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Responses to Information Requests

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28 May 2013

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South Africa: Situation of white South Africans, including treatment by government and society; state protection available to white South African victims of violence; information on any white South African community, political or rights groups (2010-May 2013)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

According to mid-year population estimates based on "cohort-component methodology" (South Africa 2013, 2) released in 2013 by Statistics South Africa, a government body established by the *Statistics Act* of 1999 (ibid. 1999), 8.7 percent of the South African population is white, 2.5 percent is "Indian/Asian," 9.0 percent is "Coloured," and 79.8 percent is "African" (South Africa 2013, 3). The percentage of the population that is white declined from 11 percent in 1996 to 8.9 percent in 2011, the year of the most recent census (ibid. 2011, 17).

In written communication sent to the Research Directorate, the Head of the Human Rights Advocacy Unit at the South African Human Rights Commission, a South African national institution inaugurated under the *Human Rights Commission Act 54* of 1995 (South Africa n.d.), stated

one will be hard pressed to find an organization that focuses exclusively on whites as such an organization runs the risk of being viewed as exclusive and possibly discriminatory, on the basis of race.(ibid. 21 May 2013).

In written communication sent to the Research Directorate, the Deputy CEO of AfriForum, an organization focusing on minority rights in South Africa (AfriForum 16 May 2013), stated that "AfriForum is an organization that focuses on the rights of cultural minorities and aggrieved citizens. Often, these cultural minorities are white Afrikaners, but they also include members of the Afrikaner-speaking brown community and other citizens" (ibid.).

The Head of the Human Rights Advocacy Unit also stated that there is a perception that AfriForum and the Solidarity trade union [which is a Christian trade union in South Africa that has historically had ties with the Afrikaner community (Solidarity n.d.)], focus on "white Afrikaner South Africans," due to their clientele. (South Africa 21 May 2013). Corroborating information on AfriForum and the Solidarity trade union could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.1 White population groups

Minority Rights Group International (MRG) defines Afrikaners as "those considering themselves white and speaking Afrikaans, a derivative of Dutch" (MRG May 2008). MRG also reports that Afrikaners, as of May 2008,

make up the majority of South Africa's white population (ibid.). A document entitled *Census in Brief* produced by Statistics South Africa with information from the 2011 census states that 60.8 percent of the white population speaks Afrikaans as a first language, compared to 35.9 percent who speaks English as a first language (South Africa 2012a, 27).

1.2 Income

Le Monde Diplomatique, an international newspaper founded in 1954, published in 72 editions and 26 languages, and based in Paris (*Le Monde Diplomatique* n.d.), writes that "[t]wenty years after the end of apartheid, South Africa's whites still earn more than its blacks: six times more," according to a 2011 survey (1 Mar. 2013). A statement issued by the South African Institute for Race Relations (SAIRR), an independent think-tank (SAIRR n.d.), and quoted on Politics Web, a news- and politics-focused website covering Southern Africa (Politics Web n.d.), indicates that "white per capita personal income in 2008 was 7.7 times higher than that of Africans, 4.5 times higher than that of coloured people, and 1.5 times higher than of Indians" (Politics Web 1 Feb. 2011). Freedom House reports that "a majority of the country's business assets remain white-owned" (2012).

The Sunday Times, a Colombo, Sri Lanka-based newspaper (*The Sunday Times* n.d.) reports that white Afrikaner poverty is growing (*The Sunday Times* 28 Mar. 2010). The article also cites reports from the Solidarity trade union that "at least 450,000 white South Africans, 10 percent of the total white population, live below the poverty line and 100,000 are struggling just to survive" (28 Mar. 2010). Corroborating information on white poverty in South Africa could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. White South African Participation in Politics, Security Forces, and the Judiciary

2.1 Political Parties and Posts

In the *Country Reports on Human Rights Practices for 2012* for South Africa, the US Department of State reports that "there were an estimated 112 members of minorities (White, Indian, Colored citizens) in the National Assembly" (19 Apr. 2013, 20). The Head of the Governance, Crime and Justice Division of the Institute for Security Studies (ISS), an "African policy research and training organization" founded in 1991 and based in Pretoria (ISS n.d.), stated that

