a total prison population of 162 162, of which 112 467 had been sentenced, while 49 695

were awaiting trial. Foreign nationals, of whom the majority were Zimbabweans and Mozambicans, made up 8 580 of inmates” (Singh, 2013: 223)

According to Singh (2013), from 2006 to 2011, foreign nationals have been incarcerated in the South African Correctional Services. Their sentence is based mostly on different crime category of which Economical, aggressive offences, sexual; Narcotics were the most common within the DCSs. Other alleged offences committed by foreign nationals are theft/damage to motor vehicle, housebreaking, drugs, assault and rape. Therefore this study is not of the view that foreign nationals are only involved with petty crime, but rather they are involved in serious crime as it has been demonstrated in the DCSs statistics on foreign nationals incarcerated (Singh, 2013: 226)

It can then be argued that participants have failed to be honest in reporting what they know as crime committed by their fellow foreigners in this study as evidences from the DCSs demonstrate the real situation, consequently, foreign nationals can be seen as a threat to the peace and safety of local citizens within the city of Durban. Additionally, it is identified that as one of the root causes of xenophobia is about foreigners who come to South Africa to destroy the social fabric of South African society. The question of migrants who are engaged in nefarious activities is that: would they allow South Africa to sell drugs to their children in their home countries? Conclusively, there is the issue of abuse of hospitality, South Africans gave foreigners refuge, but it transpires from Westville prison statistics that many migrants are abusing the hospitality of South Africa. Hence there is a need of making some recommendations as to address this situation.

7.1.12. Positive attitudes of Characteristics of Migrants

What is good with this study is that even though respondents have had bad experience of victimisation vulnerability in the city of Durban, by talking to them, you feel that they are still confident, and many have positive attitudes with boldness hoping to make it in their lives. It gives an impression that the victimisation kind of situation they have underwent and are still undergoing can be majored at a low level, not being too harsh. They cope with the situation by understanding that things happen and everywhere people experience problems. So, the issue is that as human being, is to know how to cope and deal with the problem every time it arises regardless of the place and situation in which it happens.

7.2. Recommendations

The researcher offers recommendations based on the findings, analysis, and conclusions of this study. The recommendations that follow are for: (a) the government, national and international humanitarian organisations as well as the civil society activists operating within the city of Durban; (b) Recommendations for Educational and Religious institutions within the city of Durban; (c) Recommendations for the law enforcement agencies and the DHA; (d) Recommendations to the South African neighbouring countries and African countries at large; (e) Recommendations for foreign nationals; (f) Recommendations for Further Research.

The question here is how do a group of foreign nationals earn a living and how this affects local citizens' kind of lifestyle? In SA there is an already existing problem of poor service delivery by the government, not being able to meet the needs of the poor communities, followed by a very high employment rate, and now come foreigners who also want to better their lives during their stay in the city; this has exacerbated the issue of hatred leading to xenophobia in the city of Durban. Reason why in the findings of this study, some respondents reported some South African being bad and good people, in reality these are the people who are in good life conditions, the working class, high social status, those who hate foreigners are marginalised South Africans, therefore the following recommendations are made.

7.2.1. Recommendations for the government, national and international humanitarian organisations as well as the civil society activists operating within the city of Durban

Given that there are multiple triggering factors of the victimisation vulnerability of a group of foreign nationals in the city of Durban, the recommendations put forth here for the government, national and international humanitarian organisations as well as the civil society activists operating within the city of Durban, are that these institutions should take into account the life conditions of disadvantaged local citizens and help them improve their lifestyle conditions by creating empowerment programs as to enable the disadvantage poor local citizens to be able to make an income as to respond to their basic needs. These actions will then prevent poor locals from threatening fellow black foreign Africans who seem to be in conflict of interests with them because of their search of a green pasture within the city of Durban.

Again, the government should take into consideration the following:

Public education programmes that could counteract the false information and negative stereotypes which breed distrust between locals and foreign nationals.

