



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

STATEMENT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Consultative Dialogue - National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP)

Hon Minister(s)

Director General,

Distinguished Guests

Ladies and Gentlemen.

Today, the United High Commissioner for Refugees (UNHCR) is delighted to be a part of the national consultative dialogue, which marks the launch of public consultations on the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Following the adoption of the Durban Declaration in 2001 and the Programme of Action urging *“states to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations,”* UNHCR congratulates the Republic of South Africa for initiating a National Action Plan (process) that will give effect to its international human rights obligations related to the elimination of racism, racial discrimination, xenophobia and related intolerance.

As pointed out by the Department of Justice and Constitutional Development, government’s custodian charged with developing and implementing this initiative, the National Action Plan *“is not intended to replace existing laws and policies but rather to be complementary to existing legislation, policies and programmes which address equality, equity and discrimination.”*

A statement from the Department’s web page on this matter which caught our attention, reads: *The NAP envisions uniting South Africans in building a non-*

racial, tolerant society that recognises its plurality and diversity based on the values of equality and human dignity through the promotion of anti-racism education, the promotion of constitutional values and the advancement of human rights, through dialogue and action.

As a UN refugee agency mandated (by the United Nations General Assembly) to, in partnership with Governments, lead and coordinate international action to protect refugees, we believe it imperative to borrow the phrase from the country's impressive Constitution – ***and all who live in it*** – as refugees are not South Africans but persons guaranteed protection by the country in which they have sought asylum.

Their fundamental human rights as enshrined in international refugee legislation - the 1951 UN Convention relating to the Status of Refugees, the 1967 Protocol, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the country's own Refugees Act - provide the basis for their presence here and therefore their inclusion in initiatives and activities aimed to build a *“non-racial, tolerant society that recognises its plurality and diversity based on the values of equality and human dignity.*

After the xenophobic violence of 2008 and most recently in 2015, UNHCR takes this opportunity to commend the Government on its stance against a form and level of discrimination that has pitted locals against their foreign counterparts in running battles culminating in the loss of livelihoods, property and even life and limb. We are gratified that the law is taking its course against such violations which has since led to the arrest and successful prosecution of some of its perpetrators.

We are pleased to note therefore, that the ***“NAP will provide for monitoring on-going incidents of racism, racial discrimination, xenophobia and related intolerance through the establishment of a rapid response team, reporting directly to government and serving as a barometer to measure the extent of the incidents, the circumstances which allow for their continuation and the provision of tools to address them”.***

Similarly, the NAP guarantees, among others, the:

- Promotion of human dignity through the protection of human rights;
- Raising awareness of anti-racism, equality and anti-discrimination issues among public officials, civil society and the general public, mobilizing support from a wide range of people;

- Encouraging the collection of data regarding racism, racial discrimination, xenophobia and related intolerance and ensuring for a more comprehensive assessment of their needs to effectively combat it;
- Ensuring that the concerns of individuals and groups encountering racism, racial discrimination, xenophobia and related intolerance are more effectively addressed;
- Increasing the effectiveness and coherence of measures against racism, racial discrimination, xenophobia and related intolerance including financial and human resources;
- Engendering a commitment to eliminating racism, racial discrimination, xenophobia and related intolerance through appropriate programmes aimed at reaching achievable targets;
- Strengthening programmes for individuals and groups encountering racism, racial discrimination, xenophobia and related intolerance in education, health, employment, housing, food security, social services and access to justice including where necessary through appropriate remedies;
- Facilitating the identification of legislation that needs to be amended and or adopted with a view to improving the protection of victims, and
- Generating a more equal society and strengthen the rule of law and democracy.

Ladies and gentlemen, at first glance a tall order perhaps, but with unity, commitment and determination, a credible and achievable set of goals in the short, medium and long term.

Let UNHCR therefore, be amongst the first to commit itself to lending what support it can to realise these goals.

Let me also take this opportunity to urge like-minded organisations and institutions to be the support the Department of Justice and Constitutional Development requires to steer the NAP and South Africa towards a *non-racial, tolerant society that recognises its plurality and diversity based on the values of equality and human dignity through the promotion of anti-racism education, the promotion of constitutional values and the advancement of human rights, through dialogue and action.*

I THANK YOU