[w]hite South Africans are represented in all if not a vast majority of political parties and in government. There are white ANC [African National Congress, the governing party (PHW 2012, 1313)] members in the National Executive Committee and in the Executive Cabinet of government. There are no parties that specifically advocate for white South Africans because white South Africans are not a homogenous political group... (ISS 20 May 2013)

Le Monde Diplomatique reports that the head of the opposition Democratic Alliance (DA) is "a white woman who is a former mayor of Cape Town and the serving premier of Western Cape Province" (*Le Monde Diplomatique* 1 Mar. 2013). The DA earned 16.6 percent of the vote in 2009 and is more popular with white and mixed-race South Africans than with black South Africans (ibid.).

According to the *Political Handbook of the World*, there is a political party, the Vryheidsfront Plus (Freedom Front Plus) that "seeks to protect and enhance Afrikaner rights and interests through the creation of an autonomous region" (PHW 2012, 1321). The representative from the ISS stated that the Freedom Front "aims to represent Afrikaner interests rather than all white South African interest" (ISS 20 May 2013).

2.2 Judicial Posts

In response to a question by the National Assembly to the South African Minister of Justice and Constitutional Development, the Minister stated that as of 23 April 2012, out of a total of 4,685 advocates in South Africa, 2,460, or 52 percent, were white (South Africa 26 Apr. 2012). In the same document, the Minister stated that out of a total of 20,077 practicing attorneys, 13,219, or 65 percent, were white (ibid.). A report published in 2011 by a group of civil society organizations as part of the South African response to the African Peer Review Mechanism, an instrument established in 2003 that aims to improve governance in Africa through peer reviews, diagnosing deficiencies, sharing best practices, and proposing solutions (Civil Society Coalition June 2011, 11), stated that in 2009 and 2010, 58.6 percent of the country's judges were African, Indian, or Coloured (ibid., 21), and that "in 2011, of the 226 judges, ... 91 are white" (ibid., 22).

The same report also states that "[r]etired Constitutional Court Judge, Johann Kriegler, argued publicly that the hostility being shown to white applicants by the Judicial Service Commission (JSC), the body that recommends judicial appointments, was dissuading them from applying" (ibid., 21). Corroborating information

could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 Police Posts

An article published in *The Economist* on 9 March 2013 states that 12 percent of the total South African Police Service (SAPS) is white. In their 2012 annual report, the South African Police Service indicates that, for 2011 and 2012, of those members of the force at the rank of senior management and above (up to the Minister), 24 percent were white (362 out of 1,479 total) (South Africa 2012b, iv). White South Africans make up 11.8 percent, or 23,650 out of 199,345, of all SAPS employees (ibid.).

3. Treatment by Government Authorities

The Head of the Governance, Crime and Justice Division of the ISS stated that it is "very rare for white South Africans to experience violence or discrimination from government authorities, including the police or military, because they are white," and that "Black South Africans are far more likely to experience incidents of police brutality than white South Africans" (ISS 20 May 2013). Corroborating information on whether white South Africans experience violence or discrimination from government authorities, including the police or military, because they are white, could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The Head of the Governance, Crime and Justice Division at the ISS stated in written communication sent to the Research Directorate on 20 May 2013 that "[c]urrently there is no hate crime legislation in South Africa. There are groups in the process of advocating for such legislation and the Department of Justice has been engaging with such groups to explore drafting such legislation."

Freedom House reports that in September 2011, ANC youth leader Julius Malema, who was later expelled from the party (Reuters 31 Oct. 2012), "was convicted of hate speech by a Johannesburg High Court for leading crowds in singing a song containing the lyrics 'shoot the boer,' which the court alleged promoted the killing of white farmers" (Freedom House 2012). Similarly, the Deputy CEO of AfriForum stated in written communication sent to the Research Directorate on 16 May 2013 that the ANC Youth President, Julius Malema, sang a song from the anti-apartheid era with the lyrics "Shoot the Boer...they are dogs and rapists" and that AfriForum launched a case against Malema, who was supported by the ANC. The judge ruled that the use of the phrase constituted hate speech, and after an appeal by Malema and the ANC, all parties to the case reached an agreement (AfriForum 16 May 2013, 10). Under the terms of the agreement, the ANC would no longer sing the song (Reuters 31 Oct. 2012).