Such programmes should include information on the economic benefits of foreign nationals, for example, their contribution to job creation and the fact that most migrants do not intent to settle in South Africa, but are engaged in circular migration.

As well as Community- based initiatives to promote co-operation and shared enterprise between immigrants and locals should be encouraged and supported, as it will increase trust and stress interdependence.

Moreover, the government, the international community and the civil society activists should work on the policy on migrants in the country and try to accommodate within the bill of rights foreign nationals by emphasising on the respect of their human rights. Lastly, the government, national and international humanitarian organisations operating within the city of Durban, should make awareness campaigns, to help local citizens having a clear understanding of the sense of living with “other” nations by promoting the spirit of “Ubuntu” as a way to make a safe and peaceful environment to all who live in South Africa as a country at large, but also, the government should improve the service delivery to South Africans; create jobs to reduce unemployment and to alleviate the suffering of ordinary South Africans who are still living in shacks with over 21 years after apartheid.

7.2.2. Recommendations for Educational and Religious institutions within the city of Durban

The educational and religious institutions such as secondary and tertiary institutions and churches should play an important role in educating local citizens on the notion of international relations and how other countries are important in the development of the city of Durban in particular and in the development of South Africa as a country at large. Churches should teach “love” of the “other”. Teaching how to love another person regardless of the gender, religion, and nationality can be an important ingredient in curbing the spirit of hatred and eliminating the sentiment of xenophobia within a community. To teach the essence and value of lives; to promote peace and do away with violence should be one of the prioritised strategies to curb xenophobia in the city. Hence, the local governments or municipalities should organise educative workshops within the local communities as to show the importance of social cohesion and improve the spirit of “Ubuntu” amongst the local communities.

7.2.3. Recommendations for the law enforcement agencies and for the DHA

In this regard, foreign nationals also should be judged according to the laws of the country and punishment should be the same as the citizens when committing an act of offence towards any citizens or if caught in conflict with the law or norms and values of the city of Durban. Punishment of a foreign offender should fit the crime committed by a foreign offender, and vice versa, the same should apply when it comes to a local citizen offender, so that trust can be instilled in the CJS. Nevertheless, law enforcement officers should be objective when dealing with cases involving foreign nationals and local citizens by paying much attention on the law and being honest when dealing with the trial.

The DHA officials should be trained more about the psychological side effect of asylum seekers and refugees who report to them. Acknowledgement of the entire process of asylum seekers or migrants from their home countries to the city of Durban can be helpful for the DHA officials who should understand the risks involved during migration process. Trauma and other physical violence are mostly the experiences of migrants before reaching to the city or country of destination. Hence, the need to train the DHA officials who should be dealing with such people as migrants mostly newly arrived in the city of Durban as to prevent further threat to the already victim of atrocities or political economic bad conditions' victims back home, in respect of human rights of asylum seekers or migrants.

7.2.4. Recommendations to the South African neighbouring countries and African countries at large

It is recommended that neighbouring countries to South Africa should consider improving the socio-economic life conditions of their populace, but also display a model responsible leadership in their political sphere as to allow the populations of the country to have a threatened life free in order to create a peaceful and safe environment for all the citizens. Democracy should be applied and people should be at the centre of all political decision in terms of improving the life conditions of the people and create a political environment where the population are the main beneficiaries of the newly made policies. Refugees' home countries should stop costly civil wars leading to forced migrations.

7.2.5. Recommendations for Foreign nationals

Foreign nationals should stay in South Africa by obeying the laws of the country. Every foreigner should have realistic goals and expectations for his/her life. Foreigners should also put in mind that the police are not their enemies, and should become community participants.

All foreigners should learn domestic language (IsiZulu) to enhance job opportunities, but also to be able to socialise freely and friendly in the host community.

7.2.6. Recommendations for Further Research

It can then be recommended that further studies should be done as to research on “how to improve the government service delivery system” by identifying different challenges that the disadvantaged populations are facing within the city of Durban and try to improve their life conditions in making way forward to dealing with any issues affecting their well-being.