4. Treatment by Society

IOL, the Internet site of Independent News and Media, a South African news and media group (IOL n.d.) reports that according to police statistics "about 80 percent of violent crime happens in poor neighbourhoods, usually by people who personally know their victims" (27 July 2011).

According to the Deputy CEO of AfriForum, the South African Police Service (SAPS) does not identify the race of victims or perpetrators of violent crime in its statistics (AfriForum 16 May 2013, 8). A document produced by ISS and published on AllAfrica states that based on the 2011/2012 SAPS annual report white and Asian South Africans are less likely than African or Coloured South Africans to be murdered, and stresses that socio-economic status, rather than racial classification, determines the likelihood of being a victim of a violent crime (ISS 26 Mar. 2013).

Corroborating information and further information on the rate of violent crimes against white South Africans could not be found among the sources consulted by the Research Directorate.

4.1 Farm Attacks

Freedom House reports that

some 80 percent of farmland is owned by white South Africans, who make up 14 percent of the population. As a result, thousands of black and colored farm-workers suffer from insecure tenant rights; illegal squatting on white-owned farms is a serious problem, as are attacks on white owners. (2012).

The US Department of State reports that

Killings and attacks on commercial farms and small agricultural holdings continued in rural areas. According to the Agricultural Union of South Africa, which criticized police for not maintaining their own statistics, 22 white farmers were killed during 70 attacks by black perpetrators during the year. These attacks, widely referred to

as "farm killings," targeted farm owners, residents, and employees. According to the South African Institute for Race Relations, commercial farmers, who are predominantly white, were twice as likely to be killed as the average citizen. (19 Apr. 2013, 33).

In written communication sent to the Research Directorate on 16 May 2013, the Deputy CEO of AfriForum wrote that "[attacks on commercial farmers] are not being perpetrated against whites only, however most of the victims of such attacks are white" (16 May 2013, 9). An article published in *The Telegraph* states that, according to a senior researcher at ISS, the murder rate of farmers in South Africa for 2011 was 99 per 100,000 (1 Dec. 2012). In a document published on the ISS Internet site, a senior researcher in the crime and justice programme reports that based on figures collected by the Transvaal Agricultural Union of South Africa, a white farmers' group (Reuters 31 Oct. 2012), between 2008 and 2012, there was an average of one murder for every two attacks (ISS 17 Oct. 2012). Media sources, citing victims and relatives of victims of farm attacks, state that in some cases, nothing (Reuters 30 Nov. 2012), or very little of value is stolen in the course of an attack (*The Telegraph* 1 Dec. 2012).

Corroborating and additional information on farm attacks could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

5. State Protection Available to White South African Victims of Violence

The Head of the Human Rights Advocacy Unit at the South African Human Rights Commission stated in written communication sent to the Research Directorate on 21 May 2013 that, in the case of a violent incident [a] white South African would have the same legal recourse as any other citizen or resident. In the case of criminality, one would have to report the violence to the police who will carry out an investigation and where a prosecution is warranted this is handled in the relevant criminal court... (South Africa 21 May 2013)

The Head of the Governance, Crime and Justice Division at the ISS stated that "[i]f white South Africans are victims of violence they can report such incidents to the South African Police Service (SAPS) ... The SAPS are generally equally effective in responding to all population groups in terms of racial classification" (ISS 20 May 2013). The Head of the Governance, Crime and Justice Division further stated that white South Africans can also receive witness protection if they are required to testify in a criminal trial (ibid.). Further information on state protection for white South Africans who are victims of violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: Attempts to contact the South African Police Service were unsuccessful. The South African Institute for Race Relations was unable to provide information.

Internet sites, including: AllAfrica; British Broadcasting Corporation (BBC); Centre for the Study of Violence and Reconciliation; ecoi.net; Factiva; *The Guardian*; *Mail and Guardian* (South Africa); News24 (South Africa); South African Police Service; Transvaal Agricultural Union; United Kingdom – Home Office; United Nations – Refworld, Universal Periodic Review; Unrepresented Nations and Peoples Organization.

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