Again, further quantitative studies are needed on the lifestyle of foreign nationals in the city of Durban, as to measure the reasons and contributing factors to their victimisation, but also more quantitatively studies are needed to measure the coping mechanism employed in the face of victimisation vulnerability of a group of foreign nationals in the city of Durban and in South Africa as a country at large to helping these vulnerable populations to find a way out in dealing with their victimisation vulnerabilities.

Lastly, there should be a counselling office to those foreign nationals who display anti-social behaviours as their way of seeking better life. It should be brought to the attention of those foreign nationals involved with criminal activity that the law will be applied accordingly if caught in any anti-social behaviour.

7.3. Concluding Remarks

The reasons for leaving home are complex, but the majority of respondents acknowledged political-economy as the major reasons for leaving their home to search for a better life. In South Africa, the country, is politically and economically stable in comparison to other African countries, hence the choice of South Africa for black Africans who migrate. It can then be concluded that the influx of foreign nationals in South Africa has been higher, therefore the hatred of some local black citizens on a group of foreign nationals can be due to the uncontrollable number of foreigners who enter the country day and night, for political and economic reasons, making life tougher for some locals who are still struggling for their well-being within their communities in terms of jobs, housing, health and other basic needs for a living.

Nevertheless, the politico-economic factors have been the triggering factor of xenophobia that exists in the city of Durban. This can be explained by the fact that, when referring to many studies that have been conducted in South Africa on Xenophobia (chapter 3), it has been noticed that in South Africa, those are foreign nationals from all over the world, but studies

have demonstrated that those who suffer xenophobia are mostly black African foreigners from the African continent. White, Indians and people from Europe and America residing in South Africa do face xenophobia but at a lesser degree just because they are economically powerful, many are shareholders in many of the big companies operating in South Africa, and others are highly skilled people who are on demand in many industries in the country exempting them from xenophobia.

They are the one holding the economy, meaning, they are here not to seek jobs, but to run business and provide jobs to as many people as the company can contain, therefore, these people are untouchable because they own the economy, unlike most black Africans who migrate to South Africa in a search of green pasture; as stipulated in the findings, "African migrants choose to come to South Africa because of the political and economic stability in the country", this confirms the finding saying that "the majority of respondents in this study came to South Africa to look for a job, and to have a better life".

As a consequence, this has created conflict of interest between local citizens and black foreign nationals causing locals to attacking black foreigners from other African countries as a way to express their anger of the unsatisfactory condition in which they are found accusing foreigners taking their jobs and so on. Hence, the approval of the searching of the availability of job opportunities, health services and other contemporary facilities in towns and political freedom are agreed up on in this research to be the 'pull factors of African migrants in the city of Durban and in South Africa at large.

Above all, Xenophobia should not only be blamed for the South African government inability to deliver, but African countries corruption and irresponsibility should be held accountable for the massive African migrants who migrate to SA for a search of peace, human rights, democracy and job opportunities, whose burden goes to SA. As a consequence, the SA unable to deliver for its own citizens won't be able to assist the massive surge of migrants from other African countries. Corruption and irresponsible African leadership has led to South African carrying the burden of the African migration. Basically, if most countries are doing very well, less corruption, civil wars, the need to travel to another country will be reduced.

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Appendix 1

INTERVIEW SCHEDULE

A. Identity of the Participant

1. What is your name? Pseudonym
2. What is your age?
3. What is your country of citizenship?
4. When did you leave your country?
5. How long have you been here in South Africa?

B. Reasons for leaving home/Arrival to South Africa

6. What motivated you to leave your country?
7. Why did you select South Africa? How did you end up in Durban?
8. Did you report to Home affairs?

Yes/No

a) If yes, how were you received by Home affairs officials where you reported?

b) If not, why?

9. Do you have a legal document allowing you to temporary or permanently stay here in South Africa?

Yes/No

a) If yes which one?

b) If not, why?

C. Lived experiences in South Africa/city of Durban

10. What is your experience with the department of Home Affairs?
11. Upon arrival in South Africa how did you get an accommodation?
12. What work do you do in Durban? Are you satisfied?
13. How do South Africans in general perceive non-nationals?
14. Have you experienced language limitation problems in the city of Durban?

Yes/No

a) If yes what was the incidents?

15. Have you ever been victim of crime?

Yes/No

If yes, what was the nature of the crime/s?

16. How often have you been victimised?

17. When victimised, how do you feel after being victimised?

18. Do you report to the police?

Yes/No

a). If yes, how do you feel the police officers deal with your case?

b). If not, why?

19. Have you ever been stopped by the SA police when going about your own business?

20. Have you been victimised by any South African government official other than the police?

21. Do you see yourself as a target of crime? Please explain.

22. Do you feel your human rights are respected in South Africa?

23. What are your experiences of the criminal justice system in eThekweni metropolitan municipality?

24. Are there other foreign nationals you know who are involved with criminal activities?

25. Do you have friends who are involved in criminal activities?

26. Do you have access to social services such as health care, education, and housing?

Yes/No

a. If yes, how do you describe it?

b. If not, why?

27. What are the major challenges or problems you always experience here in Durban as a foreigner?

28. What do you feel are your most positive attributes or characteristics as a migrant?
What make you feel special?

INFORMED CONSENT FORM

Dear Respondent,

Invitation to participate in a research

My name is Samuel Fikiri Cinini, a Master's Student in Criminology and Forensic Studies at the University of KwaZulu-Natal/Howard College Campus, South Africa. I am conducting a study **“A victimological experience of the victimisation vulnerability of a group of foreign nationals in the city of Durban”** as part of the requirements for Master's Degree.

Previous studies have shown that although attitudes towards non-nationals vary across South Africa's socio-economic and ethnic spectrum, there is strong evidence that non-nationals living and/or working in South Africa face discrimination at the hands of citizens, governments officials, members of the police and private organisations contracted to manage their detention and deportation.

Therefore, there is a pressing need to explore the victimisation experiences of foreign nationals with the purpose to attract the attention of the government, NGOs, and Civil society activists, to make special efforts to pursue preventive action and advocacy, including awareness campaigns and conflict resolution programmes, as well as other community interventions aimed at promoting social cohesion, but also to create awareness and to promote a democratic and just society with a human rights ethos as set out in the South African constitution, the bill of rights and other relevant International frameworks.

Hence, you are invited to participate in this study which will be conducted in the city of Durban. Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission. Please note that your name will not be included in the report and confidentiality will be maintained throughout the study.

There is no benefit and risk in conducting this study. First, as a participant, you will not use your real name but rather pseudonym will be used to avoid any threat. The interview will be conducted in a place of your choice and no harm is envisaged to both of us (participant & the researcher).

Your participation in the interview is completely voluntary. You have the right to withdraw at any time during the study. It will take you approximately 30 to 45 minutes to answer the interview questions that will be type recorded. I appreciate the time and effort it would take to participate in this study.

The Research Office can be contacted as follows:

HSSREC Research Office: Dr. Shenuka Singh (Chair)

Telephone: +27 (0) 312603587

Email: ximbap@ukzn.ac.za

Website: www.ukzn.ac.za

University of KwaZulu-Natal

Thank you.

Please complete this form

Title of study

“A victimological exploration of the victimisation vulnerability of a group of foreign nationals in the city of Durban”

I....., hereby confirm that I understand the contents of this document and the nature of the research project, and I consent to participate in the research project as outlined in the document about the study.

I acknowledge that I have been informed of the purpose of this survey. I am aware that participation in the study is voluntary and I understand that I am at liberty to withdraw from the project at any time, should I so desire.

Participant

Signature

Date:

Email:

Researcher

Signature

Date:

Email: