

**Potentially Hurdling over the Psychological Barriers to Reporting Xenophobic
Incidents through a Third-party Reporting Mechanism**

by

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Declaration of Originality

I declare that **Potentially Hurdling over the Psychological Barriers to Reporting Xenophobic Incidents Through a Third-party Reporting Mechanism** is my work and that all the sources that I have used or quoted have been indicated and acknowledged using complete references.

I further declare that I submitted the dissertation to originality checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at UNISA for another qualification or at any other higher education institution.



SIGNATURE

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DATE

Abstract

The prevalence of hate victimisation in South Africa remains unknown, as does its full impact. Anecdotal evidence, borne out by recent research findings, suggests hate-based attacks on non-nationals have increased in recent years, distinctly reflecting a picture of heightened vulnerability. For several reasons, the severity of such victimisation, and their physical and psychological impact, go mostly unseen. Hate-motivated incidents, such as hate speech and intentional unfair discrimination, are possible precursors to additional criminal victimisation. Records of such incidents can be helpful to demonstrate both a context of harassment and evidence of escalating patterns of violence. Worldwide, under-reporting of hate victimisation is a longstanding concern and requires an urgent solution. In South Africa, under-reporting has contributed to the nonrecognition of hate crime as a separate crime category. Towards aiding in finding a solution, this study explored the psychological barriers to reporting xenophobic victimisation to relevant authorities. The study, furthermore, explored with a group of victims who experienced xenophobia whether they reported victimisation, the reasons for reporting and under-reporting, and their thoughts and opinions on the workability of a third-party reporting mechanism. Non-probability sampling, specifically applying convenience and purposive sampling was used to obtain 19 participants for the four semi-structured focus groups. While all participants reported being victimised because of their nationality, the study found that multiple psychological barriers prevent such victims of xenophobia from reporting victimisation to authorities. Many of the participants do not believe in the workability of third-party reporting mechanisms.

Keywords: Hate incidents, Non-nationals, Third-party reporting mechanism, Under-reporting, Victimisation, Xenophobia

Opsomming

Dit is onbekend hoe algemeen viktimisering op grond van haat in Suid-Afrika voorkom, en daarom ook wat die volle impak daarvan is. Onlangse navorsingsresultate dui egter daarop dat aanvalle op nielandsburgers wat uit haat voortspruit, toegeneem het die afgelope paar jaar, wat hulle groter kwesbaarheid duidelik weerspieël. Die intensiteit van hierdie viktimisering, asook die fisieke en sielkundige impak daarvan word in die meeste gevalle om verskeie redes ook nie bekendgemaak nie. Voorvalle wat uit haat voortspruit, soos haatspraak en doelbewuste onregverdige diskriminasie, is moontlik voorlopers van verdere kriminele viktimisering. Die optekening van sulke gevalle kan help om bewys te lewer van die teisteringskonteks, sowel as van patrone van toenemende misdaad. Die gebrekkige aanmelding van viktimisering op grond van haat is wêreldwyd lank reeds 'n probleem, en een waarvoor daar dringend 'n oplossing gevind moet word. In Suid-Afrika het gebrekkige aanmelding daartoe bygedra dat haatmisdaad nie as 'n aparte misdaadkategorie erken word nie. Ten einde 'n oplossing te help vind, het die navorser vir die doeleindes van hierdie studie die sielkundige faktore ondersoek wat verhoed dat xenofobiese viktimisering by die betrokke owerhede aangemeld word. Die studie bevat ook die terugvoer van 'n groep slagoffers van xenofobie oor hulle aanmelding van die viktimisering al dan nie, die redes waarom hulle dit aangemeld het of nie aangemeld het nie, en hulle gedagtes en menings oor hoe lewensvatbaar 'n stelsel vir derdeparty-aanmelding is. Niewaarskynlikheid-steekproefneming, en spesifiek doelbewuste en gemaksteekproefneming is gebruik om 19 deelnemers vir die vier semigestruktureerde fokusgroepe te vind. Alhoewel al die deelnemers bevestig het dat hulle geviktimizeer is op grond van hulle nasionaliteit, het die navorser met hierdie studie bevind dat verskeie sielkundige faktore die slagoffers van xenofobie verhoed om die viktimisering by die

owerhede aan te meld. Talle van die deelnemers glo nie dat stelsels vir derdeparty-aanmelding 'n werkbare oplossing is nie.

Kernbegrippe: Haatvoorvalle, Nielandsburgers, Derdeparty-aanmeldingstelsel, Gebrekkige aanmelding, Viktimisering, Xenofobie

Kakaretso

Hore na tshwaro e mpe ka lebaka la lehloyo e atile haka Afrika Borwa ho ntse ho sa tsejwe, le ditlamorao tsa yona ha di tsejwe. Bopaki bo sa netefatswang, bo hlaheletseng dipatlisong tsa morao tjena, bo bontsha hore ditlhaselo tse etswang ho batho ba tswang dinaheng tse ding di eketsehile morao tjena, e leng se bontshang hore ba kotsing le ho feta. Ho na le mabaka a mmalwa a etsang hore ho pharalla ha tshwaro e mpe jwalo, ho hlokofofatswa mmeleng le maikutlong ho se ke ha bonahala. Diketso tse hlohleletswang ke lehloyo, tse kang dipuo tse nang le lehloyo le kgethollo e etswang ka boomo, e ba selelekela sa diketso tsa bonokwane tsa tshwaro e mpe. Ho tlalehwa ho diketso tseo ho ka thusa ho bontsha maemo a lebisang tshwarong e mpe mme ha fana ka bopaki ba hore diketso tse mabifi di ntse di eketseha. Lefatsheng ka bophara, taba ya ho se tlalehwe ha tshwaro e mpe e hlohleletswang ke lehloyo haesale e le qaka mme ho hloka hlahala tharollo ka potlako. Afrika Borwa, ho se tlalehwe hona ho entse hore diketso tsa bonokwane tse hlohleletswang ke lehloyo di se ke tsa nkwa e le diketso tse ikemetseng tsa bonokwane. Ho thusa ho fumana tharollo, phuputso ena e lekola mathata a maikutlo a sitisang matswantle ho tlaleha tshwaro e mpe ho ba boholong ba ikarabellang. Ho feta moo, phuputso ena e lekola matswantle ao e leng mahlatsipa a tshwaro e mpe hore na a ile a e tlaleha, mabaka a entseng hore a e tlalehe, a se ke a tlaleha le hore na a nahanang ka ho sebediswa ha mokena-dipakeng. Ho kgethilwe bankakarolo ba 19 ka hloko e le sampole, ba kgethwa ka sepheo le morero o tobileng hore ba be dihlopheng tse nne tse sa hlophiswang ka ho feletseng. Le hoja bankakarolo bohle ba tlalehile hore ba tshwerwe

hampe ka lebaka la botjhaba ba bona, phuputso e fumana hore ho na le mathata a mmalwa a maikutlo a thibelang mahlatsipa a tshwaro e mpe ya matswantle ho tlalehela ba boholong. Bankakarolo ba bangata ha ba dumele hore ho tlalehela mokena-dipakeng ho tla thusa.

Mantswe a sehlooho: Diketso tsa lehloyo, Batho ba tswang dinaheng tse ding, Ho tlalehela mokena-dipakeng, Ho se tlalehe, Tshwaro e mpe, Lehloyo la matswantle

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Key Terms

Hate Incidents

Hate incidents, in this study, is defined as a message ‘crime’ and an act of violence towards any individual, his or her friends, family members or community members who share similar characteristics perceived as different to the norm. Hate incidents collectively refer to victimisation in the form of hate crime, hate speech and intentional unfair discrimination, including non-criminal and criminal acts (Nel & Mitchell, 2019).

Non-nationals

Non-nationals refer to persons who are not citizens of the country they reside in and include asylum seekers, refugees, temporary residents, or undocumented migrants (South African Human Rights Commission [SAHRC], 2000).

Practical Constraints

Practical constraints to reporting refer to a human factor that acts as a barrier to reporting. Examples are inadequate access to the Criminal Justice System (CJS) due to distance from a police station or non-availability of transport (Breen & Nel, 2011), limited knowledge that hate incidents can be reported (Chakraborti, 2018), language barriers (Wong & Christmann, 2016), lack of knowledge on the side of the relevant officials (Nel & Mitchell, 2019), and poor crime recording practises (Iganski & Sweiry, 2016).

Psychological Barriers

Psychological barriers to under-reporting include a perception that reporting is a waste of time (Murphy, 2013), fear that relevant authorities will not assist, fear of rejection (Sin et

al., 2009), dissatisfaction with the police (Nicolson, 2018), negative perceptions towards relevant authorities (Antjoule, 2016), fear of deportation (Bhatia, 2014; McDevitt et al., 2002), less trusting of relevant authorities (Murphy, 2013), fear that the perpetrator and relevant authorities may know each other (Perry, 2003), fear of retribution (Perry, 2003), and fear of secondary victimisation (Nel & Breen, 2013). Thus, psychological barriers to reporting include the fears and perceptions of the victim/s themselves shaped by experience or hearsay.

Relevant Authorities

Relevant authorities refer to any organisation or official to whom victims of hate incidents can report their victimisation, whether a criminal act or a non-criminal act. Such organisations include South African Police Services (SAPS) and Chapter Nine institutions as per the South African Constitution (i.e., SAHRC, Commission of Gender Equality [CGE]; and The Commission for Conciliation, Mediation and Arbitration [CCMA]). The concept ‘relevant authorities’ were used throughout to communicate the importance of reporting to the correct authorities, as many authorities exist, but not all are relevant for the reporting of hate incidents that, indeed, may be either criminal or non-criminal.

Third-party Reporting Mechanism

A third-party reporting mechanism refers to a reporting tool being used by anyone from non-police agencies already supporting victims. Such a mechanism assists organisations to receive reports of hate incidents, whether criminal or non-criminal, from victims or witnesses to secure access to justice and restoration for all participants (Chakraborti & Hardy, 2015). Victims’ cases will only be investigated by the police or other mandated

institution if informed consent is received from the victim. Alternatively, cases will be dealt with only by the participating organisations (Stop Hate UK, 2006; Victorian Equal Opportunity and Human Rights Commission, n.d.).

Under-reporting

Under-reporting to relevant authorities includes delayed or not reporting to SAPS in the case of a criminal act, or any Chapter Nine institutions (i.e., SAHRC, CGE and CCMA) as per the South African Constitution (The Constitution of the Republic of South Africa, 1996). Failing to report, or delayed reporting, for example, may be due to fear of not being believed, personal insecurities, fear of getting into trouble, fear of retribution, fear of secondary victimisation, an incident not being deemed ‘criminal’, lack of trust in the system or perpetrators being in the system, a perception that police assist only South Africans (Nel & Mitchell, 2019).

Victimisation

Victimisation is when someone causes another person harm in the form of physical, mental, emotional, or financial loss “through acts or omissions that are violations of national criminal law” (Department of Justice and Correctional Services [DoJ&CS], 2008, p. 14). Peacock (2019) favours a contextually and culturally relevant approach that guards against dehumanisation in understandings of victimhood, considers victimisation in society that is concealed, and instances of CJS-related secondary victimisation. Therefore, in this study, victimisation constitutes more than a criminal act; it includes non-criminal acts (i.e., hate incidents, hate speech and intentional unfair discrimination) and human rights infringements. Victimisation includes the act of being singled out for

unfair treatment (i.e., discrimination or harassment), also by authorities. Victims in this study were targeted and discriminated against because of their nationality.

Xenophobia

Xenophobia refers to an irrational dislike, hostility, discrimination, and intolerance or 'hatred' for or towards non-nationals: People who do not originate from a specific country and includes asylum seekers, refugees, temporary residents, or undocumented migrants (SAHRC, 2000). In this study, xenophobia manifests against black Africans who originate from other African countries.

Acronyms and Abbreviations

Acronym/ abbreviation	Description
CCMA	The Commission for Conciliation, Mediation and Arbitration
CGE	Commission of Gender Equality
CJS	Criminal Justice System
DoJ&CS	Department of Justice and Correctional Services
HCWG	Hate Crimes Working Group
NAP	National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance
NGO	Non-Governmental Organisations
NPO	Non-Profit Organisations
SAHRC	South African Human Rights Commission
SAPS	South African Police Service
VEP	Victim Empowerment Programme

Chapter One: Introduction

This study sought to explore the under-reporting of xenophobic incidents to relevant authorities with a group of individuals victimised because of their nationality and to determine whether they reported victimisation, the reasons for reporting and under-reporting, and their thoughts and opinions on the workability of a third-party reporting mechanism. There is limited information about this topic in South Africa, thus the study aimed to provide insights into (a) the under-reporting of xenophobic victimisation and (b) how a third-party reporting mechanism may increase the likelihood of reporting.

Background and Rationale

Hate incidents send a clear message to the victim, a message that you are not tolerated or trusted and are discriminated against because of certain characteristic traits. This message may cause trauma and a sense of not being welcome within the community (Boeckmann & Turpin-Petrosino, 2002; Breen & Nel, 2011; Haynes & Schweppe, 2017b; Perry, 2003). Besides, hate victimisation, compared with other forms of victimisation, has a much more serious impact on the victim and anyone who shares a similar character (Clayton et al., 2016; Hardy & Chakraborti, 2016; Haynes & Schweppe, 2017a; Iganski & Sweiry, 2016; Iganski & Lagou, 2015; Perry, 2001, 2003).

International research by Haynes and Schweppe (2017a), Iganski and Lagou (2015) and McDevitt et al., (2002) suggested that hate incident victims are more likely than victims of other incidents to be injured by victimisation, more likely to experience secondary victimisation and higher levels of psychological distress. The impact of the victimisation may be higher, and there is an increased risk of developing post-traumatic

stress or mental illness (Haynes & Schweppe, 2017b; Iganski & Lagou, 2015; Nel et al., 2013). Nilson and Estrada (2006) also reported that people belonging to a marginalised group are more likely to be victimised, in general.

A recent five-year longitudinal study (Mitchell & Nel, 2017; Nel et al., 2013) conducted under the auspices of the South African Hate Crimes Working Group (HCWG)¹ focusing on the nature and impact of hate victimisation on a victim, reported that hate incidents are different to other incidents. The study, a first of its kind in South Africa, argued that hate victimisation is different not just because of the prejudiced motive behind the victimisation but also because of the traumatic effect it has on the victims.

Chakraborti (2018) shared that because of the effect of hate incidents, prioritising prevention measurements has become vital. Various efforts are being made across the globe to intervene in hate victimisation, in general. Further, in recent years there has been significant progress in the support offered to victims of hate incidents, not only in Northern America and Europe but to some extent also in South Africa (Breen & Nel, 2011). Despite increased support offered internationally and nationally, victims of hate incidents are hesitant, or struggle, to access support from relevant authorities, resulting in an under-reporting of hate victimisation. This results in minimal comprehension among legislators and policymakers regarding the severity of victimisation on its victims.

Violent victimisation against non-nationals has existed for years but raised international concerns during the xenophobic outbreak in South Africa during the year

¹ A multisectoral network of civil society organisations in South Africa that covers vulnerable sectors and people at risk of becoming victimised because of prejudice-motivated attacks (Nel et al., 2013). Formed in 2009, the HCWG advocates for the need for hate crime legislation in South Africa (see www.hcwg.org.za).

2008. Non-nationals were attacked by their neighbours and other citizens from the community. In less than 16 days, over 60 people were killed, about 100 000 were displaced, around 700 injured, 342 foreign-owned shops looted, and 213 burnt down (International Organisation for Migration, 2009; Misago et al., 2009; Saferspaces, n.d.; South African History Online, 2015). Because of what occurred during 2008, and subsequently, South Africa is now seen as one of the most hostile destinations for foreigners (Claassen, 2015; Landau, 2013). With xenophobia in South Africa, it is crucial to understand the extent and impact victimisation has on the victim and others in the community. One way to better understanding is through information gleaned from an increase in the number of cases being reported. Haynes and Schweppe (2017b, p. 36) stated that hate incidents, such as hate speech and intentional unfair discrimination, can be precursors to more serious crimes; thus documenting such incidents will not only lead to a more in-depth understanding of hate incidents and the impact on the victim but may also demonstrate evidence of escalating patterns of violence among offenders and so will assist in decreasing and potentially eliminating xenophobia.

The goal of increased reporting is not only to better understand the impact and extent of hate incidents, but through increased awareness, improved policy will be formulated, and more practices for the prevention and reduction of victimisation will be implemented. To achieve an increase in reporting to relevant authorities among non-nationals, victims and witnesses need to feel safer and more confident to do so, as victims of minority groups are more likely to report if they feel respected and see authorities as legitimate (Bradford, 2014; Murphy, 2013). Minority groups refer to a sub-group of people with unique religious, social, ethics or other characteristics that differ from the majority group (Perkins & Wiley, 2014). One possible solution may be the design and implementation of a third-party reporting tool. Such a mechanism allows for victims of

criminal or non-criminal incidents to report victimisation to an already existing organisation trained in using such a mechanism.

The development and implementation of such a mechanism might allow for better insight into, and an evaluation of, the extent of hate victimisation in a specific jurisdiction, because it will include incidents that may not fall within the definition of a crime but still have serious consequences for the victim or a particular group of people (Victorian Equal Opportunity and Human Rights Commission, n.d.). Therefore, to ensure the workability of a possible third-party reporting mechanism, the reasons for under-reporting need to be understood. An increased understanding may ensure the success of such a mechanism once implemented.

Given the background, a need was identified to understand the psychological barriers to under-reporting among victims of xenophobia and whether third-party reporting mechanisms can increase reporting. Data received from participants were incorporated into the literature on third-party reporting mechanisms used worldwide to determine if such a mechanism will assist victims of xenophobic incidents in a South African context. Therefore, this study contributes to the knowledge required for developing a well-managed and accessible mechanism to aid in the process of reporting victimisation.

Problem Statement

Primarily, anecdotal evidence suggests xenophobia, expressed both behaviourally and verbally, has been increasing in South Africa since 2000 (Ueda, 2020). Non-nationals who have been victimised are often subjected to financial, physical, and psychological stressors. The true extent and impact of xenophobia on victims, however, are unknown. Reasons include the victimisation of non-nationals is not always reported

to relevant authorities, as indicated in the study done by the HCWG between 2013-2017. If under-reporting among non-nationals remains high, there will be a limited understanding of the true impact of xenophobia on the victim and the community. Thus, awareness of the reasons for under-reporting in South Africa needs to be highlighted to increase reporting among non-nationals and victims of hate, in general.

Research Questions

This study sought to gain insights into the following questions (a) what the psychological barriers are withholding victims of xenophobic incidents from reporting to relevant authorities, and (b) how and if a potential third-party reporting mechanism could be used to overcome the psychological barriers experienced by victims of xenophobic incidents in South Africa.

Conceptual Underpinnings

Theoretically, the phenomenon of xenophobia and under-reporting may be understood from various theoretical foundations. The perspective of the ABC model² of attitudes shows how being victimised not only affects a victim's knowledge systems but also how they will feel (Chaiken & Eagle, 1998). Thus, 'others' actions can cause either positive or negative emotions influencing one's behaviour (i.e., reporting or not reporting) (Haynes & Schweppe, 2017b). However, this explanation alone was not sufficient.

² The ABC model of attitudes is described in three components (a) affective component refers to a person's feelings; (b) the behavioural component is the way attitudes influence behaviour; and (c) is the cognitive component and refers to a person's knowledge on an object.

Consequently, the scapegoating hypothesis was included as it primarily focuses on the tendency to blame someone else for problems and failures to maintain a positive image of oneself (Burke, 1969; Hammer, 2007). For example, citizens of South Africa blame economic hardships on non-nationals. This way of thinking was further explained through the relative deprivation theory, which assumes that people often have less than they think they deserve, and then blame someone else for this lack, in this case, non-nationals (Mummendey et al., 2001; Smith et al., 2012). Non-nationals being blamed for the negative perceptions held by citizens results in non-nationals not feeling welcome and not being perceived as valued members of society (Bradford, 2014; Murphy & Cherney, 2011). This feeling of not belonging may contribute to the under-reporting of hate victimisation to relevant authorities, who are perceived to hold the same negative views as other citizens of the country. These theoretical contributions towards how society views non-nationals and how non-nationals then perceive their (un)welcomeness are important. A full review of the theories is in Chapter Two.

Research Design and Methodology

A qualitative approach was adopted, allowing participants to share their experiences and concerns with the researcher. Nineteen participants shared their stories, divided into four focus groups across three locations. The focus group discussions were semi-structured. Questions were pre-drafted to keep the focus group discussions within the scope of the research. Nevertheless, the use of semi-structured interviews allowed participants the freedom to direct the conversation with the intention that the researcher gains an in-depth understanding of each participant's experiences.

The focus group discussions were recorded and transcribed, and thematic analysis was used to analyse the data. Common themes within the findings were subdivided into

main themes and sub-themes and are discussed in Chapter Four. More information on the methodology is provided in Chapter Three.

Outline of the Remainder of the Dissertation

Chapter Two provides a literature review on hate incidents, the impact thereof, an introduction to xenophobia, definition of xenophobia, xenophobia in South Africa, theories explaining xenophobia, reporting victimisation, barriers to reporting, consequences of under-reporting, third-party mechanisms, the benefits thereof, and the way forward.

Chapter Three describes the research paradigm, design, and methodology. The data collection, analysis, and interpretation process of the data are also dealt with in this chapter.

Chapter Four discusses the data collected from the semi-structured interviews.

Chapter Five contains the summary and conclusion, limitations, and recommendations for future research.

Chapter Two: Literature Review

Introduction

The literature review highlights the serious nature and extent of hate incidents and the impact such victimisation has on a victim. This is followed by a definition of xenophobia, xenophobia in South Africa, theories explaining it, reporting victimisation to relevant authorities, the barriers to reporting, and the consequences of under-reporting. In addition, the literature review considers if under-reporting can be minimised through the design and implementation of a third-party reporting mechanism. A discussion on select third-party reporting mechanisms in various parts of the world is included.

What is a Hate Incident

Brax (2016) reported that incidents based on hate are a universal problem but are exacerbated by local conditions such as oppression. While the experience of bias-motivated violence against, and intimidation of, marginalised groups is not new, a 'hate crime paradigm' has become apparent in recent years in response to the high level of incidents across the world (Clayton et al., 2016). Nevertheless, no universal definition for hate incidents exists due to differences in cultural and social norms, religion, race, and political opinions, and, for a similar reason, to create one is a complex task (Boeckmann & Turpin-Petrosino, 2002; Hardy & Chakraborti, 2017; Näsi, Aaltonen, & Kivivuori, 2016). Brax (2016, p. 54), however, suggests that incidents based on hate can be understood through motivation, expression, intention, discrimination, and the effect on the victim. Further, hate victimisation is perceived to be motivated by hatred, hostility, or prejudices towards intrinsic characteristics of the targeted individual or group (Hardy & Chakraborti, 2017; Iganski & Sweiry, 2016; Organisation for Security and Co-operation in Europe [OSCE] (2018); Victims First, n.d.; Wong & Christmann, 2016).

Numerous American scholars and influential writers such as Gerstenfeld (2004); Jenness (2002), Petrosino (1999), and Sheffield (1995), have shown over the years that the term ‘hate incident’ has a deeper connotation. It does not refer to acts motivated solely by hate. Instead, it includes instances interchangeably referred to by criminologists and other social scientists as targeted hostility, prejudice, and bias incidents (Chakraborti, 2018; Hardy & Chakraborti, 2017). An incident based on bias may result from a person's (victim's) characteristic, which is perceived as negative by the offender. Characteristics perceived as different to the norm includes nationality; sexual orientation, gender; race, ethnicity; religion, age; a mental or physical disability, gender identity or expression, or any other characteristic (Brax, 2016). The above characteristics are a core aspect of the victim and cannot be changed (Brax, 2016; Breen & Nel, 2011; Knight & Wilson, 2016; Levin & McDevitt, 2008; Mason et al., 2017; Mitchell & Nel, 2017; Naidoo, 2016; Näsi et al., 2016). Thus, hate incidents can be defined as an identity ‘crime’, as the victimisation occurs because of the victim's identity or perceived identity and may be directed towards the victim and the group of people the victim belongs to.

Perry (2001, 2003) described hate incidents as acts of violence and intimidation committed in the context of historical power imbalances. Oni and Okunade (2018) reported that xenophobia in South Africa has been linked to Apartheid. Various academic contributions made over the past few years have helped demonstrate the connection between structural hierarchies, acts of hate and institutionalised prejudices (see Breen & Nel, 2011; Nel & Judge, 2008).

The term hate incidents or victimisation, as used in this study, collectively refers to hate crime, hate speech and intentional unfair discrimination. In this study, hate incidents include any criminal or non-criminal hate incident targeted at an individual, group of people, community, or property, perceived to be motivated by hatred, hostility,

and prejudices held towards their identity or belonging or perceived belonging to a minority group. Hate crimes differ from hate speech and intentional unfair discrimination, as hate crimes involve a form of criminal activity and include not only a form of bias but extreme prejudices and actions that are dangerous (American Psychological Association [APA], 2017).

This hate felt towards an individual, or a group of people is often expressed through various actions that negatively impact the victim (Clayton et al., 2016; DoJ&CS, 2018). Hate incidents include targeted mob violence, corrective rape, murder, graffiti, arson in places of worship, looting of shops, verbal abuse, harassment, inciting others to commit a hate incident, and physical violence (Duncan, 2012; Nel & Mitchell, 2019; True Vision, 2019). The impact of hate incidents on the victim is discussed in the next section.

The Impact of Hate Incidents

While all forms of victimisation have a negative effect, hate incidents have a serious impact on the victim and the larger group to which they belong. It is distinctively different from those experienced by a victim of a similar crime, or victimisation without the bias motive or hate component (Clayton et al., 2016; Hardy & Chakraborti, 2016; Iganski & Lagou, 2015; Iganski & Sweiry, 2016; Nel, 2005; Perry, 2001, 2003). Hate incidents may be pervasive, with distressing consequences on the victims and community members and can be interpreted as a 'personal attack' that causes distress in the victim's life. Being victimised sends a clear and powerful message, a message of intolerance, mistrust, resentment, and discrimination, which results in trauma and undermines social cohesion within a community (Boeckmann & Turpin-Petrosino, 2002; Breen & Nel, 2011; Haynes & Schweppe, 2017b; Perry, 2003).

Consequently, the damage caused by hate incidents often involves much more than only physical, emotional, social tension or financial damages. At times, the impact may reach across different communities, creating hostility, anxiety, and distrust and may negatively impact everyone who shares similar characteristics, for example, nationality, gender, race, sexual orientation (Chakraborti, 2018; Clayton et al., 2016; Iganski & Lagou, 2015). Hate incidents thus have an individual and societal impact. The individual impact may be continuous, repetitive, and debilitating in terms of the emotional, physical, economic, and mental impact it may have on a victim (Nel & Mitchell, 2019). One attribute of hate victimisation is that the impact on the victim may not necessarily stop with the victim but may stretch into the community. Vulnerable communities may experience similar reactions to those of the individual victim (Perri & Alvi, 2011). Hate-based victimisation often results in a ripple effect, where fear is instilled in others who share the same characteristics or marginalised identities. According to Paterson, Brown, and Walters (2019), such instilled fear within ‘others’ who share the same characteristics but are not victimised directly is called ‘indirect victimisation’.

Even where there is no physical violence in the community, individuals within the vulnerable community may live in fear, may not feel free to be who they are, and be judged for who they are. These perceptions and feelings might lead to segregation between different groups of people within the communities (Nel & Mitchell, 2019). Last, shame, anger, and anxiety often accompany such victimisation experiences (Walters et al., 2020).

In addition, research suggested that hate incident victims are three times more likely than victims of similar incidents to be injured by an attack and are more susceptible to secondary victimisation (Breen & Nel, 2011; McDevitt et al., 2002). This study focused on the impact hate victimisation has on one specific group, the victims of

xenophobia, while not disregarding victims of other types of hate incidents. The reason for this focus will be explicated in more depth in the next section.

Xenophobia in South Africa

South Africa is often described as “a uniquely xenophobic society”, or as “the owners of xenophobia” (Crush et al., 2017, p. 3) despite the government's pledges to put a stop to it. Xenophobia in South Africa is seen as a “syndrome of mass antipathy and intolerance, marked by the ever-present and widespread tension and hostility” (Claassen, 2015, p. 2).

The Constitution of the Republic of South Africa (1996) is unique as it offers freedom from all forms of violence and includes protection for all, regardless of citizenship. The Constitution includes the values of human dignity, freedom, and social justice, yet continues to tussle with high levels of victimisation and to eradicate “the culture of segregation and marginalisation” (Nel & Mitchell, 2019, p. 272). Continuous high levels of hate incidents in the country add to the struggle of building a society where everyone is free and safe.

No studies on the prevalence of hate incidents exist in South Africa making it more difficult to determine the number of victims or the impact hate victimisation has on the victims. Although not a prevalence study, the research by the HCWG reported that 45% of hate incidents were based on nationality, 17% were because of sexual orientation, 11% because of gender identity or expression, and 9% were because of race (Nel & Mitchell, 2019). Results concerning nationality, sexual orientation and gender identity and expression (SOGIE) may indeed reflect what is happening in South Africa regarding the victimisation of marginalised groups. On the other hand, Nel and Mitchell purported

that race-based incidents may have been under-reported in the study due to specific methodological reasons.

Vulnerability among non-nationals, specifically from other African countries currently residing in South Africa, is evident through the high number of cases recorded by the HCWG. This links directly to this study's research objectives and why a sample of non-nationals living in South Africa was chosen as the focus for this study.

What is Xenophobia

Although no international agreed definition exists, the term xenophobia in South Africa (Afrophobia) is primarily aimed at people from other African countries, including asylum seekers, refugees, temporary residents, or undocumented migrants (Breen & Nel, 2011; Claassen, 2015; Landau, 2013). Afrophobia implies 'fear of the African' that has over time lead to an increased sense of hate towards Africans entering the country (Dube, 2018, p 1). Additionally, xenophobia refers to an irrational dislike, hostility, discrimination, and intolerance for or towards people who do not originate from a specific country (Claassen, 2015; Crush et al., 2017; DoJ&CS, 2016; Harris, 2002; Nel & Mitchell, 2019; SAHRC, 2012). Myths and stereotypes shape these negative attitudes and misconceptions and manifest through belittling of members in a minority group, denial of access to services, threats and demands to leave the community or even the country (Crush et al., 2017; Hiropoulos, 2017; Mathebula, 2019; SAHRC, 2012; Tshaka, 2016). Some attacks of violence towards non-nationals, in recent years, for example, included mob violence, attacks on foreign-owned businesses, or individual attacks (Breen & Nel, 2011).

Xenophobic Occurrences in South Africa

The end of the Apartheid era resulted in high levels of economic development and promises made by the leaders of the country for a better life for all. As a result, there was an increase in immigrants entering South Africa (Harris, 2002; Oni & Okunade, 2018). Citizens of South Africa soon realised that the delivery of their government's promises made when Apartheid ended would not be met as no changes were seen by citizens. It became the ideal condition for xenophobia to flourish especially because non-nationals often live in communities where there are already existing battles over scarce resources thus, more people are competing over limited resources (Claassen, 2017; Harris, 2002). The spike in xenophobic incidents during May 2008 for example started in Alexandra (a township in Johannesburg, Gauteng, South Africa), and triggered violent attacks in other townships. Other outbreaks followed since then: In 2011, reportedly, at least 120 non-nationals were killed, and in 2012 140 died with an additional 250 being seriously injured (Claassen, 2015; Landau, 2013). On 25 March 2019, attacks flared up in Durban North areas, including Burnwood and Springfield. In KwaZulu-Natal four people were killed, several injured, and hundreds displaced. Attacks further extended into Johannesburg, Gauteng where twelve people were killed and thousands displaced (Human Rights Watch, 2019, para 2; Naidoo & Nene, 2019). However, research conducted by Human Rights Watch indicates that at least eighteen people lost their lives between 2 and 9 September 2019 alone, not including the lives lost since the onset of this xenophobic phase on the 25th of March 2019 (Shoba, 2020). In this period, angry rioters attacked and harassed non-nationals by torching homes, malls or shops owned or rented by non-nationals (Ueda, 2020).

The March 2019 attacks and so many before left non-nationals afraid to leave their homes, fearful of being caught and injured by mobs of attackers. Kirsten Ueda, a

fellow at Human Rights Watch, stated the following in her report, “Non-South African nationals have suffered wave after wave of xenophobic violence and live-in constant fear of being targeted solely for not being South African” (Ueda, 2020, para. 3). For example, a Zimbabwean national residing in the country for over four years did not go out of his house for over 24-hours for fear of his life and was forced to use a bucket to urinate inside his house (Tonisi, 2019a). A domestic worker, also from Zimbabwe, said that the protestors stormed into their house and took everything, “leaving them with nothing but the clothes on their backs” (Tonisi, 2019a, para. 4). They were saying, “we want cash and money; you are taking our jobs”(Tonisi, 2019a, para. 6). She was terrified and alerted the police, who only arrived hours later. A South African man was heard intimidating a non-national, telling him that non-nationals should leave the country because South Africans were sick of non-nationals taking their jobs—a phenomenon known as scapegoating where others are blamed for the lack of resources (Crush et al., 2017; Harris, 2002; Tonisi, 2019a).

These feelings of hate and blame towards non-nationals are understood as the result of poor socio-economic conditions, for example, unemployment, poor living conditions, lack of access to proper schools and healthcare that act as possible motivators for xenophobic incidents. Africa director at Human Rights Watch, Georgette Gagnon, stated, “No amount of economic hardship and discontent can ever justify the criminal activities that characterise these attacks. Justice must be done” (Human Rights Watch, 2008, para. 17). Further, Dewa Mavhinga, the Southern African director at Human Rights Watch, stated, “The vicious cycles of xenophobic violence are spurred by lack of effective policing to protect foreign nationals and their properties” (Human Rights Watch, 2019, para. 3). It is important to understand why hate incidents are high and more likely

to be under-reported compared to similar incidents. To facilitate a contextual understanding, four theories are discussed in the next section.

Theories to Explain Xenophobia

The under-reporting of xenophobic incidents may be understood as an interplay between multiple psychological and practical constraints preventing victims from reporting victimisation. Several theories attempt to explain how knowledge systems impact human behaviour. Theories include the ABC model of attitudes (Chaiken & Eagle, 1998), scapegoating hypothesis (Burke, 1969), relative deprivation theory (Mummendey et al., 2001; Smith et al., 2012), and the group value model (McKeown et al., 2016). Although each theory is explained separately, they should be viewed holistically to aid in the understanding of why victims of xenophobia are less likely to report victimisation to relevant authorities.

ABC model of attitudes. The ABC model of attitudes, one of the most cited models of attitudes, attempts to explain how emotions and belief or knowledge systems (hereafter called knowledge systems) may influence behaviour (Chaiken & Eagle, 1998). The A in ABC is for affective, referring to the emotions held about someone or something; B refers to the behavioural component, which is influenced by knowledge and emotions; and C is for cognitive, denoting to the knowledge held regarding a phenomenon (McLeod, 2014; Vishal, 2014). Thus, the ABC model of attitudes attempts to explain the interconnectedness between these facets (McLeod, 2014; Vishal, 2014).

Being victimised because of one's nationality impacts not only an individual's knowledge system (i.e., internalising the victimisation, feeling excluded and not accepted), but also how the individual feels, for example, powerless, frustrated, lacking trust in the CJS, and self-blaming. Thus, negative thoughts caused by others may

unconsciously influence whether a victim struggles to deal with the victimisation on their own, delays reporting to relevant authorities or never does (Haynes & Schweppe, 2017b). Negative perceptions and prejudice-motivated acts towards non-nationals can further be explained through the scapegoating hypothesis (Hammer, 2007).

Scapegoating hypothesis. The scapegoating hypothesis is based on the model of role differentiation (Bales and Slater's, 1995, modified by Burke, 1969). However, there is a tendency to blame someone else for problems or failures experienced in life while maintaining a positive self-image (Burke, 1969; Hammer, 2007).

This process often leads to feelings of prejudice towards the person or group being blamed for the problems or failures experienced, for example, blaming non-nationals for the economic hardship experienced. During “economic downturns in countries with a high number of immigrants” (Golder, 2003, p. 439), blaming non-nationals becomes more compelling (Human Rights Watch, 2008; Ramphela, 2019). This blaming is exacerbated by media reports informing citizens that certain groups of people are responsible for specific types of crimes. For example, that Nigerians are involved with drug trafficking; Somalis are smuggling weapons; rape and hijackings are the work of Zimbabweans; Malawians and Mozambicans are robbing houses. Further, crime reports never inform the reader of the percentage of crimes committed by non-nationals or South Africans. Thus, playing the blame game is merely speculative, yet the impact of speculation is seen around the country in the high number of xenophobic incidents (Tonisi, 2019a). Over two million crimes were recorded in 2018 in South Africa, of which only 1, 662, 815 were reported to the police, with no information available on the nationality of the preparators responsible for the crimes (Department of Statistics South Africa [StatsSA], 2018).

Exacerbating the issue are politicians who promote and encourage xenophobic incidents by focusing on crimes committed by non-nationals, or mentioning that non-nationals have jobs, whereas South Africans do not (OSCE ODIHR Hate Crime Reporting, 2019; Tonisi, 2019b). For example, after the outbreak of xenophobia in 2015, following the South African Crime Statistics release, the Minister of the Police blamed the high number of crimes on foreigners in the country (Jinnah & Hiropoulos, 2017). Although the scapegoating hypothesis explains xenophobia, it can be elaborated on by drawing on the relative deprivation theory.

Relative deprivation theory. The theory of relative deprivation assumes that people often realise that they have less than they want and deserve more than they feel they are getting. The theory is relevant in South Africa if one considers the poor socio-economic situation of a majority, which often leads to feelings of anger, resentment, hostility, and outrage (Mummendey et al., 2001; Smith et al., 2012). These negative emotions may cause violent acts against non-nationals, the scapegoats. Thus, there is a clear link between xenophobia, relative deprivation, and the scapegoating theory, each attempting to explain how emotions and experiences impact the behaviour of a victim. These feelings of exclusion and their impact on an individual can be explained through the group value model.

Group value model. According to the group value model, people value membership and will evaluate the group they belong to more positively compared to other groups (McKeown et al., 2016; Mummendey et al., 2001). Membership in a group shapes how an individual sees themselves, and their level of pride, self-esteem, thoughts, beliefs, and provides the individual with guidelines for what is acceptable and what not (McKeown et al., 2016). Further, the theory holds the belief that knowledge and

emotional attachments between members of a group impact individual well-being, behaviour, and sense of self-esteem (McKeown et al., 2016).

With xenophobia, people are targeted because of their nationality. Identity is innate and unique to each individual and cannot be changed to decrease or prevent future victimisation and, consequently, this form of victimisation leaves the victim of xenophobia feeling displaced and unwelcome (McKeown et al., 2016). Wilson (2001, p. 2) explained that “Native-born populations turn against immigrants in bad economic times because they perceive immigrants as a threat to the well-being of the members in their (own) group”. Regarding the under-reporting of hate victimisation, Bradford (2014) and Murphy and Cherney (2011) argued that the treatment victims receive from relevant authorities, including biased responses, may be seen as an indication of the extent to which that person is perceived as a valued member of society which is a crucial aspect for each living being. It is, therefore, imperative to understand that rejection from the ‘in-group’ may create feelings of fear, anger, resentment, stress, internalising victimisation, and safety concerns. These, in turn, may lead to a decrease in the chances of a victim taking any form of action, for example reporting victimisation to relevant authorities.

In summary, the four theories attempt to explain why citizens of South Africa occasionally may hold xenophobic attitudes towards non-nationals. They also attempt to explain why victims of this minority group, non-nationals, tend to under-report victimisation. Victims feel blamed, judged, and rejected by the citizens of the country. These negative attitudes are reinforced daily through people's behaviour or reports in the media which comes to influence the victims' behaviour, resulting in a lack of trust in the CJS and authorities, in general. The theories endeavour to provide a rigorous understanding of the under-reporting of xenophobia in the South African context. However, they do not confidently argue, explain, or provide insight into why xenophobia

occurs and why under-reporting is an issue. To understand this complex phenomenon, it is important to recognise how non-nationals are seen by society, how they are affected, how support can be offered, how to enhance the victim's safety, and how confidentiality can be instilled in the reporting process.

Reporting Victimisation to Relevant Authorities

Various sources provide information on the extent of victimisation across groups or individuals, including data from government or government-approved bodies and non-governmental or non-governmental approved bodies. Although it has a legal definition, a criminal offence is shaped socially by individuals, politicians, the public and the media (De Wet, 2019).

Victims of bias crimes are less likely to report victimisation to relevant authorities than victims of non-bias crimes (Herek et al., 2002). Mitchell and Nel (2017) reported in the HCWG study that only one-third of cases were reported to the SAPS. The reasons for under-reporting were an incident not classified as a criminal case, fear of retribution, fear of being arrested, lack of trust in relevant officials, perpetrators themselves, within the system, being told that the police only assist victims who are South African, and, for example, not being allowed to open individual cases for a shop looting after a mass looting incident (Nel & Mitchell, 2019). Culotta (2005, p. 23) stated, “the very reason a victim may have been singled out could also create an obstacle for reporting the incident”. Thus, the motivation behind the victimisation might be what is preventing victims from reporting to relevant authorities. Consequently, being part of a minority group and being victimised decreases the chances of a victim filling out reports or involving relevant authorities (Haynes & Schweppe, 2017a; Perry, 2001; Wiedlitzka et al., 2018).

Victims of minority groups are more likely to report victimisation and see the police as legitimate when feeling respected, but multiple barriers are preventing such victims from reporting victimisation (Bradford, 2014; Murphy, 2013). The DoJ&CS reported that 597 cases were brought to their attention in 2008, but only 159 cases had been prosecuted by October 2009, 218 were withdrawn and the rest have not been looked at. In addition, Mitchell and Nel (2017) reported that only 7% of reported cases were seen through to a verdict and these low numbers instil the idea that perpetrators of xenophobia are not likely to be held accountable for their actions (Consortium for Refugees and Migrants in South Africa [CoRMSA], 2011).

Practical Constraints and Psychological Barriers to Reporting Hate Victimisation

Research found there are several factors preventing hate victims from reporting victimisation to relevant authorities. This can be categorised into victim inhibitors or police dis/incentives and are physical or more psychologically orientated (McDevitt et al., 2002; Murphy & Cherney, 2011). Police dis/incentives refer to the social forces existing within law enforcement agencies influencing the treatment of hate victimisation, internally (personal prejudices) and externally (organisational climate) (McDevitt et al., 2002; Murphy & Cherney, 2011; Nolan et al., 2015).

In the discussion below, the existing barriers to reporting hate victimisation will be subdivided into practical constraints and psychological barriers. The research study will primarily focus on the last-mentioned as it directly addresses a psychological construct, the field in which the study is conducted with a much smaller focus on the practical constraints which is addressed first.

Practical constraints. Numerous practical constraints exist that prevent victims of hate victimisation from reporting to relevant authorities. This includes restricted

access or no access to relevant authorities due to distance or inadequate access to transport (Breen & Nel, 2011), unfamiliarity with the term hate victimisation and as a result interpreting the victimisation as an everyday experience instead (Chakraborti, 2018; Hardy & Chakraborti, 2016; Langton & Planty, 2011; Walters et al., 2016), and victims of hate incidents seeing their victimisation as a “routine reality of being different” (Chakraborti & Hardy, 2015, p. 5), which strengthens their sense of alienation (Chakraborti, 2015; Chakraborti, 2018; Hardy & Chakraborti, 2017). Thus, the incident is perceived as a part of their daily lives rather than an extraordinary incident that needs to be reported (Chakraborti & Hardy, 2015). Intrinsic characteristics that separate an individual from the mainstream culture are considered an already identified barrier to reporting victimisation to the police in particular (Wiedlitzka et al., 2018). In addition, language and a victim's minority status also contribute to the under-reporting of hate incidents. Non-nationals often have an accent which makes them easily identifiable and increases chances of victimisation (Chakraborti, 2018; Gastrow & Amit, 2012).

Besides negative perceptions and attitudes, relevant authorities often lack knowledge regarding the constituents and key identifiers of hate incidents (Nel & Mitchell, 2019). Poor recording practices are in place, and sometimes, police officers just refuse to open a case or often cannot be convinced that an offence was motivated by hostility and thus, hate incidents are not recorded as being just that (Clayton et al., 2016; Hardy & Chakraborti, 2017; Iganski & Sweiry, 2016). Victims of xenophobic incidents are often met with no assistance or minimal assistance when reporting (Nel & Mitchell, 2019). In addition, politicians frequently rule out xenophobia as the motivating factor in such incidents (Breen et al., 2016). Thus, a large part of under-reporting depends on the responses given by the CJS and how this is perceived by the victim (Chakraborti, 2018).

Collectively this presents an alarming image and portrays how often victims of hate incidents suffer in silence (Chakraborti, 2018).

Psychological barriers. In addition to the various practical constraints to reporting, various victim-related inhibitors are acting as a barrier to reporting. The research found that victims of hate incidents may think reporting is a waste of time (Chakraborti, 2018; Murphy, 2013). In addition, victims of hate incidents might hold negative perceptions towards the CJS based on previous experience or hear-say (Antjoule, 2016; Bhatia, 2014; Browne et al., 2011; Her Majesty's Government, 2012; McDevitt et al., 2002; Murphy, 2013; Murphy & Cherney, 2011) or may fear that relevant authorities will fail to understand the seriousness of the incident (Chakraborti, 2018; Walters & Brown, 2016). Lastly, members of a minority group are known for having low levels of confidence, trust in the police and may be too ashamed to report (Gerstenfeld, 2011; Haynes & Schweppe, 2017a; Miles-Johnson, 2013; Murphy & Cherney, 2011; Murphy, 2013; Nel & Mitchell, 2019; Tyler, 2011; Zaykowski, 2010).

The above is consistent with the National Crime Victimization Survey (2005) in the United States, that 56% of victims did not notify the police of their hate victimisation, whereas 17% of respondents indicated that the police could do nothing or would not help (Langton & Planty, 2011). Also, only 25% of participants in another study conducted by the Leicester Hate Crime Project in the United Kingdom reported victimisation to the police, and the Crime Survey for England and Wales (CSEW) reported that nearly half (48%) of the reasons for not reporting victimisation to relevant authorities were related to negative perceptions about the police. Dissatisfaction in the police is caused by feelings of not being listened to, not being taken seriously, not being treated with the empathy deserved, officers speaking in a hostile manner, endless delays in waiting for

communication and updates regarding the case, limited or no follow-ups and failure to bring perpetrators to justice (Chakraborti, 2018).

Victims also fear not being believed or being rejected when they report to relevant authorities (Chakraborti, 2018; Nolan et al., 2015; Sin et al., 2009), or may fear deportation in the case where the victim does not have any legal papers (Bhatia, 2014; McDevitt et al., 2002). These findings were consistent with what Hardy and Chakraborti (2016) reported in a study conducted in the United Kingdom that 39% of victims felt nobody would take them seriously, 13% believed reporting would only make matters worse, 12% were embarrassed, and 11% did not know how to report victimisation to relevant authorities. In addition, StatsSA reported that levels of satisfaction in police services and the courts have been decreasing since 2014/15 (Nicolson, 2018).

Satisfaction in police services was at 54% in 2017/ 2018, a 5.5% drop from the previous year (De Wet, 2019). Satisfaction in courts was 41% in 2018, according to StatsSA (2018), with a visible drop of 8.5% compared to 2017/ 2018 (De Wet, 2019).

Consequently, low numbers of satisfaction in police services affect how, and if, victims report victimisation (Hardy & Chakraborti, 2017; McDevitt et al., 2002).

In addition to low satisfaction levels in the police, only a few cases reported by non-nationals proceed to court and are often labelled as mere business robberies, while others were defined as public violence, arson, or murder. Conviction rates are low, and trials are often lengthy (Gastrow & Amit, 2012; Nel & Breen, 2013). Besides a fear of retribution, there may be a reduced willingness to report to relevant authorities for fear of secondary victimisation, including physical abuse (Chakraborti, 2018; Gastrow & Amit, 2012; Nolan et al., 2015; Perry, 2003) or, occasionally, being instructed, by relevant authorities, to go back to their home country (Nel & Breen, 2013).

Further, perceptions regarding the perceived seriousness of the incident may influence whether reporting takes place (Clayton et al., 2016; Goudriaan et al., 2004; Tyler, 2011). Respondents in a study conducted in the United Kingdom reported that they were more unlikely to report verbal abuse or online harassment. However, victims were more inclined to report if victimisation included damage to property, physical attacks or when the incident repeated itself with the same perpetrator (Hardy & Chakraborti, 2016). It may, therefore, be assumed that the benefits of reporting are much higher for the victim who has sustained severe physical injuries than for a victim who sustained a minor injury or loss (Goudriaan, 2006; Hardy & Chakraborti, 2016). Last, incidents may be too distressing or emotional to report and victims might prefer to deal with victimisation themselves and not report the incident to relevant authorities (Browne et al., 2011; Chakraborti, 2018; Mitchell & Nel, 2017; Nolan et al., 2015; Wiedlitzka et al., 2018). In summary, a growing body of research illustrates that a significant number of hate incident victims feel that their needs are not being met or recognised by officials or often have limited access to the CJS (Hardy & Chakraborti, 2017).

The above concerns will continue to hinder victims from reporting unless this is addressed. It is important to acknowledge that the noted barriers, whether a practical constraint or psychological barrier, is not unique to victims of hate incidents specifically, or of xenophobia but that they explain the many challenges victims face across different communities. Nevertheless, in this study and considering the seriousness of hate incidents and the impact they have on the victim and the community, these mentioned barriers will be understood as applying to victims of xenophobia.

The Consequences of Under-reporting

Hate incidents appear less random than similar incidents as they are driven by precise motives. To understand the prevalence and estimate of incidents in the country, comprehensive recording mechanisms are needed which up to now have been absent (Nel & Mitchell, 2019). Statistics on incidents based on hate are lacking, and comparisons cannot be made between countries because different definitions are in use and different laws on hate incidents exist (Schweppe, 2021).

Victims of hate incidents have already experienced emotional and physical distress and then additionally face multiple barriers to reporting is about (Chakraborti, 2018). Keeping a record of hate incidents can be useful as hate-motivated incidents can be a forerunner of more serious victimisations (OSCE ODIHR Hate Crime Reporting, 2019). Record keeping will not only provide authorities with evidence but will also aid in identifying patterns of such occurrences (OSCE ODIHR Hate Crime Reporting, 2019). Despite the increased focus on hate incidents within various non-profit organisations (NPO) and non-governmental organisations (NGOs), victims continue to feel unsafe (Nel, 2007). Victims are more likely to delay or avoid approaching healthcare services or relevant authorities for support altogether.

Under-reporting contributes to victims often being overlooked (Hiropoulos, 2015). Therefore, what has been documented before is most likely only the tip of the iceberg and the support systems in place need to be reviewed and improved where deemed necessary by a team of experts, including victims themselves (Breen & Nel, 2011; Chakraborti, 2018). Further, the consequences of under-reporting have resulted in researchers relying on media reports for research on xenophobic violence, which do not always give the whole picture. As a result, this issue is undercounted and may be a false representation of actual events (Hiropoulos, 2015).

There are three areas of failure within existing systems, which includes dismantling barriers to reporting, prioritising communication to the victim regarding the case opened, and increased support to eliminate or reduce the sense of distress felt (Chakraborti, 2018).

This study endeavoured to address the psychological barriers to reporting. Identifying these barriers may lead to increased hate incident reporting, which theoretically will not only narrow the gap in reporting but potentially encourage other people to report, thus, increasing the rates at which victims report their victimisation in general. This increase in reporting can potentially occur through third-party reporting mechanisms, which are already popular in Europe and North America but have not yet reached the same status in South Africa, as evident in the following section.

Needs identified and action taken against hate incidents.

Because of the increased rate of hate incidents, efforts to reduce these rates must be prioritised (Chakraborti, 2018). In recent years there has been significant progress in the support offered to victims of hate incidents, in South Africa and across the globe. However, the support provided, and the changes implemented have only been partially effective as is evident from the relentless prevalence of hate incidents occurring daily. The different programmes and laws implemented in South Africa are discussed below to help gauge the extent to which non-nationals are accommodated and whether the framework is adhered to or not.

The necessity for change and improvements in South Africa have been acknowledged by the South African government under Section 9 (1 & 2) in the Final Constitution of South Africa, referring to equality (Nel et al., 2013; The Constitution of the Republic of South Africa, 1996). Section 9 (1) states that “everyone is equal before

the law and has the right to equal protection and benefit of the law”, section 9 (2) further adds that “Equality includes the full and equal enjoyment of all rights and freedoms” (The Constitution of the Republic of South Africa, 1996, p. 5).

On contract to the DoJ&CS, the Foundation for Human Rights (FHR) created a draft policy framework in 2011 and 2012, on combating hate crimes, hate speech and intentional unfair discrimination in South Africa (Nel et al., 2013). The FHR supports civil right organisation who raises awareness, protection, and respect of the Constitution. The FHR uses the South African Constitution as a tool to build a “human rights culture” and to address the legacy apartheid left behind (Foundation for Human Rights, 2020, para. 1).

Additionally, the Prevention and Combating of Hate Crimes and Hate Speech Bill was released in 2016, revised by April 2018 and shared for public comment in November of the same year. The Bill aims to address, combat, prevent and criminalise incidents of hate speech and hate crime incidents in the country which is motivated by prejudice (Minister of Justice and Correctional Services, 2018). The Bill further aims to support and empower the victims of such incidents (Minister of Justice and Correctional Services, 2018). Thus, once legalisation and policies are approved the Bill theoretically will not only send a message that hate-motivated incidents will not be tolerated but will potentially also increase the support available to victims and potentially hold responsible perpetrators accountable for their actions (Breen & Nel, 2011; DoJ&CS, 2018).

Additionally, a 67-page document was released by the Government in 2019 which is known as the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) (DoJ&CS, 2019). The plan aims to promote and protect human rights and to raise awareness on equality, anti-racism, and anti-discrimination issues. The NAP has been developed to deal specifically with racism,

xenophobia, discrimination, and so-called related intolerance and to aid in the promoting of equality. The NAP was derived from the declaration programme adopted by the United Nations World Conference, which is implemented for five years starting in 2019 (DoJ&CS, 2019; Phakgadi, 2019). The NAP's actions are based on data gathered to ensure that related problems are combated effectively and to improve interventions going forward (DoJ&CS, 2019). Lastly, all South Africans need to own the plan by breaking away from South Africa's damaging past (DoJ&CS, 2019).

In collaboration with all of the above, the SAHRC aims to promote, develop, protect, monitor, and investigate human rights violations. Further, required steps are taken against those ignoring the rights of humans and it is ensured that constitutional and legislative mandates are followed. The Human Rights Commission further conducts research and education (SAHRC, 2016).

Lastly, the Victim Empowerment Programme (VEP) aims to offer support to victims. More on this is discussed under the heading "Support Offered by a Third-party Reporting Mechanism." The South African legal framework regarding non-nationals has been made clear through the various programmes implemented and laws passed, but more or a different approach is needed to reduce xenophobia in the country.

What is a Third-party Reporting Mechanism

For this study, a 'third-party reporting mechanism' refers to any agency that is not a police agency but still receives reports of hate incidents from victims or witnesses (Chakraborti & Hardy, 2015; Victorian Equal Opportunity and Human Rights Commission, n.d.). Such a mechanism was created with the goal in mind to eradicate or at least minimise existing barriers to reporting and to provide improved accessibility to the CJS. Thus, theoretically, it offers a platform not directly linked to the police. It is a

straightforward, quick and anonymous way of reporting hate incidents to organisations, with a choice of extending reporting to the CJS (Victorian Equal Opportunity and Human Rights Commission, n.d.).

Third-party Reporting Mechanisms

When victimisation is reported, often the victims are not believed, or the incidents are not labelled as a criminal act. So, although reported, the incident is later categorised as not criminal or is left out to minimise workload or falsely improve the year's crime statistics (De Wet, 2019). In addition, sometimes, relevant officials refuse to open a case or argues that a case cannot be opened if it is not criminal (Clayton et al., 2016; Hardy & Chakraborti, 2017; Iganski & Sweiry, 2016). Thus, with the current poor recording practices in place, the full extent of hate victimisation is unknown. The purpose of this study, therefore, was to conceptualise the idea surrounding the implementation of a third-party mechanism in South Africa.

Third-party reporting mechanisms may assist in generating a more accurate understanding of hate victimisation and may act as a solution to under-reporting of hate incidents if implemented correctly (Green et al., 2003; McDevitt et al., 2002). Third-party reporting mechanisms may help to overcome under-reporting as they will include all hate incidents, namely hate speech, intentional unfair discrimination and hate crimes, and not only those that are criminal. This may therefore provide a more in-depth understanding of hate incidents and the impact it has on victims. One concerning factor, however, is that there is limited data regarding how well existing third-party reporting mechanisms operate.

Third-party reporting mechanisms are increasing in popularity in Europe and North America, more so than in South Africa. However, despite the increased availability

in Europe, the Crime Survey for England and Wales found that most hate incidents are still reported directly to the police and not to existing third-party reporting mechanisms (Corcoran et al., 2015). Thus, although the main objective of third-party reporting mechanisms is to increase rates of reporting, there is underperformance in the capabilities of the existing third-party mechanisms (Chakraborti, 2018). Often victims of hate incidents are unaware of existing third-party reporting mechanisms (Chakraborti, 2018). Sometimes where victims were aware of third-party reporting mechanisms, there was concern over the centres' inaccessibility in unsuitable locations (Chakraborti, 2018; Chakraborti et al., 2014). Thus, "while the effectiveness of this form of reporting has been questioned, largely based on lack of public awareness" (Chakraborti & Garland, 2015, p.119), third-party reporting mechanisms may still be potentially helpful to predict and prevent future incidents once awareness of such mechanisms has been created (Chakraborti, 2010; Poornima & Harshith, 2017).

The conceptualisation of the ideas surrounding third-party mechanisms needs to connect with 'real-world' requirements and be rooted in empirical evidence to ensure sustainability (Hardy & Chakraborti, 2017). Thus, to get an idea of what is working, what needs to be improved or adapted to fit the South African context, third-party reporting mechanisms that focus on various types of hate incidents and not only xenophobic incidents, were researched and used as examples in this study. In addition, to connect to real-world issues, participants in this study were asked for their opinion regarding such mechanisms and what actions are needed to increase the success or workability.

Support Offered by a Third-party Reporting Mechanism

The CJS aid in offering social and financial support to victims (United Nations [UN] Commission on Crime Prevention and Criminal Justice, 1996). South Africa acknowledged its responsibility and has signed the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (DoJ& CS, 2004; Department of Social Development [DSD], 2009). The VEP is a response to South Africa realising its responsibility to acknowledge the rights of victims and reduce victimisation. Victims of crime are influenced on physical, emotional, or financial levels. In addition, victims may feel hopeless and vulnerable and lack the required safety (Mitchell & Nel, 2017; Nel, 2007, 2019).

The CJS system, however, is viewed negatively across the world (O'Connell, 2010). The negative view determines whether victims will report victimisation or not. To assist in increasing the likelihood to report, increase support to victims, and raise confidence in the CJS, third-party reporting mechanisms can be implemented as it attempts to offer increased support to victims, not only on a physical level but also emotionally. This support links to the goals held by the VEP.

The VEP offers a range of support and aid to restore the victim to the emotional and physical state as close as possible to the state before victimisation (DSD, 2007; DoJ& CS, 2009). This empowerment can prevent and reduce secondary victimisation and future crimes, increase collaboration within the CJS and reinforce socially desired behaviour (DSD, 2007, 2009). This is achieved by recognising the victim's needs, including emotional, financial, medical, information or physical needs (Cattaneo & Goodman, 2015; Nel, 2019). In conclusion, third-party reporting mechanisms will practice what the VEP aims to achieve by providing victims with an increased range of

support, whether emotional or legal and may increase reporting of victimisation (Clayton et al., 2016; DSD, 2009).

Victims of hate incidents have a very specific need for support, something which is not offered currently by relevant authorities, because of a lack of expertise and resources. Therefore, third-party reporting mechanisms may fill this gap by providing the required emotional, social, and legal needs of victims of hate incidents.

Benefits and Uses of such a Mechanism

Ideally, data collected from third-party reporting mechanisms can analyse crime patterns, demonstrate inter-related clues, and may point to important relations between different forms of hate incidents (Poornima & Harshith, 2017). Such a holistic overview of hate victimisation may lead to strengthened education within at-risk communities (Alberta Hate Crimes Committee, 2015; Victorian Equal Opportunity and Human Rights Commission, n.d.). Thus, this information can be used for educational and informative practises and lobbying purposes and will immediately be available in the CJS system. Further, such a mechanism may lead to reduced rates of secondary victimisation. This may also save time and money because no travelling costs will be involved to report victimisation if a victim does so online (Alberta Hate Crime Committee, n.d.; True Vision, 2019; Victorian Equal Opportunity and Human Rights Commission, 2015).

Third-party reporting mechanisms further benefit victims who will have options about how the incident should be handled and whether they would like to be contacted by one of the stakeholders at the participating organisations (Alberta Hate Crimes Committee, 2015; True Vision, 2019). Also, cases will be shared only with the police if the victim gave consent, follow-ups will be done with relevant authorities to track the process of the report, and feedback will be communicated directly to the victims.

Existing Third-party Reporting Mechanisms

Third-party reporting mechanism has taken on various forms. A mechanism can be directly linked to the police or part of an independent campaigning organisation (Clayton et al., 2016). Multiple third-party reporting mechanisms exist, but in this study, the focus was on three main international mechanisms and three existing mechanisms in South Africa. This study does not purposefully exclude other mechanisms, instead, it focuses on reporting mechanisms cited in previous research.

International third-party reporting mechanisms.

True Vision. In the United Kingdom, True Vision allows victims to report incidents anonymously and while it may look like a third-party reporting mechanism reports are still made directly to the police and not a third-party organisation. True Vision, thus, merely provides an alternative way of reporting hate victimisation to the police. Instead of physically reporting to relevant authorities, it uses a national online reporting tool. The site is run by the Association of Chief Police Officers (ACPO) (Giannasi, 2019). The True Vision website (<http://www.report-it.org.uk/home>) also offers information about hate incidents to victims of hate victimisation (Giannasi, 2019; True Vision, 2020).

Stop Hate UK. This was launched in 2006 in the United Kingdom, to create an easily accessible platform enabling victims of hate incidents, across many local authorities in England and Wales, to report hate victimisation via a helpline, twenty-four hours a day with a focus on monitoring and responding to hate victimisation. Stop Hate UK acts as an alternative for people who do not wish to report hate incidents directly to relevant authorities (police or other statutory agencies) (Alberta Hate Crime Committee,

n.d.). Stop Hate UK, however, can assist victims in reporting victimisation to the police if requested.

Tell Measuring Anti-Muslim Attacks (Tell MAMA). This supporting mechanism is very similar to Stop Hate UK. It is a non-governmental organisation in the United Kingdom, providing a confidential reporting service for anti-Muslim incidents. Tell MAMA supports victims across England through a phone call, a WhatsApp Chat, SMS, email, Twitter or Facebook (Tell MAMA, 2021). This mechanism was not designed or implemented to replace police services. Instead, the information is a measure to assess and monitor anti-Muslim incidents for a more holistic understanding (Tell MAMA, 2021). Monitoring aims to determine and describe the nature and extent of anti-Muslim hate victimisation, whereas reporting civil or criminal cases allows for the prosecution of offenders, increases the sense of safety, and allows for either economic or psychological support (Tell MAMA, 2021).

South African Third-party Reporting Mechanisms.

South African Jewish Board of Deputies (SAJBD). A different but still effective mechanism is run by the SAJBD, which predominantly focuses on monitoring and responding to antisemitism in South Africa (SAJBD, 2021). SAJBD serves on the HCWG Steering Committee and is a founding member. Antisemitism refers to hostility because of prejudices or discrimination against Jews (Marcus, 2015). Monitoring and responding to antisemitism victimisation are achieved by monitoring all events or places in the media, cultural or educational spheres (SAJBD, 2021). The information is documented and taken up with relevant authorities, which allows South Africans to better understand antisemitic incidents across the country. This information can be used for educational and informative practices within the country.

Love not Hate. Another South African programme, “Love not Hate”, is a free service based at OUT Lesbian, Gay, Bisexual, and Transgender (LGBT) Wellbeing, funded by the Open Society Foundation of South Africa (OSF-SA) and serves on the HCWG Steering Committee. Love not Hate focuses on monitoring of, and responding to, LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersex, and Queer+) related hate victimisation. This is achieved through an easily accessible smartphone application or website to report LGBTIQ+ victimisation. The cases reported are worked through, and if contact details were provided, the individual is contacted with an offer of legal and emotional support. It provides legal advice, resources, and information to members of the LGBTIQ+ community, and assists with the monitoring, and documenting for lobbying, related hate incidents across South Africa. “Due to the high rate of injustices against the LGBTIQ+ community, OUT LGBT Wellbeing has identified a dire need for this kind of service,” states Maodi-Swartz (De Barros, 2019, para. 4). The programme, therefore, aims to encourage and empower LGBTIQ+ individuals to act against perpetrators.

Love not Hate works closely with Lawyers for Human Rights, an independent human rights organisation. They have been helping people in need for the past 39-years by offering free services to victimised marginalised and vulnerable individuals and communities whether South African or non-national (Lawyers for Human Rights, 2018). They, too, serve on the HCWG Steering Committee.

Ahmed Kathrada Foundation. This South African-based foundation seeks to promote non-racialism. The foundation piloted the Zimele anti-racism reporting application (ZIRRA) in 2018 (SAHRC, 2019). This application provides victims with a quick and easily used platform to report any racial incidents and thus, provides data on racism hotspots (Mavuso, 2020). The objective of this application is to deepen the understanding of discrimination against race and promote non-racialism in post-apartheid

South Africa (Kathrada Foundation, 2017; Petersen, 2019; SAHRC, 2019). Petersen (2019, para. 3) added this application is a way to use technology ‘to win the war against racism’, but is merely used for monitoring and lobbying purposes, thus not forming part of the yearly crime statistics.

This application was endorsed by the SAHRC, a relevant authority mandated for reporting cases of hate speech and intentional unfair discrimination. Complaints received through the application are assessed, and the victimisation's seriousness is determined by the Ahmed Kathrada Foundation (Petersen, 2019). Serious matters are forwarded to the SAHRC, and fewer pressing complaints are referred for mediation by the organisation to offer support to victims (Petersen, 2019).

Although each mechanism discussed here focuses on a targeted population, collectively, they can assist in a better overview of hate incidents occurring and, thus, an increased understanding of how hate incidents can potentially be decreased.

The Current Challenges and the Way Forward

Chakraborti (2018) found that victims are comforted by sharing their victimisation, whether with a friend or family member. Most victims reported that they would welcome the opportunity to share their experience with relevant authorities were it not for the existing barriers preventing them from doing so. Due to diversity in the South African context, relevant authorities need to create trust between them and the people of the country (Murphy, 2013). An increase in trust may encourage cooperation in the CJS and assist in eliminating the practical constraints and psychological barriers preventing victims of hate incidents from reporting hate victimisation (Murphy, 2013). Further, Murphy and Cherney have suggested (2011) that police officers must work harder to

engage minority groups who feel socially disconnected from society to increase reporting of hate victimisation.

Reporting via a third-party reporting mechanism will be made possible through dedicated hate incident phone lines within participating organisations, a website, a mobile application, or face-to-face reporting. However, developing a third-party reporting mechanism is not clear-cut, and much planning would be required before such a mechanism would be functional in the South African context.

In existing reporting centres, it often happens that when victims report hate incidents, they find limited or outdated information regarding support structures. This may be due to a lack of permanent staff within the organisations, lack of funding and limited knowledge that support structures do exist (Hardy & Chakraborti, 2017). Also, the absence of support provided by the organisations increases under-reporting from the victim's side.

Thus, it is the local government's responsibility to ensure that practitioners have the resources to engage with communities and to create dialogues within them to increase trust, cooperation, and support to victims in need (Hardy & Chakraborti, 2017). In addition, stakeholders need to evaluate the credibility, effectiveness, and relevance of the training offered to ensure that everyone involved in the process has the skills and knowledge to offer support and guidance to victims of hate incidents (Hardy & Chakraborti, 2017). Increased communication through campaigns and ongoing engagements with policymakers, relevant authorities, academics, and various public audiences have assisted in raising awareness of mechanisms available to the public (Chakraborti et al., 2014; Chakraborti & Hardy, 2015). Developing partnerships, hearing the voices of victims, and using social media and other means of communication are critical for the success of these initiatives (Chakraborti, 2018).

Hardy and Chakraborti (2016) reported that victims of hate incidents need access to support immediately, want to be treated with kindness and compassion, access to flexible opening times, access to support from home, to receive emotional support face to face, to access support in a safe environment, and preferred emotional support via a phone. Some victims requested hotlines be provided appealing to victims of all ages, not only to report but to share the experience of hate victimisation. Thus, a multi-agency approach may encourage more victims to report (Hardy & Chakraborti, 2016).

Conclusion

The literature review has shown the extent and seriousness of hate incidents across the globe and in South Africa and specifically xenophobia. South Africa is described as the owners of xenophobia, the consequences of which were highlighted together with under-reporting. Preventive factors related to the under-reporting of xenophobic incidents were explored to inform how developing a third-party mechanism would work. This chapter further discussed what a third-party reporting mechanism is, the functions of such a mechanism, benefits, examples of existing ones and the way forward.

With these points in mind, Chapter Three shifts to describing the qualitative research design, the methods and analysis used to achieve the aim of this study.

Chapter Three: Methodology

Introduction

This chapter discusses the research methods and processes used to achieve the research aim and objectives and concludes with ethical considerations, credibility, and the trustworthiness of the study.

Ontology and Epistemology

Ontology. Ontology may be defined as the nature of reality; it deals with questions of what exists and how these things can be grouped (Dudovskiy, 2011). However, how people group things are influenced by multiple factors which could be explained by the term ‘paradigm’. For this study, a postmodern paradigm was used that assumes there is no one universal truth and no objective knowledge (Lynch, 1997).

A paradigm refers to a set of shared beliefs, which inform the meaning or interpretation of the data collected. How meaning is created depends on an array of personal experiences that shape the perspective a person holds (Medurić, 2009). Therefore, this study did not focus on a single truth but acknowledged that multiple meanings exist. Who we are and how we come to understand our world are developed through a process of interactions and discussions with people around us (Lynch, 1997). Because meaning is shaped by others and our surroundings, the researcher’s beliefs about the world she lives in may also influence the data collection process, which should not be ignored (Kivunja & Kuyini, 2017).

The research objectives focused on the psychological barriers affecting victims of xenophobic victimisation from reporting to relevant authorities, with specific reference to

each participant's unique experiences. Thus, research findings were drawn from participants' words, values, and beliefs shared within a group setting. Meaning is obtained through the postmodernist paradigm, which deconstructs concepts shared and constructs them in a new way (Becvar & Becvar, 2003). Participants' stories about their own experiences as a victim of xenophobia were shared and deconstructed to identify themes and to form new meaning of what was shared. New meanings will then inform future research.

Epistemology. Epistemology directly links to the ontology of a study and refers to how knowledge is viewed. For this study, the epistemological viewpoint was social constructionism developed within a social context. Social constructionism advocates that reality is shaped by the social and cultural environment in which one exists and depends on the context in which individuals find themselves (Burr, 2006; Schurink et al., 2011). Thus, the epistemological viewpoint through social constructionism assumes that humans rationalise experiences and meanings over time (Leeds-Hurwitz, 2009). Therefore, reflections on a matter are constructed through the interactions, collaborations, and shared meanings among a group of people (Creswell & Poth, 2017; Pereira, 2017; Stewart et al., 2007). Thus, what we know is constructed by what society and culture believe the meaning is of an object or experience. A social constructionism paradigm was chosen because of its social nature as the focal point of this study was how victims view reporting, the barriers related to it and if a third-party reporting mechanism can work in the South African context.

Qualitative Research Design

A qualitative approach allows the researcher to gain insight into how the world is subjectively understood by the participant (Austin & Sutton, 2014; Sutton & Austin,

2015). Qualitative research focuses on how human experiences can be explicated within the social context in which that behaviour takes place (Austin & Sutton, 2014). This approach is holistic and inductive and allows the researcher to explore, interpret and describe participants' experiences, perspectives, and beliefs (Denzin & Lincoln, 2000, 2011; Dudovskiy, 2018; Murphy & Dingwall, 2003).

Qualitative research is not concerned with the identification of a cause-effect relationship. Instead, it enquires and adds a meaningful understanding of a person's lived experiences, acknowledges these experiences, and integrates, the uniqueness of each situation within the research (Denzin & Lincoln, 2000; Sutton & Austin, 2015).

Qualitative research further involves the documenting of rich and thick descriptive accounts, without manipulation from the researcher or generalisations, as opposed to a quantitative design, where the objectives are to explain a phenomenon by generalising the findings across a group of people (Earl, 2010; Flick, 2017; Given, 2008). Lastly, qualitative research is flexible and does not follow a rigid research plan compared to a quantitative research design that does (Durrheim, 2006). This flexibility allows for a focus on detailed data collection and the analysis thereof, followed by an attempt to uncover themes or narratives of participants' lived experiences (Durrheim, 2006).

Qualitative research sees participants as the expert of their life, and this instils a feeling of empowerment. Thus, in qualitative research, participants can voice their struggles, something much needed among marginalised groups. Also, each participant was viewed as a co-researcher. In the words of Janesick (cited in Mudaly & Goddard, 2006, p. 6), each participant was "...not inserted into the study but is the backbone of the study". Based on the aforementioned, a qualitative approach was the most suitable for this study and fitted together with both the ontology and epistemology chosen, focusing on unique experiences, and highlighting the influence of context.

The Research Approach

Data collection was done through four focus groups where suitable participants were identified and invited to participate in the study.

Sampling strategy. A sample refers to a group of people chosen based on the representativeness of all the inhabitants in one place, known as the population (Education Centre, 2006; Gentles et al., 2015;). A sample, thus, is a portion of the total population (Etikan et al., 2016). Sampling is sub-divided into probability or non-probability sampling strategies.

Probability sampling. Probability sampling is when the researcher chooses a sample from a larger population. The participants in probability sampling are selected using random selection, which predicts that the responses of the selected group represent the total population (QuestionPro, 2021).

Non-probability sampling. Non-probability sampling is when the researcher selects a sample based on whom the researcher thinks will be the best fit; thus, the sampling is not random, making it challenging to generalise the sample to the general population. Non-probability sampling may hold low external validity because the selection process is based on the researcher's inclusion and exclusion criteria (QuestionPro, 2021; William, 2016).

Using a marginalised group and the socio-political climate at the time of the study required non-probability sampling, specifically applying purposive and convenience sampling, despite the disadvantages of using these methods. Convenience sampling has the benefit of obtaining participants easily in a hard to reach population but it has the disadvantage of not being representative of the population (Battaglia, 2008). According

to Palinkas et al. (2015), the reasons to use non-probability sampling include making use of available and willing participants with the relevant personal experiences, which was in line with this study's aims and objectives.

Selection of Participants, and Inclusion and Exclusion Criteria

The heightened xenophobic climate in 2019 made it challenging to convince chosen organisations, all located in Gauteng, to agree to assist in the recruitment process and to obtain willing participants. The focus of the study was specifically on Gauteng, precisely because it has been severely affected by xenophobic violence and accordingly has a high concentration of organisations that service non-nationals. Gauteng is also the province in which the researcher resided at the time, making it a feasible focus of the study from the perspective of limited research funds.

Participants were invited by chosen organisations³ who were provided with criteria for the identification of suitable participants. Potential participants were informed about the study's purpose and invited to the focus group discussions once they agreed to participate (see Appendix A).

The following inclusion and exclusion criteria were shared with the chosen organisations that agreed to assist in obtaining participants. The inclusion criteria were (a) non-nationals originating from other African countries; (b) non-nationals aged eighteen years or older; (c) victimisation occurred while residing in South Africa, and (d) participants were included regardless of whether they reported victimisation or not. To

³ Lawyers for Human Rights is a human rights organisation that provides free legal services to vulnerable individuals and communities, both non-national and South African who are victims of unlawful transgressions of their human rights (Lawyers for Human Rights, 2018). Jesuit Refugee Service is an organisation that works to accompany, serve, and advocate both for and on behalf of asylum seekers, refugees, and other displaced persons. The goal of Jesuit Refugee Service is to work in areas where there is a real and present need among forcibly displaced people and where other agencies are not present (Jesuit Refugee Service, n.d.).

reduce any potential psychological harm only participants whose incidents were older than two years were invited to participate.

Data Collection

Various data collection techniques exist. To aid participants in sharing their subjective experiences, focus groups were deemed the most appropriate. This is also among the most common method of data collection in qualitative and quantitative research (Carey, 2016).

Focus groups. Focus groups are interviews in a group setting, usually among a group of people who do not know each other. Focus groups can further be explained as an informal discussion on a specific topic among selected individuals (Beck et al., 1986; Kitzinger, 1995). Using focus groups allows a researcher to capitalise on what is shared between participants and researcher to generate data for future research (Berg, 2007; Carey, 2016; Kitzinger, 1995). Also, the indirect relationship between participants and the researcher assists a researcher to gain an in-depth and rich understanding of what is being shared (Carey, 2016). The emphasis of focus groups is to collect data regarding a specific topic and are not necessarily representative of the population (Barbour & Schostak, 2005). Thus, focus groups are helpful to obtain participants' subjective experiences. It aids in understanding not only what victims think but how they come to think about things and why (Kitzinger, 1995).

The aim of a focus group is achieved using a set of pre-planned questions among a group in a non-threatening environment. The researcher relays the interactions among participants to energise the group (Carey, 2016, p. 731; Krueger & Casey, 2015). Pre-planned questions allow the emergence of enriching stories from the participants (Carey

& Asbury, 2016). The pre-planned questions make the focus group setting semi-structured. Terre Blanche, Durrheim, and Painter (2006) pointed out that semi-structured interviews are a suitable way to gather information within qualitative research and allow for additional questions during the focus group sessions to be asked where deemed necessary (Denzin & Lincoln, 2018). In addition, Terre Blanche et al. (2006) and Boynton and Greenhalgh (2004) reported that it is important to use open-ended questions when the research requires obtaining information on knowledge, beliefs, and attitudes. Mudaly and Goddard (2006) indicated there are two ways to conduct interviews: 1) sharing little about the aim of the study to eliminate any potential bias; or 2) participants are informed, upfront, how the research will be conducted and the objectives. The second approach was used for this study, seeing that it was imperative to build trust and cultivate a climate of honesty between the researcher and the participants.

The recommended size per focus group is between four to twelve participants. However, the size depends on "...the complexity of the topic, and the expertise" of the researcher (Krueger & Casey, 2015, p. 510). For example, larger groups of 12 participants work well when the topic does not provoke strong emotions. For sensitive topics, smaller groups of five to eight participants work better. In a bigger group, responses will be shortened and may lack detail since there will be no time to elaborate on critical details whereas in a smaller group interaction among participants might be low (Krueger & Casey, 2015). Guest, Namey, and McKenna (2017) reported that it is important to overrecruit each focus group to offset any no-shows. The duration of a focus group on average is ninety minutes, and participants are encouraged to talk to one another within a safe space (Alavi et al., 2019; Guest et al., 2017; Hayter et al., 2014; Krueger & Casey, 2015; Liamputtong, 2010). Multiple researchers, including Guest et al. (2017)

Krueger and Casey (2015), and Wilkinson (2004) suggested having three focus groups to ensure saturation.

Based on suggestions in previous research, the researcher initially planned for three focus group sessions, each approximately 90 minutes. The aim was to have an average of eight participants per focus group. This, however, varied from group to group: group one had six participants, group two had four, group three had six, and group four had two. Although enough participants were invited, not everyone arrived for the scheduled focus group discussions. Thus, a fourth focus group discussion was needed as group two had only four participants, and engagement among participants was not high. The fourth focus group had only two participants but in contrast to low levels of participation in group two, group four's engagement contributed to the collection of enriched data. A contributing factor to the last group's engagement and the enriched data obtained may be attributed to the presence of a translator. Both participants spoke the same language and a colleague was available to translate the questions asked by the researcher and the answers given by the participant, which made sharing easy and informative.

The focus group discussions were held in a venue that was convenient and safe. The researcher and a co-researcher conducted the focus group discussions. The co-researcher's responsibilities were to ensure the sessions were recorded and notes were taken while the researcher kept the conversation going. The team was well prepared, contributing to enriched stories from participants. To add to the lively and spontaneous nature of the group's conversations, the researcher did not interrupt participants.

Participants were asked about their experiences, perceptions, and struggles related to reporting to relevant authorities based on the interview schedule. This was followed by a conversation about a potential third-party reporting mechanism, the perceived advances,

and disadvantages, what the qualities of an ideal mechanism would be and how it could be implemented in the South African context (Appendix B). The interview schedule was compiled beforehand to ensure the research objectives are met and to avoid deviating too far from the topic. The researcher elaborated on issues/themes and asked additional questions where needed.

Data Analysis

Consistent with the epistemological approach and paradigm chosen for this study, thematic analysis was deemed the most appropriate analytic procedure.

Thematic analysis. Thematic analysis in qualitative research is the process of recognising patterns or themes (Braun & Clarke, 2006). Further, thematic analysis is used to extract meaning from the text, and organise, identify, describe, analyse the data, and produce a report (Braun et al., 2019; Guest et al., 2017; Nagle & Williams, 2013). The process of thematic analysis is made easier through comprehensive notetaking during interviews and audio recordings, which are then transcribed (Braun & Clarke, 2006). After transcribing the data, a researcher reads through transcriptions and assigns relevant codes and then arranges codes into main themes and sub-themes. Braun and Clark (2006) designed a six-phase guide to conducting thematic analyses that were also applied to this study. Each phase will be explained below.

The first phase involves a researcher becoming familiar with the data and gaining a holistic understanding. As recommended (see Braun et al., 2018; Braun & Clarke, 2006), transcriptions are read more than once, to begin developing possible main themes and sub-themes (Braun; et al.; Braun & Clarke, 2006). In the second phase, one identifies any extra codes in the transcriptions by re-reading the document. In this study, however, Atlas.ti was used to analyse and compare the codes, which were then arranged into themes and sub-themes through inductive coding.

The codes preliminarily identified in phases one and two are reviewed in phase three. In this phase, the researcher looks for any overlap or similarities between existing codes, and where a code does not fit into a theme, a miscellaneous category is created. The potential themes are then revised, ensuring none is left out, and themes identified in phase three are finalised in phase four. Final themes can then be summarised into a few sentences, have a singular focus, are related to other themes, answer the research question, and do not overlap with other themes (Braun; et al., 2018). The last phase of data analysis before producing a report is called the analytical phase which includes a great deal of objective interpretation to tell the story of the data (Braun; et al., 2018). The sections below deal with trustworthiness and ethical considerations in qualitative studies.

Ensuring Trustworthiness in Qualitative Studies

Reliability. The reliability and validity of a study depend on the trustworthiness of how the research was conducted. Reliability is defined as “trustworthiness of observation or data” (Stiles, 1993, p.601), whereas validity refers to the “trustworthiness of one’s interpretations or conclusions”. According to Stiles (cited in Rapmund, 2005), several procedures exist as guidelines to ensure that a study is trustworthy: ‘Disclosure of orientation’ refers to the researcher’s expectations, values, preconceptions, and theoretical framework; ‘Explication of social and cultural context’ refers to the context and background from which the research problem is viewed; ‘Description of the internal process of investigation’ refers to the potential impact a study may have on a researcher and the internal processes which the researcher may not always be aware of; ‘Engagement with the material’ focus on the trusting relationship between the researcher and participants and not abusing this relationship; ‘Iteration: Cycling between interpretations and observations’ is the activity of moving between the text shared by

participants and interpretations made with the theoretical framework in mind; and ‘Grounding of interpretations’ is when interpretations are linked with observations made.

An effort was made to use all the above in this study to ensure its reliability. The researcher was aware of her expectations, values, perceptions and theoretical framework right throughout the process and discussed it with relevant peers, educators, mentors and supervisors regularly. The researcher and co-supervisor reflected after each focus group discussion to understand how what was shared could have lead to a change in the researcher’s perceptions and values. During data analysis, the researcher reflected continuously, took regular breaks and revisiting analysis to ensure her values of pre-conceived ideas did not influence the outcome.

Validity. Mudaly and Goddard (2006, p. 73) view findings as valid when they are the same every time. However, as this study focused on the unique experiences and challenges of xenophobia, the study did not focus on replicating. The explanation of Stiles (1993, p. 601) “...the trustworthiness of interpretations or conclusions” is used instead as it fits the study better. This definition focuses on just how valid or trustworthy the study’s findings are.

Several strategies can be utilised to increase the validity of a study according to Stiles (cited in Rapmund, 2005), that is: Triangulation, Coherence, Uncovering: self-evidence, Testimonial validity, Catalytic validity, and Reflexive validity.

‘Triangulation refers to using multiple data sources (e.g. participants), methods (fieldwork notes, recordings, and interviews) to make the findings more comprehensive; ‘Coherence’ refers to the quality of the findings and is important for internal consistency; ‘Uncovering: self-evidence’ refers to how the researcher makes sense of everything; ‘Testimonial validity’ refers to the process whereby the researcher checks accuracy of

interpretations with the participants to ensure everything was understood correctly; ‘Catalytic validity’ refers to the extent to which the research empowers the participants, and ‘Reflexive validity’ focuses on how the researcher’s thinking changes because of the findings of the study.

Triangulation was achieved using recordings, fieldwork notes and interviews. In addition, the researcher checked the accuracy of the interpretations and made sure it was understood and captured their experiences correctly accounting for ‘Coherence’, ‘Uncovering self-evidence’, and ‘Testimonial validity’. When a researcher describes the participants' experiences accurately it may empower them, this, however, requires the researcher to get in touch with the participants again and them being part of a marginalised group direct contact afterwards was not possible, however, the final dissertation was shared to each of the participating organisations to read and gain insights on the findings.

Ethical Considerations

In social science, researchers require participants to reflect on their own life experiences. What is shared, however, may cause emotional or physical harm. In this study, therefore, it was vital to ensure harm potentially inflicted on participants was minimised. Thus, in line with the requirements of the Health Professions Council of South Africa (HPCSA) ethical approval was sought from the University of South Africa (UNISA) College of Human Sciences and obtained (see reference number 2019-CHS-0267) before the research commenced. Furthermore, the researcher must pay attention to the autonomy of each participant, show respect, act with non-maleficence, and consider the benefits for participants. The three primary ethical principles generated in 1979,

called the Belmont Report, are discussed in the following section (Adams & Callahan, 2013).

Autonomy and respect. Autonomy refers to the ability of a participant to make their own decisions, to be respected for that and recognised as an independent being (Adams & Callahan, 2013; Owonikoko, 2013). Following these values prevents the “...imposition of unwanted decisions” (Owonikoko, 2013, p. 243). Thus, the individual ought to decide whether they want to participate in research or not (Adams & Callahan, 2013). In this study, for this decision to be made by participants it was vital for them to be informed upfront about the research aims, objective and the data collection method. On top of this, it was essential to reassure participants about confidentiality and how it would be maintained, the associated limits, the risks involved when participating, withdrawal and benefits in participating. These aspects were explained to participants at the onset of data collection and are included in the consent form that each participant signed before the commencement of the focus group discussion (See Appendix C). Due to the nature of the study involving non-nationals whose first language was not English, the consent form was formulated in lay-person English and was read to participants in cases where participants could not read English. Before signing the form, they were encouraged to ask if anything was unclear.

At the start of each focus group discussion, participants were again informed about the aim of the study, how long the discussion would take, and the procedures that would be followed throughout. This included permission to record the session and how the recordings will be kept safe, who will have access and how confidentiality will be ensured throughout. Participants used a pseudonym and were given a participant number for use during analysis and write-up; both ensured the anonymity of participants. Further, the researcher requested participants to respect one another’s privacy and not share

anything outside of the focus group discussions but since this could not be guaranteed, it was included in the written consent form with the assurance that transcribes, and recordings will be kept safe on a password-protected flash disk and a hard drive (Kaiser, 2009). Participants were also informed about their right to participate willingly and withdraw from the study at any given time with the limit of withdrawing once the focus group discussions were finished.

The researcher notified participants verbally that the focus group discussions was to be recorded by the co-researcher, who would also take notes as they proceeded. A confidential non-disclosure form was signed by everyone involved (Appendix D). In addition, everyone was informed of whom to contact if there were questions. The contact details for both the researcher and the supervisor were provided at the bottom of the consent forms. Last, participants were informed that no payment incentives were available for participating in the study.

Non-maleficence. It was vital to ensure all participating individuals were protected from any harm, whether emotional or psychological. To avoid or minimise psychological distress, victims whose victimisation occurred over the last two years were excluded as it was too recent. Contact persons at organisations had access to everyone's case files and, therefore, helped to ensure participants were selected with the care. During the study, the researcher observed the emotional status of each participant by ensuring everyone felt comfortable answering the questions asked. Each participant's input was respected, and careful attention was paid to the comments made to avoid participants feeling stigmatised or judged. Further psychological harm might potentially have been caused if one or more participants broke confidentiality outside the focus group context, making an individual vulnerable to revictimisation. This potential risk was covered in the consent form.

Beneficence. According to this ethical principle, all participants should benefit from participating in the research study (Adams & Callahan, 2013; Owonikoko, 2013). To adhere to this principle, the focus group setting was warm, inviting, supportive and respectful of each participant. Psychology works with the philosophy that sharing experiences in a safe and controlled environment may help in coming to terms with whatever someone may be trying to work through (Hesse-Biber & Leavy, 2010). The study, therefore, allowed participants to be heard, a chance to share their experiences with others, greater awareness of other experiences of xenophobia, greater self-reflection on the incident, greater awareness of how to report such an incident and gaining collective power.

The findings from this study benefit not only the participants but potentially also the greater community. For the researcher's psychological well-being, she practised self-reflexivity and was in regular contact with her supervisor to reflect. Self-reflexivity includes thinking about the impact the data has on the researcher during data analysis and how preconceived knowledge could impact how data is analysed. Continuous reflections kept the researcher grounded and thus contributed to the overall credibility of the outcome.

Conclusion

This chapter outlined the research paradigm and approach of the study, the rationale for using a qualitative approach and why focus groups and thematic analysis were used. The chapter concluded with a section on how the well-being of participants was taken care of. The next chapter will discuss the findings of the study.

Chapter Four: Research Findings and Discussion

Introduction

This chapter contains the key findings presented in themes and sub-themes, each substantiated by verbatim quotations. These are presented in both ***bold and italics*** to help differentiate them from the main text. Any comments made by the researcher for clarification have been placed within the quotations and is indicated in parentheses (as such). As the focus group discussions were conducted in English, despite English not being the participants' primary language and only one group had a translator, participants' verbatim quotations could contain incorrect grammar and syntax (with too many to utilise *sic*).

The focus group discussions consisted of 19 individuals—12 men and seven women, who were all above the age of 18 years. Towards ensuring participants could contribute to the study, all were victims of some xenophobia and reported incidents to relevant authorities at least once. Participants were asked to reflect on incidents of victimisation that occurred two years or more before the study. Types of victimisation experienced by participants in the study included looting or robbery of businesses, witnesses to physical abuse and murder, attacked physically to the extent of hospitalisation, verbal abuse, refusal of assistance from relevant justice officials and of the Department of Home Affairs.

Themes and Sub-themes

The researcher identified themes and then allocated sub-themes to the main themes, as outlined in Table 4.1 below.

Table 4.1

Themes and sub-themes

THEME	SUB-THEME
Theme 1: Effects of xenophobic victimisation	<p>Sub-theme 1.1: Feeling alone</p> <p>Sub-theme 1.2: Desperation/hopelessness/helplessness</p> <p>Sub-theme 1.3: Physiological impact</p>
Theme 2: Reasons for reporting xenophobic incidents	<p>Sub-theme 2.1: No choice</p> <p>Sub-theme 2.2: Confidence in the police</p> <p>Sub-theme 2.3: Reporting to another relevant organisation</p>
Theme 3: Barriers to reporting, including practical constraints	<p>Sub-theme 3.1: Extortion</p> <p>Sub-theme 3.2: Limited or no support received from relevant authorities</p> <p>Sub-theme 3.3: Distance from a police station</p>
Theme 4: Psychological factors for under-reporting	<p>Sub-theme 4.1: Feeling unwelcome</p> <p>Sub-theme 4.2: Reporting - a futile exercise</p> <p>Sub-theme 4.3: Lack of confidence in relevant authorities</p> <ul style="list-style-type: none"> • Relevant authorities do not help • Relevant authorities and offenders are the same people • Offenders not apprehended for misconduct <p>Sub-theme 4.4: Sense of powerlessness</p> <p>Sub-theme 4.5: Frustration</p>

	<p>Sub-theme 4.6: Hopelessness</p> <p>Sub-theme 4.7: Fearing retribution</p> <p>Sub-theme 4.8: Fearing secondary victimisation</p>
<p>Theme 5: The way forward, a third-party reporting mechanism</p>	<p>Sub-theme 5.1: Workability of a third-party reporting mechanism</p> <p>Sub-theme 5.2: The way forward, what is needed</p> <p>Sub-theme 5.3: How a third-party reporting mechanism may help overcome psychological barriers faced</p>

Theme 1: Effects of Xenophobic Victimisation.

Hate incidents often result in emotional and physical damage (Chakraborti, 2018; Clayton et al., 2016; Iganski & Lagou, 2015). For example, victims of both racial and ethnic discrimination (as in the case with non-nationals) have shown higher levels of distress, fear, or psychological distress (Iganski & Lagou, 2015; Nel, 2013; Torres et al., 2011). Hate victimisation is unique as it is not random but instead driven by definite motives. The attack is often interpreted by the victim as personal, leading to higher levels of distress. Below are three statements from participants communicating their daily suffering as victims.

P4, *“It is too tough for you to live in this country.”*

P6, *“I’m in hell...”*

P8, *“I’m suffering...”*

Victimisation often results in a sense of being alone, feeling desperate, hopeless, or helpless. In addition, victimisation at times may affect individuals on a physiological level too. The three identified sub-themes will each be discussed below:

Sub-theme 1.1: Feeling alone. In this study, participants communicated how they are suffering on their own, with no support or very little. The aloneness expressed by participants is a feeling of not having any support to assist them when such a need may arise after or during victimisation. Previous research indicates this lack of support may result from negative perceptions held by others, as explained by both the ABC model of attitudes theory and the scapegoating hypothesis in Chapter Two. Further, research conducted by the Leicester Hate Crime Project found that victims of hate incidents see their victimisation as a “routine reality of being different” (Chakrabarti & Hardy, 2015, p. 5), which strengthens their sense of alienation (Chakrabarti, 2018; Chakrabarti, 2015; Hardy, & Chakrabarti, 2017). The internalisation of the victimisation leads to aloneness, as indicated by participants in this study. P6 said, *“Nobody is hearing us, nobody because of we are not South African.”* P14 added, *“No one is listening to us, even you are screaming, you are, I don’t know, no one.”* P2 further communicated that he feels that no one cares for them: *“Yes, other people they don't care, if they can see action that side, they just, they go away, they don’t even see what is going on, you understand?”* Whereas P14 added that she feels that no one can be trusted.

Participants stated they feel guilt and shame for being non-nationals, and powerlessness, angry, and fearful. It is precisely these emotions that gave birth to the next sub-theme: ‘desperation/hopelessness/helplessness’.

Sub-theme 1.2: Desperation/hopelessness/helplessness. The literature review indicated that discrimination, racism and xenophobia result in psychological distress or a struggle to adapt to one’s life and may create a sense of desperation, hopelessness, and

helplessness (APA, 2013). Desperation refers to having lost hope; hopelessness refers to being despondent, sad, useless, and demoralised; and helplessness is the belief that nothing can be done about the situation in which you find yourself. These feelings instilled in oneself are at times expressed through ‘crying’, a physiological reaction.

‘Crying’ according to Bylsma and Vingerhoets (2016), is a non-verbal communication demonstrating that help is needed. Thus, crying alerts others that someone is distressed or sad and needs some form of support or comfort. Participants communicated that they receive limited support, and crying is an aftermath of this experience. P6 mentioned that the police were not assisting him when he needed help and because of a sense of helplessness, he cried: “*So we cry.*” P7 related to P6 and said that one factor preventing her from reporting to the police is the act of crying: “*I was just crying, I will say what. I was just crying.*” P18 said: “*That day, I was crying. Serious, I was crying, I felt I was beaten that day because when this thing happens that day, I feel, I feel to go back in my country DRC Congo.*” P18 added: “*So, I'm not going to waste my time. It's better for me to, to cry myself at home and carry on, that's all, that is the only two things I can do.*”

Crying is thus the aftermath of hopelessness, desperation, or the realisation that nothing can be done to improve the situation, let alone, change it. Crying is a call for help but for victims of xenophobia, the call is rarely answered. This links to the previous sub-theme of ‘being alone’, and the next sub-theme: ‘physiological impact’ of victimisation on the victim.

Sub-theme 1.3: Physiological impact. Continuous exposure to victimisation at times may have deleterious effects on a victim’s emotional and physical well-being (APA, 2013). Some symptoms shared by participants in this study are having trouble sleeping, feeling sick, low appetite or no appetite, shock, and being emotionally tired.

Previous research studies confirmed that continuous exposure to stress take its toll on the body and may lead to psychosocial impairment, so much so that it interferes with a person's day-to-day functioning; the development of Post-Traumatic Stress Disorder (PTSD), anxiety, depression, and addiction to a substance (APA, 2017; Herek et al., 1991). This was confirmed in general by Breen and Nel (2011) and McDevitt et al. (2002), who found that victims of hate incidents may suffer higher levels of distress and have an increased risk of developing PTSD or mental illness.

This relationship between psychological and physiological health forms an inhibitory loop. This loop slows down or prevents something from happening because of something else and is difficult to break. The extent of the psychological impact on one, physiologically, was not measured in this study. But the impact thereof was visible through what was communicated by the participants. P2 said: *It's what I'm scared of, now I don't even sleep. That's me, my problem for me right now.* P6 in addition shared: *"We (are) sick."* He continued: *"I don't even feel hungry, always I hate people, I hate human being, I hate this nature because there is somebody who knows that they've been attacked, I got proof, deny my right."* P7 explained: *"So, I didn't go to the police because I was even shock, I didn't even stand up, I didn't even wake up because my high blood was high also, ja I didn't go to the police."* All of the above mentioned may be tiring to a victim who is continuously trying to stay safe, for example, P1 said: *"We are getting tired..."*

Thus, together with the everyday experience of victimisation or fear, these feelings impact the physiological aspect of the body. This negative loop will continue unless something is changed. It is important to understand and acknowledge that victims of xenophobia feel alone, desperate, hopeless, and helpless. This feeling is the aftermath of continuous fear, and the impact, of such attacks.

Theme 2: Reasons for Reporting Xenophobic Incidents.

The reasons participants reported incidents to relevant authorities are subdivided into the following sub-themes:

Sub-theme 2.1: No choice. Individuals are more likely to report victimisation if the incident is considered more serious, as with reporting a dead body (Clayton et al., 2016; Goudriaan et al., 2004; Tyler, 2011). This finding is consistent with what was shared by P19 when asked why he reported victimisation to a relevant official⁴:

What actually prompted him to actually call the police immediately was that where the incident happened, he lost a lot of valuable items and his younger brother was strangled to death. So actually, the material was not a problem to him, but the problem was actually there was a dead corpse and he did not want actually to interfere with the investigation so he first thought it is important to call police station and at least alert them so that they could do the investigation because he lost a brother.

Thus, as predicted by Wong and Christmann, (2016), the more serious the crime, the less hesitant victims are to report it to relevant authorities. Reporting at other times takes place out of a need to protect oneself from future attacks or, hoping to gain what was lost. Other participants mentioned that they felt they had no choice but to report victimisation:

P8, for example, said: *“I don't have a choice, maybe something it's a big problem. I don't know what. They never do anything, but I don't have any choice.”*

So, although he knew there would most likely be no help, he felt he had no choice but to

⁴ Note, use of third person in this instance is indicative of what was said by the translator. This is true for P19 throughout the chapter.

report. He added, “*I don’t have any choice because I, I will protect myself.*” But then he concluded by saying, “*But I’m not interested in reporting*”. Thus, although he reported, there was no real interest in doing so.

P7 emphasised what P8 said, “*...like (he) say we don’t have choice,*” thus repeating they are left with no other choice but to report. P13 shared that his wife asked him what they would do after they were victimised, and he told her that no matter what, “*we need to report.*” Some participants mentioned that they had no choice but to report victimisation, despite knowing there is a possibility of not being assisted. Regardless, some continued to have faith in the CJS and thus felt a duty to report.

Sub-theme 2.2: Confidence in the police. From the 19 participants, three expressed that they did report victimisation to the police and going forward, will again do so. It is, however, important to note that not all incidents were crimes, and therefore reporting victimisation to the police, specifically, was not a viable option for all the participants. The researcher did not ask for a reason for this but sensed a feeling of confidence in the police. P1 said: “*The first step we run straight to the police.*” P8 added, “*If something happens if you have a chance, I want to go to the police.*” P19 shared that he made “*sure to report the matter to the authority.*” The confidence in the police links closely to Section 9 (1 & 2) in the Final Constitution of South Africa, which states that everyone is equal before the law and has a right to equal protection and benefit of the law. (The Constitution of the Republic of South Africa, 1996, p. 5).

According to the Online Oxford Learner’s Dictionaries (2020a, para. 1), confidence refers to “the feeling that you can trust, believe in, and be sure about the abilities of someone”. Thus, despite previous negative experiences with relevant authorities, three participants in this study continued to report victimisation out of a sense of confidence in relevant authorities.

The findings in this study are consistent with what the HCWG found in their research (Mitchell & Nel, 2017; Nel & Mitchell, 2019). Incidents that include hate speech or intentional unfair discrimination, for example, cannot be reported to the police as it is not recognised as a criminal act in South Africa. Instead, such incidents may be reported to institutions such as the SAHRC, and CCMA.

In a similar vein to what was reported by the HCWG, two participants shared a similar experience. P17 explained that:

Last month I went to Home Affairs, they (employees at Home Affairs) disconnected all my children from my file and give them the must leave (the country). Where those, where my children will go? Because the small one, he was four years when he came here, the other one was nine years, the other one she was fifteen years. Now, why gave them must leave, they must leave and go where?

P13 related to what P17 shared, in commenting that *“if you go to home affairs, it’s even worse, Home Affairs. Like he says, I am also, my firstborn they took all their status”* (referring to either refugee or migrant status).

P13 added, *“Everything is there (referring to Home Affairs), but now they took his status, and they give nothing. And my children remain undocumented. Now they didn’t go to school, they stay home.”*

Discrimination because of one’s nationality is evident here; however, such incidents cannot be reported to the CJS because discrimination is not seen as a criminal act as per the country’s laws. While acts of intentional unfair discrimination can be reported to the SAHRC, many victims are not aware of their rights or the channels to follow. Intentional unfair discrimination related incidents at times rarely are reported.

The implication is that many cases of victimisation go unreported, and the voices of the victims are never heard.

Sub-theme 2.3: Reporting to another relevant organisation. When asked if reporting took place, six participants communicated that they told a relevant organisation, other than the police, about the incident. Relevant organisations such as NGOs and NPOs are institutions that offer financial, legal, or psychological support to specific groups of people, in this case, victims of xenophobia. The following was shared by participants regarding ‘reporting’ to organisations:

P2 said, *“I go police station, to open case they refuse. So, after refuse, I go to this, this, this company (shows a paper). This is the one who open case for me”*. P4 added, *“So we came here (referring to the organisation where the focus group took place) maybe after one week. I was here 15 August, we (victims of xenophobia) just come and report here.”* P18 shared, *“I will come to report here (the organisation where the focus group took place).”* And *“But I won’t go to the police, it’s gonna be waste of time.”* P19 concluded, *“Only, I report only to my community office...”* P19 added *“I will come here.”*

Attacks of violence towards non-nationals in recent years included mob violence, attacks on foreign-owned businesses, or individual attacks (Breen & Nel, 2011). The need to seek assistance for financial gain may be higher among non-nationals who experience a greater number of mass lootings of businesses or homes, or both.

Often, assistance is sought from a relevant organisation with the hope of regaining what was lost, as some organisations assist victims with grants to rebuild their businesses and to make a living. This was the case with both P13 and P17 in this study: P13 shared: *“You do not have any grant, you know? No, the only one I have is from (name of organisation).”* P17 said, *“It’s (name of organisation) who help me, to, to get something*

for business.” P17 added, “(name of organisation) *took me there with some small money and some, some second-hand clothes...*” Thus, sometimes victims of xenophobia seek financial assistance and not necessarily retribution or access to justice. In general, however, not directly reporting to the CJS may be due to a lack of faith in the system or the victimisation not being criminal, together with various practical and psychological factors.

These very factors that reduce reporting can be used as motivation to create and implement an alternative way of reporting via third-party reporting mechanisms. This possibility is examined in the last section of this chapter after discussing the factors that are barriers to reporting, as shared by the participants of this study discussed below.

Theme 3: Barriers to Reporting, Including Practical Constraints.

It has been documented that several factors prevent hate victims from reporting victimisation to relevant authorities (McDevitt et al., 2002; Murphy & Cherney, 2011). What was shared by participants in this study confirmed what is found in the literature. Reasons for under-reporting are divided into practical constraints and psychological barriers, primarily focusing on the last-mentioned, given the focus of the study.

Psychological factors playing a role in reporting includes personal experiences and attitudes regarding reporting to relevant authorities, whereas practical constraints include extortion, limited or no support received from officials due to prejudiced attitudes, the availability of relevant authorities, and distance from a police station (McDevitt et al., 2002; Murphy & Cherney, 2011; Nolan et al., 2015).

Sub-theme 3.1: Extortion. Extortion did not come up during the initial literature search for contributing factors to under-reporting. It came up only during the focus group discussion. Extortion means to bribe, evict someone illegally, or for authorities to arrest a

person on no grounds (Oxford Learner's Dictionaries, 2020b). This section will focus on the bribing aspect of extortion. Bribing includes the acts of asking for money, gifts, or a donation in return for assistance. For victims of xenophobia, this refers to an exchange of something for assistance, or in the offender's case, it is to avoid apprehension (Scharbatke-Church & Barnard-Webster, 2017, Scharbatke-Church & Chigas, 2016).

Pertinent responses from participants in this study include:

P6, *"The police officers they don't like us, what they want is all our money, you get robbed so many times. When you go Home Affairs, you come you are paying 6000, 4000."*

P6 added:

"They don't want to; they are going to ask me 'do you have money?' If we don't pay money, detectives any relevant authorities, they don't give us any help for us that's true that in 11 years my experience, wherever you go people like us we must pay. Ja, if you don't pay no help."

Bribery accounts for one of the four types of corruption within the CJS, with the other three being political interference, sexual favours or favouritism (Scharbatke-Church & Barnard-Webster, 2017; Scharbatke-Church & Chigas, 2016). The participants mentioned only bribery as corruption.

Corruption is the abuse of power for personal gain, and the impact is more visible in the CJS than elsewhere. It may occur at any stage of the CJS chain and has been identified as one of the 'reasons behind the slow pace' at which CJS officials work in many countries (Huber, 2014; Scharbatke-Church & Barnard-Webster, 2017). Corruption exists within the Department of Education and Health, as well; however, unique to the CJS is that corruption takes away the freedom that citizens have, and it eradicates any trust in the CJS (Scharbatke-Church & Barnard-Webster, 2017).

To eradicate corruption, South Africa has passed anti-corruption legislation named ‘The Prevention and Compacting of Corrupt Activities Act 2004’ (PACCA), which criminalises behaviour such as accepting bribes for personal gain (Pickworth & Williams, 2016). “Bribery is a self-perpetuating cycle” (Scharbatke-Church & Barnard-Webster, 2017, p. 32), where relevant authorities are using every opportunity available to ask for a bribe (Scharbatke-Church & Chigas, 2016). P6, for example, shared that when reporting takes place, the investigators are bribed to write lies and the offenders walk away freely:

That guy (offender) arrested for two days, the second day comes and kill me because, when he goes to court, even the investigator when he is writing, he’s writing lies. They give him 500 the family. When they go to court, that guy is going to get bail; the second day I am dying.

P14 added that she saw how a bribe was being paid to the police when she was at the police station to report her incident. She then wondered whether she will be helped if she does not pay a bribe. *“Okay, so I open a case, but you know what happened, under my nose, that guy paid R5000 for a bribe.”* P12 related to P14’s experience in reporting to the police: *“So, like we (victims) are stuck, even reporting to the police, they are doing bribing. In my own, own eyes, he (offender or offender’s family) paid R5000.”* In addition, two participants mentioned that the police are only willing to help when something is offered in return. P10 shared that the police said the following to him: *“Leave something in your drawer, we want your money.”* P18 related and confirmed what was said by P10: *“They (police) don’t care unless if you give them something, they’ll leave you free.”*

The CJS, therefore, is influenced by money and power and gives the perception that justice is for sale (Scharbatke-Church & Barnard-Webster, 2017). Helplessness, uncertainty, fear, desperation and a lack of knowledge among victims contribute to this

vicious cycle of bribery which distorts the functioning of the CJS and contributes to the next sub-theme: *'Limited or no support received from officials'*. This sub-theme also links to a sub-theme *'Sense of powerlessness'* which is later discussed under the theme *'Psychological factors for under-reporting'*.

Sub-theme 3.2: Limited or no support received from police. At times police officers' perceptions and attitudes towards a victim of a hate incident may play a significant role in how victims of hate incidents are treated (Nolan et al., 2015). Participants in this study reported that they were often instructed by the police to go back to their home country. Further, victims were sometimes refused assistance because of their physical attributes, such as accent and looks. P4 reported that the police were unwilling to assist her because of her nationality. The following was said to her when she went to report her victimisation: ***"They (police) will tell you if you come, did you, you didn't come because Africa was the money, you came empty, nobody open case for you."*** P8, for example, shared that when he was seeking assistance from the police, he was told to return to his country: ***"He'll say like that: why not leave this country? Go back to your country"***. P11 related and shared that when she wanted to report her case, she was told that she may not open a case with asylum papers and that she must go back to where she comes from: ***"This paper, you are not allowed, you are not allowed to do anything with your paper, just go home (referring to her home country)."***

Other participants related how they were not assisted by police officers because of their nationality: P4 said, ***"So, they don't help you anything"***. P6 related, ***"Every time coming to the police station, we (police) are tired of you (non-nationals), we are tired of you"***. He added, ***"We don't want you, foreigners, here"*** P8 added, ***"Even you go the police, they never do anything."*** P8 repeated, ***"Nothing, so I can't go."*** P7, ***"The police***

they are do nothing if you are going to report.” P9 confirmed what P7 said, “The same, the same like them. Ja”

P13 and P17 added that despite the police being present during acts of violence, they do nothing to assist the victims: P13, *“Everyone was screaming to the police: come, come help these people. Nothing they do, until now.”* P17 related, *“That very night (night of a xenophobic attack), when we (victims of xenophobia), come out, to see what’s happening, police was standing, police was there, people (offenders) were breaking shop, police was standing.”*

In addition, police officers often refuse to open individual cases in the case of mass- looting. P15 shared the following response from a police official, *“No you can’t, you can’t make the individual case because your area was looted, all of your resident areas”*. P16 related to P15’s experience: *“One number (case number) is given to all the people. You going to open is the same number, you going to open is the same number, you going to open is the same number.”* P6 and P19 added that when they are willing to report victimisation but are often prevented from doing so: P6 said, *“The police, when we call them, they know our voice (accent), they (police) don’t want to help us (victims).”* P19 related, *“We talk institutionalised xenophobia, of which, at least by your look or actually how you speak, your tongue (accent) can disqualify you also to get any assistance at the police station.”* P19 concluded saying,

The attitude itself of the officer discourage many of them (victims of xenophobia) not to go and open a case because once they (police official) see you, you are, you are a foreigner or a non-national, unless will not attend to you no matter what.

These findings are consistent with-what has been reported by Ueda (2020), who conducted 51 interviews with victims of xenophobia across three provinces in South

Africa. Ueda (2020) reported that police officers often minimise xenophobic incidents and see them as routine criminal acts and not as hate incidents. All of the above mentioned are in contrast with the VEP who aims to offer emotional and physical support to victims (DSD, 2007; DoJ& CS, 2009).

Sub-theme 3.3: Distance from a police station. P2 said that he did not report victimisation because there was no police station close to where he lives. Although only one participant struggled with distance, it remains noteworthy because distance or inadequate transport may prohibit many victims from disadvantaged communities in South Africa from reporting victimisation, thus increasing the chances of under-reporting (Breen & Nel, 2011; Hardy & Chakraborti, 2017).

Theme 4: Psychological Factors for Under-reporting.

The literature review conducted before fieldwork commenced mentioned several psychological factors involved in under-reporting hate incidents.

Sub-theme 4.1: Feeling unwelcome. This sub-theme links to what has been discussed under sub-theme: *'Limited or no support received from officials'* under the theme *'Practical constraints to reporting hate victimisation'*. The sub-theme *'feeling unwelcome'* refers to the negative perceptions commonly held towards non-nationals by citizens of South Africa, laypersons, and service providers alike and includes how victims may come to view themselves. Both relevant authorities and citizens' perceptions are hurtful and impact the victims in different spheres of their lives. One repercussion of the negative attitudes held by the citizens of South Africa towards non-nationals makes non-nationals feel unwelcome.

P1 expressed how he felt and compared himself to an insect: ***“We are like the insect, everybody wants to eat (kill).”*** P19 added that he knows he is not welcome in this country: ***“We are not welcome in South Africa.”*** P16 related: ***“This whole country doesn’t like us.”***

P7 added that people view non-nationals as inhumane, and this makes her feel unwelcome: ***“They see you like you are nothing. Even people whose laughing with us, before xenophobia, start xenophobia they (citizens of the country) look at you like a dog, and ask you why you are still here (South Africa)?”***

The feeling of not being welcome impacts the victims negatively, and as a result, some participants expressed the need to return home. However, they knew this was not a possibility.

P19 expressed his guilt and sense of not feeling welcome: ***“You know you're not wanted, go back home to your home county, one thing you feel is demoralised. You know, you feel unwanted, you feel guilt...”*** Participants shared that what is expressed daily by citizens of South Africa gives rise to the feeling of non-nationals being welcome, a feeling of guilt and being unwanted. P6, for example, communicated that some citizens assault and intimidate non-nationals, and this limits access to available support structures: ***“People treat me like that, again they assaulting us, intimidating us, we don’t go there (referring to places that can offer guidance and support). There's no place to go”.*** P6 shared an example of an incident where he felt unwelcome when someone said: ***“Leave this country, you stupid people, we don’t want to see you.”*** P10 added that because he is from the Democratic Republic of the Congo (DRC) the following was said to him: ***“There is no job for you foreigner, you must go back to your country.”*** P18 shared that while being beaten the attackers were telling him: ***“Go back to your country.”*** P6 added that he hates being a non-national and this hate was repeated for emphasises: ***“I shouldn’t***

be happy; I must hate myself. I must hate being here in South Africa, being foreigner, I always say, even church, I hate being foreigner, being foreigner...” Thus, what is being communicated both by South Africa laypersons and service providers may give rise to the feeling of non-nationals not being welcome and inhibits reporting victimisation out of fear and guilt for being who they are and where they are from.

Sub-theme 4.2: Reporting - a futile exercise. In general, victims of hate incidents often think that reporting to the CJS is a waste of time (Chakraborti, 2018; Murphy, 2013). What was shown in the literature was confirmed by participants in this study when asked why victimisation is only occasionally reported (to the CJS). P6 said: *“So sometimes, we don't report because they (police) don't help us.”* P6 added that the police have failed several times to protect him before: *“Because they fail to protect us several times.”* In conclusion, P6 said that when reporting takes place, the offender often walks free and will seek retribution, as elaborated on under the heading ‘*Secondary victimisation*’:

That guy (referring to the offender) was arrested for two days, the second day comes and kill me (victim) because, when he (referring to the offender) go to court, even the investigator when he is writing, he's writing lies. They give him 500 the family, write is more like what happened to me is not exactly on the detective's paper. When they go to court, that guy (referring to the offender) is going to get bail, the second day I am dying.

This also relates to extortion, which was discussed under the heading: ‘*Practical constraints*’. P5 shared that when he went to the police to conduct a follow up on a reported case, the following was said to him: *“Wena (you are a) kwerekwere”* (a derogatory term for non-nationals).” This confirms what has been discussed under

“Limited or no support received from relevant authorities” that perceptions and attitudes towards a victim of a hate incident play a significant role in how victims are treated (Nolan et al., 2015). As mentioned by P5 above, relevant authorities in many instances do not assist victims of hate incidents because of the victim's nationality. Both P3 and P5 confirmed the lack of assistance from the police: ***“Because the police don’t want to help us. It’s too much”***. ***“The police he will see, he never does anything. So how can I go to the police station?”*** The lack of assistance makes P5 question if he will report an incident in the future. P8, however, was adamant he will not report to the police again because it is futile: ***“I don’t want to waste my time.”***

P18 related to this when he said that he is also unlikely to report victimisation to the police, but instead will go home and cry about the incident and then move on, linking to sub-theme: *‘Desperation/Hopelessness/ Helplessness.’* ***“I’m not going to waste my time. It’s better for me to, to cry myself at home and carry on; that’s all, that is the only two things I can do.”*** P19 mentioned that he reported multiple times. However, after seeing that two of his previous cases were not attended to, he will not report, as it takes up a lot of his time which can instead be utilised for his kids and family. Further, he has a family to support, rent and school fees to pay: ***“So, he resorted to not opening any further case because he said at the end of the day, they (police) will do nothing in terms of investigating or bringing the culprit to book.”*** P9 added: ***“It is actually more time-wasting, and he saw it is even useless to go and spend almost a whole day opening a case that will not be investigated.”*** P11 concluded: ***“The things there, they (police) can’t help you, you are just wasting time to go.”***

From what was shared, it is apparent that the participants perceived reporting as futile. This perception may be one of the most significant contributing factors to the under-reporting of hate victimisation among non-nationals, or at least among the group of

participants. Lack of faith in authorities may also be a significant contributing factor to under-reporting, as will now become evident.

Sub-theme 4.3: Lack of confidence in relevant authorities. The HCWG reported that one reason for under-reporting was related to a lack of trust in the CJS due to previous negative experiences (Mitchell & Nel, 2017; Nel & Mitchell, 2019). In addition, the Victims of Crime Survey, released by StatsSA in 2018, reported that levels of satisfaction in relevant authorities, services and courts have been decreasing since 2014/15 (Nicolson, 2018). Nicolson's study showed that only 54% of people are satisfied with how the SAPS dealt with criminals and 41% of respondents were satisfied with how the court dealt with crime. P19 expressed his lack of confidence in the CJS: ***“He lost confidence in the South African Police Service.”*** He added, ***“There is something, the inefficiency part is what is even making him not open cases.”***

Dissatisfaction with relevant authorities is often caused by a feeling of not being listened to, not being taken seriously, not treated with empathy, delays in communication and updates regarding the reported cases; limited or no follow-ups and failure to bring perpetrators to justice (Chakraborti, 2018). In addition, it is important to keep in mind that victims of minority groups, in general, are less likely to report incidents to the CJS (Murphy, 2013).

In this study, participants indicated that they are less likely to report due to losing faith in the CJS. Reasons included that relevant authorities do not help, relevant authorities and offenders are the same people, offenders do not get apprehended, negative experience with relevant authorities, lack of trust in the service, or hearsay. The following extracts are indications of participants initial responses when asked if they reported to relevant authorities before or plan to do so in the future, followed by different reasons for losing faith in the CJS:

4.3.1 Relevant authorities do not help. When participants were asked the reason for under-reporting or not reporting, a sense of resistance among the participants was common. P2 shared that the police are so often present during lootings or other attacks on non-nationals but limited or no support is offered from their side: ***“You can get attacked, the police is standing like this, just look at you like this.”*** P6 added, ***“They (police) fail to protect us several times.”***

Participants communicated that sometimes they also experience limited or no support from the police. P5, for example, shared that he had reported to the police before, but nothing happened with the case: ***“I reported to the police, nothing they do.”*** P7 related to P5’s response: ***“They didn’t do anything.”*** P16 shared,

So, the time, the people, the police they are coming out (to the site where victims were victimised), ***you gonna hear the voice because “wah, wah, wah, wah”, they*** (looters) ***are passing. So, this xenophobia is passing here the time they were coming*** (police who arrived on site) ***out, it was early they*** (police) ***supposed to stop them*** (offenders), ***but they didn’t stop them.***

P17 added: ***“The police, they give us (victims) the papers, but nothing will be done. It is useless to report.”*** P8 explained that he is not afraid of officials but knows that nothing will be done to help: ***“Even you go the police, they never do anything. I applied, they never do anything, a lot of South African Police.”*** P8 added, ***“I didn’t go because I don’t trust them. I don’t trust them*** (police).” P6 further added that sometimes officials do not even answer him when he is at the police station: ***“When we go to the police, they don’t even answer.”***

P11 added: ***“They (police) can’t help you. That’s why we just leave it*** (do not report) ***because we know*** (no help will be offered).” P12 repeated and emphasised what

had been said by others: “*My sister* (talking to the researcher), *there is no help.*” P18 communicated that he knows nothing will be done when he reports to the police: “*I couldn’t report to the police because I knew, I knew that they won’t be able to do nothing. Nothing.*” P18 concluded by adding the emphasis on ‘nothing’ will be done to assist him: “*They will do nothing, nothing, nothing, nothing.*”

Low levels of satisfaction and trust in relevant authorities impact how and if a victim will report a hate incident. This is true for the participants who felt that nothing was done to help them, as limited or no assistance was available when needed. This experience, however, may vary from victim to victim and cannot be generalised. Regardless of reporting being considered a futile experience by most participants, and with a perceived lack of support from relevant authorities, reporting of victimisation by participants was low.

In addition to the above-mentioned, these two factors for under-reporting were also noted by the researcher. Although not mentioned by many participants, they remain significant and should be included in the list for possible reasons for the under-reporting of xenophobic incidents. This includes the perception that relevant authorities and offenders are the same people and that offenders rarely get apprehended for hate incidents.

4.3.2. Relevant authorities and offenders are the same people. The perception that relevant authorities and offenders are the same people was mentioned by only two participants. This sub-theme corresponds with what has been reported by the HCWG as one of the possible reasons for under-reporting, namely perpetrators were, or included, justice officials (Mitchell & Nel, 2017; Nel & Mitchell, 2019). P1 said: “*I will go* (report victimisation to the police) *but* (it) *doesn't do anything because they* (police and offenders) *are the same people.*” P6 added: “*So totally, we don't believe in South*

African Police. Police themselves they are the bigger criminals". P6 concluded, "*We* (victims of xenophobia) *are scared of the police more than criminals*". Hate victimisation leads to high levels of fear. It is enduring. Therefore, reporting to relevant authorities will only occur when victims of hate incidents believe that reporting will be worth their while and that the support sought will be obtained (Moore & Trojanowics, 1988).

4.3.3 *Offenders not apprehended for misconduct.* In interviews with 51 victims of xenophobia, Ueda (2020) reported that offenders are arrested for their crimes, only to be released within a few days without proper investigation, leaving victims vulnerable to retribution. Gastrow and Amit (2012) and Nel and Breen (2013) found that only a few cases of hate incidents reported by non-nationals proceed to court and are often labelled as business robberies. Others were defined as public violence, arson, or murder, without acknowledging the underlying hate motive. Conviction rates are low, and trials are often lengthy.

In this study, two participants shared that they reported victimisation to the police, only to see that offenders were not apprehended for their misconduct. This phenomenon links to one of the previous sub-themes, '*Reporting - a futile exercise*'. P6, for example, shared:

When I was robbed, I went to the police station, I report our case, if I pay, maybe they will open the case, they came maybe after three days, the person (offender) who victimise me who rob me is gone. So sometimes, we don't report because they don't help us. Because they fail to protect us, several times.

P5 added that when he reported, nothing was done, and the offender walked away freely: "*Those people I go to the police station there just I check to see that guy it's a*

criminal to go to go to court, nothing.” P8 shared: *“You (victim) open the case, just they (police) will give the appointment and say come this day, come this day, come this day, but nothing happens.”* As a result, victims may feel that reporting to relevant authorities is futile, and therefore reporting does not take place as often as needed, nor as required by law. Whether based on first-hand experience or hearsay, all the above-mentioned factors resulted in a lack of faith in the CJS.

Sub-theme 4.4: Sense of powerlessness. Powerlessness, in this study, refers to the inability or lack of power to change a situation one might find oneself in. Victims may feel confused, fearful, annoyed, or frustrated as hate victimisation is unlike any other life experience, and it is never welcomed (Canadian Resource Centre for Victims of Crime, 2005). Hate victimisation tends to be unavoidable, is often surprising and random (Canadian Resource Centre for Victims of Crime, 2005). Participants in this study shared that they felt helpless, alone, defenceless, and despondent. P4 stated nobody could help victims of xenophobia: *“We can’t do anything because they (police) don’t help us.”* P6 further said that he feels that he cannot defend himself and that no one is hearing their cry for help, *“Nobody is hearing us, nobody because of we are not South African.”* P7 related to what was P6 said that because of their nationality no one was listening: *“Because they (police) can’t help you, because you (victim) are a foreigner.* P5 shared how powerless he feels when he is in danger, *“When you have that danger, imagine you can’t know where you will go.”* P9 added, *“They (police), nothing they can do.”* P11 emphasised: *“There’s nothing we can do. Even this xenophobia, there’s nothing.”* and P12 concluded by saying, *“My sister (talking to the researcher), there is no help.*

P1 expressed to the group he is becoming despondent: *“We (talking for the group) are getting tired, we don’t know what we must we do.”* P9 added, *“This is life.”* While P6 compared his experience to hell: *“I’m in hell. Nobody is hearing us, nobody because*

of we are not South African.” P12 accepted xenophobia as part of his life: *“So, it’s part of us (victims of xenophobia) this thing (xenophobia).”* P11 added, *“That’s why we just leave it because we know nothing can be done.”* P14 shared her experience with extortion and explained that her case will not be opened by the police if she does not pay a bribe. This experience created a sense of powerlessness as there is nothing else, she can do to change it: *“It’s useless but I report and under my nose, the guy (offender) bribes the (police) R5000 and I don’t have money, you think they (police) will take my case? No.”* This last quote links to the sub-theme ‘*Extortion*’ which was discussed under the theme ‘*Practical constraints.*’

Sub-theme 4.5: Frustration. In this study, frustration refers to a sense of annoyance that resulted from an inability to change or achieve anything. Because of the uniqueness of hate incidents, the victims often feel frustrated (Canadian Resource Centre for Victims of Crime, 2005). “Many victims are frustrated by the feelings of helplessness or powerlessness that surface when the crime takes place” (Canadian Resource Centre for Victims of Crime, 2005, p. 2). Not only is frustration experienced during victimisation but also afterwards when victims struggle to access the support they need to heal (Canadian Resource Centre for Victims of Crime, 2005). Participants in this study communicated the following frustrations: P4, *“We can’t do anything because they (police) don’t help us.”* P4 felt frustrated as no assistance was offered to her when it was needed. P6 added that the police do not like non-nationals and are only willing to assist if a bribe is paid.

Also, when victims of xenophobia call the police, the victims' accents present a barrier, and as a result, there is no or limited support: P6 said: *“The police, when we call them, they know our voice, they don’t want to help us.”* P12 emphasised what was said by P6: *“They did nothing. Nothing.”* P8 added that he feels that the police have no

control or power: ***“He (police official) never do anything.”*** He added that the ***“police is here, he never does anything, South Africa, I don't know why. He never controls, he never protects.”*** P9 concluded, ***“Nothing, they (police) write (a statement) and they give us the case number, nothing more.”***

P6 further shared he feels he must keep his victimisation quiet, as sharing it with the police holds in store secondary victimisation or possible retribution from the offender. As a result, he feels he cannot be happy and instead should hate himself for being a non-national: ***“So, I shouldn't be happy, I must hate myself. I must hate being here in South Africa, being foreigner, I always say, even church, I hate being foreigner, being foreigner...”***

The hate felt by P6 is repeated by another participant for emphasis. P7 added: ***“I was just crying; I will say what. I was just crying.”*** P2 communicated his frustration with the researcher too:

Yes, you gonna scream, neh, you gonna scream until until (sic) you die there in the street and the police they are there. Or they can catch you, they can put tire to you and then they fire (necklacing) and the police they are standing that side...

P8 added, ***“I'm not happy because I feel like I don't know what to call it.”*** ***“I feel bad. I feel bad, very bad, and even now sometimes, I, I, I miss my home and also I got problems. Sometimes it's the same problem.*** Besides the frustration about the limited support received from relevant authorities; victims of xenophobia are frustrated that only one case number is given to all victims of a mass incident of xenophobia. P16 and P17 shared:

“One number, to all the people. You going to open is same number, you going to open is same number, you going to open is same number.” And

“For me it’s not fear, it’s just that, as we went there, just imagine, the one case, for all these people, foreigners that we are here.”

The following quote touches on the next sub-theme, ‘*Hopelessness*’. P11, *“There’s nothing we can do. Even this xenophobia, there’s nothing.”* Thus, frustration and feeling powerlessness is evident among victims of xenophobia and should be looked at with the sub-theme, hopelessness.

Sub-theme 4.6: Hopelessness. The effect hate incidents have on a victim’s health is astounding. Victims of hate incidents are generally more likely to experience PTSD, depression, anxiety, for example, which is usually accompanied by fear, anger, and a sense of hopelessness (Legal Counsel, 2019). Hopelessness refers to a situation that is impossible to fix or solve. It further suggests the cessation of all efforts to resist whatever is happening. A sense of hopelessness was communicated by the participants and are visible through these extracts: P1 said, *“So, you can go to the police knowing maybe it’s where I’m going to get help, but when you reach there, you become... dis, dis, disappointed.”* P5 related and said, *“Nothing, nothing they (police) will do. Is that when you run, you don’t know where you go... It’s pain, me, I don’t want to even talk.”* P6 added, *“When we go to the police, they don’t even answer.”* P9 said, *“You report to the police, you can’t do anything. That side...”* P8 added, *“The police are here, but they never do anything, I don’t know why. He (police official) never control, he never protects.”* P6 then shared with the researcher he has no hope for himself in South Africa: *“Myself, I don’t have hope here in this country. Because they fail to protect us, several times.”* P12 related, *“Every time I wake up, I’m still South Africa, I’m still there.”* P7 shared: *“I was just crying; I will say what. I was just crying.”* P11 concluded, *“We (victims of xenophobia) are used to it but there’s nothing we can do. It is painful, but what can I do? Nothing.”*

P17 added that she feels helpless, she explains that she came to this country because she was escaping war in her home country. She was not looking for a better life, she just had nowhere else to go: ***“We are really helpless.”***

Sub-theme 4.7: Fearing retribution. Fear of retribution refers to victimisation from community members or the offender after reporting or attempted reporting. These extracts communicate the fear of retribution among the participants: P5 said, ***“You can’t go to, to report them because nothing they will do, those people (offenders) will come back and ask you why are you going to the police. They (offenders) will kill you.”*** P5 emphasised, ***“When you go out the police station, they (offenders) catch you.”*** P6 added, ***“The police and these people (offenders), they are working together. And the next day, they will come, they will come and kill me if I open the case.”***

When the researcher asked the group what their fears are when they report to relevant authorities: P5 said, ***“Revenge”***. P2 and P8 said, ***“I’m scared”*** and P14 said, ***“I’ve got fear, to be honest.”*** P2 elaborated, ***“Now I am scared, they are going to kill me, now I am going to lose my life. It’s what I’m scared of, now I don’t even sleep. That’s my problem.”*** P1 added that you fear being killed when you tell someone, but when you keep quiet it feels like you are dying inside: ***“I can tell you so there’s nothing can you fear, you be killed, you feel... okay and you keep quiet, and when you are quiet inside also you are dying.”***

The decision to report can be described as a catch-22; a situation where one is stuck between two contradictory conditions, in this case, to report or to keep quiet. P6 and P19 both shared that they fear reprisal after reporting victimisation: P6 said, ***“The person you are reporting to and the one you are reporting against may be the same. So, you may fear victimisation or reprisal from the person you reported to.”*** P19 added, ***“The police themselves they are the bigger criminals. When they (offender) rob you, if***

you (victim) open the case, that's for you the last day, you are gonna die in this country.” P6 also said, *“When they (offender) go to court, that guy (offender) is going to get bail, the second day I am dying.”* P19 concluded, *“Still he wants to open cases if he can, but unfortunately, these fears only come after you open a case.”*

Sub-theme 4.8: Fearing secondary victimisation. Victims often fear physical abuse by relevant authorities due to their xenophobic sentiments which they express (Gastrow & Amit, 2012). However, the fear may extend beyond physical abuse, as secondary victimisation, among others, also includes verbal abuse. This study found that victims are sometimes instructed, by relevant authorities, to return to their home country or were spoken to in derogatory language by police officers. Thus, “secondary victimisation occurs when the victim suffers further harm not as a direct result of the criminal act but due to how institutions and other individuals deal with the victim” (European Institute for Gender Equality, 2020, para.1). It may result from using insensitive language, repeated interrogation, insensitive comments, or repeated exposure to the offender (European Institute for Gender Equality, 2020). A reduced willingness to report to relevant authorities exists due to fear of secondary victimisation (Chakraborti, 2018; Nolan et al., 2015; Perry, 2003). The following extracts show how secondary victimisation is present in the CJS according to the participants: P4 shared:

We (victims of xenophobia) can't do anything because they (police) don't help us (victims of xenophobia), they used to insult you when you were there, you didn't come with the money, this is South Africa, this money is for us. So, they don't help you anything. So, it's better to run home right we just come here.

P7 related, *“Even at the police station there's xenophobia there.”* P8 added what a police official said to him, *“Why not leave this country?” Go back to your country.”*

Thus, it is important to consider secondary victimisation when looking at psychological factors preventing victims from reporting to relevant authorities.

Theme 5: The Way Forward, a Third-party Reporting Mechanism.

This theme, *'The way forward, a third-party reporting mechanism,'* is interlinked to everything that has been discussed and should not be viewed as a stand-alone. What has been shared is the foundation in understanding if and how a third-party reporting mechanism can be implemented in South Africa and its feasibility.

Sub-theme 5.1: Workability of a third-party reporting mechanism. The explanation of what a third-party reporting mechanism was followed by a question about whether participants think the implementation thereof in South Africa may work or not. The following feedback was obtained from participants: P6 said, ***"It's not gonna work this thing."*** P4 related by saying, ***"Not really."*** P2 confirmed, ***"It's not gonna work."*** P8, P9 and P14 expressed some belief in the workability of such a system, as all three said ***"maybe"*** when asked if such a mechanism will work or not. P18 and P19 were the only two participants who gave a definite yes on the workability of such a mechanism, but P18 added, ***"It will work but it's gonna take time."*** In summary, 68% of participants gave a definite no, 21% said maybe, and 11% gave a definite yes. After participants gave their responses, the researcher asked the group to elaborate on why the implementation of third-party reporting mechanisms may, may not, or will work.

P2 communicated that he got no help from an NGO tasked with supporting non-nationals. Because of this experience, he is not very optimistic about a potential third-party reporting mechanism. ***"But they didn't help me anything."*** This feeling and the lack of belief is consistent with what Chakraborti (2018) reported. When support from relevant organisations is low or absent, victims are less likely to report victimisation, as

was the case of P2. P13 related to P2's experience, "*Now I'm coming to (name of the organisation he went to) doesn't have, doesn't getting nothing for assistance for emergency for this xenophobia, there is nothing we can do for you.*" P17 confirmed, "*Nothing.*" P11 asked how a third-party reporting organisation will help them as victims if the relevant authorities cannot: "*There's no way it can work because even relevant authorities they cannot manage, how the other people they can manage to help us?*" P6 also added "*That's not gonna work because remember the first thing the South Africa law, you kill people, the second day you get bail. Ja you'll come tomorrow; the Constitution is very nice for criminals.*"

P6 continued saying that the people within the system have not changed, and therefore corruption or bribery will still be present in the new system:

So, there's no need for that, it's going to be worse for us because the second, for me I can say the people who are working on this, this, the third organisation, it could be South Africans black, they are more worse (sic). I know everywhere is bribe, everywhere, everywhere is corruption, everywhere.

P1 confirmed what was said by P6: "*There's the same leaders, the same, no, no, no the system will be the same thing.*" P1 further added: "*Those people who are within the organisation are the same people who used to report to because they are South Africans, they are inside and that they some people who are doing the same thing.*" P8 related to the above: "*The problem is the people, the country. Especially for that, for the police.*" P14 said, "*I don't trust anyone.*" P19 added, "*You know we (victims of xenophobia) are not welcome in South Africa.*" He added, "*a third-party reporting will be the voice of the law enforcement that currently does nothing for them*". P13 related by saying, "*South African law belongs to everyone who's living in South Africa.*"

Thus, if the attitudes of the people working within the system remain the same, victims of xenophobia will continue to face challenges when reporting, whether reporting is directly done by the victims or via a third-party reporting mechanism.

When participants were asked if implementing such a mechanism will work, P8 suggested maybe: ***“Like human being sometimes, they change their mind.”*** This way of thinking links to what P19 said:

Inefficiency aside, he said he is very hopeful such a system will work. And it may take time but it will work for the betterment because it’s safe for us (victims of xenophobia) going to a third-party. That’s why I am here, and he said it’s always good, rather than the police that is ineffective, inefficient, and are not doing much at least to report our matter to that party (third-party reporting mechanism) that can take the matter, open it, you know, follow it thoroughly, update us.

P14 related, ***“Maybe an NGO can help us.”*** P18 was hopeful about the workability of such a mechanism, ***“Because the person in the organisation is not one person.”*** Instead, multiple people will be working together to help victims of xenophobia. P18 emphasised, ***“It’s not one. It’s an organisation and maybe, I hope, maybe, is going to work because they know, they (officials within the third-party reporting mechanism) know the law.”*** P19 also said,

“He has confidence that they (officials within the third-party reporting mechanism) may actually take his plight further than where he could actually take them. He said, the outcome is not necessary to him but he can have a backlash, that he can be successful, but the belief and the confidence are that at least he knows his community office or the third party can take the matter further than where he can take it.

Sub-theme 5.2: The way forward—what is needed. With the concerns in mind, the researcher asked the participants what needed to be done to make a reporting mechanism work. These extracts communicated what participants feel is needed: ***“Train them, teaching them.”*** This suggestion was made by P6, who felt that training and teaching relevant authorities on xenophobia and hate incidents would help make a third-party reporting mechanism more successful. P1 related: ***“Those people who are within the organisation are the same people who used to report to because they are South Africans, they are inside and that they some people who are doing the same thing.”*** P4 agreed with P6 and P1, thus the only way to change what is going on inside the system is to train officials on the issues at hand. P6 said that the issue at hand starts at the government level, and she suggests that basic training should start there and move into communities: ***“So that’s the problem, so government, they must start from government to society...”*** Training, however, should not only be provided to people within the CJS but to all citizens of the country: ***“Human mind is already corrupt; you will be corrupt even. So, I don't know, so change the system, as is the new system even inside, those who are working must be changed.”***

P17 added it is the people in the system ***“who’s bad”***. P5 expressed her fear of being seen at the organisation she was at for the research: ***“I was scared to come even here.”*** This fear shows just how significant the issue is to eradicate all stereotypes regarding service providers and ensure that reporting offers a safe space to victims of xenophobia. P13 related:

In the office (referring to an office at the organisation she went to after being victimised), ***they are assisting people for counselling, when they talk to me they say: “no what’s wrong to go back to your country?” You***

called me to assist me with counselling, now you start going why are you not going to your country.

Hardy and Chakraborti (2017, p.10) concur that it is the local government's responsibility to ensure that “frontline practitioners have the right resources to take part in community engagement” to create dialogues within the communities, to increase trust and increased cooperation. The above extracts emphasise just how much of a hurdle negative attitudes from relevant authorities are for victims of xenophobia when they need to report an incident. Thus, to conclude, training will need to be provided to all relevant authorities to eradicate any further victimisation of victims when reporting occurs.

P14 further suggested that the term asylum seeker should be explained to citizens of South Africa hoping to reduce future hate incidents: *“Maybe the human rights have to improve again or try to go on the ground, explain that those people even they are asylum seekers, but they are still the human being.”* Raising awareness on issues related to xenophobia may improve the services offered to victims of xenophobia. P11, for example, explained that: *“They (organisation) phone you to go to (name of organisation), but my problem is to explain to a person who can say, he cannot even help me.”* P19 said:

“...the reputation of these things is actually what is being the problem. It could have actually been good but the scenario in South Africa is that as long as you are a foreigner you will always remain a survivalist. You make it today, tomorrow they break it.

P14 added that she would like to be heard, and P17 confirmed what was said, *“They (police) must hear our (victims of xenophobia) voices because like we are voiceless but at least they (third- party reporting mechanism) can speak on our behalf.”* As victims of xenophobia, participants communicated that they feel nobody is hearing

them. Thus, if the relevant officials at third-party reporting mechanisms can listen to them and talk on their behalf, it will assist them: P15, ***“Let them (officials within the third-party reporting mechanism) talk on behalf of us. Very good idea.”*** P14 added that she would like to be treated as a human,

“At least they (officials within the third-party reporting mechanism) must treat us as a human being.” Besides the above, P19 said that he would like for officials to check in with him after a case has been reported for regular updates regarding the case, as in other countries, not specified, he had lived in:

In other countries, he lived in, relevant authorities will motivate and call, and ask even you know, or give feedback but in South Africa the situation is different. You open case, they will send you and say it will be investigated, but that will be actually the end of it.

P18 expressed his need to have gained what was lost, and therefore he will only see such a mechanism as successful if harms were undone: ***“It’s better if you report something and you end up to, to get what you were expecting.”*** P19 added to what P18 said, ***“The only advice he will actually give it, that can make even the office more applicable or more results-oriented.”***

Unfamiliarity with third-party mechanisms and a resultant lack of trust in them may be contributing factors to the negative responses to such a suggestion. Using media daily to share what is happening with non-nationals will not only enlighten citizens on the hardships faced by victims of xenophobia but will also instil trust within victims that something is being done about their situation.

Chakraborti et al. (2014) and Chakraborti and Hardy (2015) reported that increased communication through campaigns and ongoing engagements with policymakers, relevant authorities, academics, and various public audiences have assisted

in raising awareness of these mechanisms available to the public including victims of hate incidents. Thus, using social media and other means of communication is critical for the success and implementation of a third-party reporting mechanism as it develops partnerships and allows victims' voices to be heard (Chakraborti, 2018). P19 said, *“Millions of people who will not even know the existence of such a third-party, will come actually come to know it.”* Considering what has been shared by participants, there are many barriers to reporting. Although most participants feel that a third-party reporting mechanism cannot work, considerable input was given on what they would expect of such a mechanism and what will be needed to change before it is feasible.

Sub-theme 5.3: How a third-party reporting mechanism may help overcome psychological barriers faced. The research findings of this study reported eight psychological barriers to reporting. Each reason may have been partially influenced by the impact xenophobia has on a victim or the barriers faced to allow for reporting. To tackle the barriers contributing to under-reporting, third-party reporting mechanisms as reported in previous research can make a difference.

The reasons for this are that a third-party reporting mechanism may be used to increase the understanding around hate incidents, and this enriched comprehension can be used to inform South African citizens about the challenges faced daily by non-nationals, with the idea of eliminating or at least reducing xenophobic attitudes (Home Office, 2016). Further, the data collected from third-party reporting mechanisms can analyse patterns of hate incidents, can demonstrate inter-related clues (Poornima & Harshith, 2017). Such a holistic overview of hate victimisation may lead to strengthened education within highly affected communities (Alberta Hate Crimes Committee, 2015; Victorian Equal Opportunity and Human Rights Commission, n.d.). Thus, the goal is to eradicate the negative attitudes held by citizens and relevant authorities to increase a sense of

belonging among non-nationals. At times, this may automatically decrease the sense of being alone, the daily sense of helplessness and hopelessness experienced by victims and reduce the impact victimisation has on a victim.

Further, training for officials may increase the support offered to victims of xenophobia and may lessen bribery, a major issue. More support and assistance from relevant authorities will instil a sense of trust and eradicate the belief that reporting is a waste of time. Fear of retribution and secondary victimisation may dissipate. Thus, designing and implementing third-party reporting mechanisms in South Africa will assist in reducing the current psychological barriers faced by victims of xenophobia. However, from the participants' viewpoint, much needs to be achieved before this can be a viable option.

Conclusion

The research uncovered various physical and psychological barriers to reporting and the opinion on the workability of a third-party reporting mechanism. The findings were supported by literature and verbatim quotations from the participants' stories.

The research elucidated eight psychological barriers to under-reporting, namely feeling unwelcome, reporting is a futile exercise, lack of confidence in relevant authorities, powerlessness, frustration, powerlessness, retribution, or secondary victimisation. When participants were asked why some cases are reported and others not, they indicated they often feel they had no choice but to report. Also, some still have confidence in the police, or reporting takes place through an existing organisation that helps victims. Extortion and limited or no support received previously from relevant authorities are two factors discussed during focus group discussions; both are practical constraints and play a role when victims need to choose between reporting and not

reporting. Victims of xenophobia feel alone, desperate/hopeless and are at times affected on a physiological level. Therefore, alternative methods to reporting are needed to ease the aftereffects of victimisation on the victim, for example through assistance with reporting.

Although most participants did not think the implementation of such a mechanism will work, participants shared their feelings and attitudes, which can now be addressed during the design and implementation phase of a possible third-party reporting mechanism. The study's findings may be of benefit to professionals in this research field and those lobbying for the rights of non-nationals. The next chapter summarises the findings, discusses the strengths, limitations and provides recommendations for future research.

Chapter Five: Summary and Conclusion

Introduction

The study explored the under-reporting of xenophobia to South African authorities and considered psychological barriers to reporting. The study, furthermore, sought to examine how and if a third-party reporting mechanism can potentially reduce such under-reporting in conjunction with the current underperformance of existing reporting mechanisms across the globe. Hate victimisation results in a higher number of injuries increased chances of psychological distress and secondary victimisation and therefore, all authorities in South Africa should be taking hands to eradicate under-reporting and the high number of xenophobic cases within the country. By doing so a more in-depth understanding of hate incidents will be obtained and may also present authorities with data on offenders and the patterns of victimisation, which over the long term will decrease and potentially eradicate xenophobia.

In seeking to explore if and why participants reported to the police or not, and how and if a third-party reporting mechanism will help, a safe space was created for participants to share their experiences. From the four focus group discussions, it was noticeable to the researcher that victims need a safe space that offers real help, understanding and support and not only a place offering hope. Victims of xenophobia need to be equipped with the knowledge on how, when, and where to go if victimised.

Data for this qualitative study were obtained through semi-structured interviews. The study was premised on two research questions (a) what are the psychological barriers withholding victims of xenophobic incidents from reporting to authorities; (b) how and if a potential third-party reporting mechanism could be used to overcome the psychological barriers experienced by victims of xenophobic incidents in South Africa.

Summary of Findings

Five themes were utilised during thematic analyses, (a) effects of xenophobic victimisation; (b) reasons for reporting xenophobic incidents; (c) barriers to reporting, including practical constraints; (d) psychological factors for under-reporting; and (e) the way forward, a third-party reporting mechanism. Each theme identified were discussed in Chapter Four and are summarised below.

Theme 1: Effects of xenophobic victimisation. Themes 1 discussed the participants' experiences related to xenophobia and was sub-divided into: feeling alone; desperation/ hopelessness/ helplessness; and physiological impact.

As found in other research (Chakraborti, 2018; Chakraborti & Hardy, 2015, Chakraborti, 2015; Hardy & Chakraborti, 2017), participants in this current study communicated to the researcher how they are suffering alone, with no or minimal support available and that no one cares about them because of their nationality, exacerbating victims' sense of alienation. Participants also communicated that they felt powerlessness, anger, fear, guilt and shame for being non-national.

This study moreover found that victims of xenophobia suffer from high levels of psychological distress resulting in a sense of helplessness. This was similar to what was found in a previous study reported by the APA (2013). Furthermore, some participants in this study, akin to those in other studies (APA, 2017; Herek et al., 1991), reported that they, at times, have trouble sleeping, feel sick, have a lack of appetite, are shocked and emotionally tired. For example, participants communicated that they are getting despondent, have challenges sleeping and experience shock after an incident of hate victimisation. It was thus concluded that continuous exposure to xenophobic incidents impacts the victim negatively and the physiological impact of xenophobia may be a contributing factor to the under-reporting to authorities.

Theme 2: Reasons for reporting xenophobic incidents. Under-reporting of hate victimisation is real, and it was vital to understand more. Participants in this study communicated that they are more likely to report victimisation if it is considered serious and they have no choice but to seek assistance, as in the case of murder and arson. This is similar to the findings of Clayton et al. (2016); Goudriaan et al. (2004) and Tyler (2011): the more serious the victimisation, the less hesitant a victim is to report victimisation to authorities. In addition, victims revealed that at times despite previous experiences or negative hearsay, they continue to have faith in the CJS and felt a duty to report whether at SAPS directly or to other supporting agencies.

Theme 3: Barriers to reporting, including practical constraints. Participants in the research study mentioned both practical constraints and psychological barriers when it comes to reporting xenophobia. Pertinent responses from participants in this study included a reference to police officers asking for money before offering any assistance and the bribing of officials by alleged perpetrators to get parole or to walk away freely. Sometimes, participants were instructed by authorities to return to their home countries instead of being offered any service. In other instances, participants communicated that they were not helped, because of their nationality. In general, the attitude of various officials was negative, and police officers minimised xenophobia by seeing it as routine criminal acts and not as hate incidents. Thus, both extortion and limited support received from authorities led to victims of xenophobia rarely reporting, but these barriers were not the only hindrances to reporting. Various psychological barriers to reporting were also identified during analyses.

Theme 4: Psychological factors for under-reporting. Previous research reported that victims of minority groups are usually less likely to work with authorities as it is often seen as a futile exercise (Chakraborti, 2018; Murphy, 2013). Possible reasons

identified from the research is seeing reporting as a futile exercise include limited protection, offender walking away freely, the possibility of retribution, secondary victimisation, and a lack of assistance.

Besides seeing reporting as a futile experience, participants indicated that they are less likely to report due to losing faith in the CJS because authorities do not help; authorities and offenders are the same people; offenders do not get apprehended; experience with authorities; lack of trust in the service; or hearsay. The above-mentioned barriers to reporting gave rise to a sense of powerlessness, frustration, and hopelessness among victims.

Participants viewed their experiences as unavoidable and, as a result, have ceased any efforts to change the outcome or to prevent/decrease xenophobic acts. Thus, powerlessness, frustration and hopelessness summarise best how victims of xenophobia feel and why under-reporting by victims is so often the go-to option. In addition to the above-mentioned factors, fear of retribution or secondary victimisation also plays a significant role in reporting xenophobic incidents.

Theme 5: The way forward, a third-party reporting mechanism. When participants were asked about the workability of a third-party reporting mechanism to assist in reducing above mentioned barriers to reporting, most participants (68%) communicated that they do not believe such a mechanism will work, 21% said maybe, and 10% gave a definite yes.

Participants shared multiple reasons why such a mechanism will not work. Reasons were related to experiences with civil society organisations. At the same time, concerns were raised regarding the persons involved in the design and implementation of such a mechanism. A strong sentiment raised by several participants suggests that

authorities who must execute the reporting system will be from the same communities they have to report to, raising concerns regarding endemic corruption within South Africa. Other comments made were based on previous experiences with organisations that could not assist, and a concern regarding this was raised.

Strengths

Method of data analysis. Braun & Clarke's (2006, 2018) method of data analysis allows for in-depth analysis. In-depth analysis is obtained through a six-phase guide, namely: familiarisation with the data; generating initial codes; searching for themes among the codes, reviewing codes; defining; naming themes; and producing a final report.

Quality assurance. An individual not a part of the research process assisted the researcher during data analysis and the writing up phase of the data.

Themes identified and previous research findings. Although research findings related to barriers to reporting, specifically among victims of xenophobia, are limited, many themes identified during the analyses were supported by previous research. In addition, although participants did not all share the same thoughts and feeling, broad and repeated themes were identified during analysis making the internal validity of the study high.

Limitations

Purposive sampling. Based on the reliance on inclusion and exclusion criteria to recruit and select participants into the sample means that purposive sampling was used. Purposive sampling methods cannot be generalised across the population as it is not an accurate representation of the targeted population. However, due to the sensitivity of the

research study and the limited access to potential participants the use of non-probability purposive sampling was deemed the most appropriate. In addition, it was initially assumed that more participants would be female as recent research shows that the number of female migrants to South Africa is increasing and female migrants are more vulnerable to violence, abuse, exploitation, and trafficking (Mbiyozo, 2018).

This, however, was not the case with this research study as 63% of participants were male, and 37% were female. The demographics, however, are the same for the study conducted by the HCWG that had 64% of participants identifying as male, 28% as female, 8% as transgender. This might communicate that males are more likely to report or share their experience than females, and at times this may cause female victims to be under-represented.

Obtaining participants. The researcher was dependent on organisations specifically focusing on servicing non-nationals for inviting participants and using their venues. One of the well-placed organisations in the sector was chosen as one of the three organisations to assist. However, the researcher was declined because they were not willing to expose their clients to a focus group discussion, fearing potential psychological harm. The organisation was, however, willing to share case files. The research design did not provide for the extraction of data from case files, and there would have been no opinion on the viability of a third-party reporting mechanism. Gauteng-based organisations primarily supporting non-nationals are limited. One organisation declining participation meant that one of the two remaining organisations had to assist with two focus group discussions instead of only one as arranged during initial contact.

Sample size. Participating organisations were asked to invite at least five participants to each focus group discussion, with eight being the highest number of participants. Although invitations went out and participants confirmed participation, not

all honoured the confirmation to participate. As a result, focus group one had six participants, focus group two had four, three had seven and group four had two. Research suggests that focus group discussions ideally should be between five and eight participants to maximise interactions. Only one group met this criterion, and the information obtained from this group was much more detailed and participation within the group higher. The number of participants was confirmed by the assisting organisation the day before fieldwork; however, the true number of participants was only determined on the day of fieldwork. This delimitation was allowed because of the sensitivity and hard-to-reach population. To possibly minimise participants not attending one could provide participants with an incentive, at least enough to cover their transport fees. Offering an incentive might increase the number of participants arriving for the focus group discussions, which will enrich the study's data.

Language. English is not the first language of many non-nationals emanating from elsewhere in Africa, and as a result, much of what was communicated in the research study was in broken English. Questions to start a discussion within the group often had to be repeated. Repeating questions to participants was challenging to refrain from asking leading questions or influencing participants with preconceived ideas and beliefs. The researcher feels the data would have been richer if a translator were present, as in the case of focus group four. This, however, might be costly as participants spoke different African languages, and multiple translators would have been needed. A way to obtain translators for all participants without it being too costly is not yet determined and is something future researchers should consider when working with minority groups (non-nationals).

Recommendations and Conclusion

Findings from this study may inform the future development and implementation of a third-party reporting mechanism. Based on the research findings and literature consulted, the following are suggested recommendations relating to developing a third-party reporting mechanism.

From what participants shared, a third-party reporting mechanism is bound to fail unless authorities are trained on issues relating to xenophobia, for example., stereotypes and misconceptions held. In addition, participants shared the concern that all people within the system will still be the same even after implementing a third-party reporting mechanism, and therefore emphasised that everyone involved should be trained and educated to prevent or reduce secondary victimisation from authorities and to increase support and assistance within the system. Some also suggested that workshops should not only be presented to relevant parties but extended to communities. Increasing awareness may eradicate or at least to some extent reduce victimisation based on nationality and could increase the support offered to victims of xenophobia within the CJS. Thus, raising awareness and education of stakeholders and communities are key determinants of the potential success of a third-party reporting mechanism in South Africa.

With this in mind, perhaps the increased understanding of barriers preventing victims from reporting to authorities can eradicate what is preventing victims from reporting. Regular reporting may add to an increased understanding of xenophobia and may lead to better prevention efforts which will help non-nationals feel supported, understood, and safe in South Africa. According to the preface of South Africa's Constitution, the country ought to be 'home' for all.

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Appendix A

Covering Letter for Calls to Participate in Research

Dear XXX

My name is Zindi Steenkamp, and I am busy with my Master's degree in Research Psychology at the University of South Africa (UNISA). The research I am conducting is entitled, **‘Potentially Hurdling over the Psychological Barriers to Reporting Xenophobic Incidents through a Third-party Reporting Mechanism’**

The objective of this research endeavour is to understand the psychological barriers preventing victims of xenophobic incidents from reporting victimisation to authorities. Reporting, for this research, refers to reporting of hate incidents to relevant organisations or relevant authority figures (for instance, reporting to the police in case of criminal matters; and to the South African Human Rights Commission and Commission for Conciliation, Mediation, and Arbitration for civil matters).

The objectives of this research will be achieved by asking victims of xenophobic incidents, within a focus group setting, why the reporting of hate incidents takes place in some instances, and not in others, as well as what prevents or motivates reporting to authorities. Additionally, participants will be asked to give opinions/feelings on the use of a civil society organisation where xenophobic incidents can be reported (known as a third-party reporting mechanism); what is needed; and whether it will ease reporting of xenophobic incidents for them.

Furthermore, the data collected from participants will be used to determine whether, and how a third-party reporting mechanism can reduce under-reporting of xenophobic incidents in South Africa; what are the needs of victims; what are the advantages/disadvantages of such a mechanism; how can it be altered to work in South

Africa and what can be improved (based on previously developed or existing third-party mechanisms, elsewhere); and what will be needed to implement this mechanism.

I am hereby seeking your assistance and willingness to obtain between eight and twelve willing participants to partake in the research study. I am providing you with a copy of the information sheet, informed consent forms, as well as a copy of the approval letter which I received from UNISA's Research Ethics Committee. Upon completion of the study, I undertake to provide all participating organisations with an electronic copy of the full research report. If you require any further information, please do not hesitate to contact me on 084 064 1665 or zvresearch@gmail.com

I look forward to hearing from you soon and thank you for your time and consideration in this matter.

Yours sincerely,

Zindi Steenkamp

Appendix B

Information Sheet

My name is Zindi Steenkamp, and I am an Intern in Research Psychology at the University of South Africa (UNISA) in Pretoria. The research I wish to conduct for my master's degree involves understanding the psychological barriers preventing you as a victim of xenophobia from reporting victimisation to either the police, the criminal justice system or a relevant organisation. In addition to this, I would also like to know your thoughts/opinion on something called a third-party reporting mechanism. This is a tool whereby you as the victim of xenophobia report your victimisation directly to a civil society organisation that works with matters related to non-nationals, with a choice of extending the reporting to the criminal justice system or police (which will be done by the organisation). Thus, theoretically, it may offer an indirect, alternative, straightforward, quick and anonymous way of reporting xenophobic incidents to relevant organisations within South Africa.

However, it is important to understand that this is just an idea, and a lot of research and input is needed before this can be used in South Africa. So, during this 90-minute group discussion, we will discuss your experience as a victim of xenophobia, whether you reported to the police, the criminal justice system or an organisation of your choice (why or why not), your experience when you reported, your fears, challenges, and general feeling. Thereafter, we will start discussing the possibility of a third-party reporting mechanism (where you can report to an organisation directly and you will be assisted with reporting your case to the police or the criminal justice system if you choose to do so), what is needed for such a mechanism to exist in South Africa; and whether it will ease your reporting of xenophobic victimisation. Your participation in the research

will be much appreciated and valued, therefore, I would like to thank you for agreeing.

Below is a consent form I need you to sign, please read through the following section and sign the consent form on page three using a pseudonym (a random name chosen to protect your real identity).

I, Zindi Steenkamp (the main researcher) will be assisted by a co-researcher. Our roles will be to facilitate the group discussion, to ask questions and to make notes on what is being discussed among the members of the group. I can confirm that the research team will keep your information confidential when we write the research report. In addition, I will request from each member of the group to respect each other's privacy, and not to share anything outside of the focus group discussions; however, I cannot necessarily guarantee that this will be adhered to by all equally.

The research is sensitive and can be emotional. With this being said, I would like to ask you to please inform the research team if you are not comfortable answering a question. Lastly, this is a safe environment where you can share your story, challenges experienced in reporting victimisation and insights into the development of a third-party reporting mechanism with the group and you will not be judged.

Appendix C

Consent Form

I, _____ (pseudonym), confirm that I was informed about the purpose of this study and that I understand what will happen over the next 90 minutes within the group.

I have read (or had explained to me) and understood the study as explained in the information section above.

I have had enough opportunity to ask questions and am prepared to participate in the study.

I understand that my participation is voluntary and that I am free to withdraw at any time during the focus group discussions without any consequences, and I am aware that I will not be able to withdraw myself from this study once the group discussion finished.

I am aware that the findings of this study will be processed into a research report, journal publications and conference proceedings, but that my participation will be kept confidential since I only give a pseudonym.

I agree with the recording of the focus group discussions

There will be no payment for participating in the research

I have received a signed copy of the informed consent agreement.

First Name/Nick Name.....

Participant Signature..... Date.....

Researcher's Name & Surname..... (please print)

Researcher's signature..... Date.....

Appendix D

Non-disclosure Form

(This form should be signed by all individuals hired to conduct specific research tasks, e.g., note-taking, co-facilitation, recording, transcribing, interpreting, translating, entering data and destroying data.)

Project title- Potentially hurdling over the psychological barriers of reporting xenophobic incidents through a third-party reporting mechanism.

I, _____, the _____ (specific job description, e.g., interpreter/translator) have been hired/asked/or is the supervisor of the research student to

I agree to - _____

- a. Keep all the research information shared with me confidentially by not discussing or sharing the research information in any form or format (e.g. tapes, transcripts) with anyone other than the Researcher(s).
- b. Keep all research information in any form or format (e.g., tapes, transcripts) secure while it is in my possession.
- c. Return all research information in any form or format (e.g., tapes, transcripts) to the Researcher(s) when I have completed the research tasks.
- b. After consulting with the Researcher(s), erase or destroy all research information in any form or format regarding this research project that is not returnable to the Researcher(s) (e.g., information stored on a computer hard drive).

(Print Name)

(Signature)

(Date)

The plan for this study has been reviewed for its adherence to ethical guidelines and approved by the Research Ethics Committee of the College of Human Sciences, Unisa.

Appendix E

Interview schedule

Informal introductions were made to break the ice and participants were asked to share something personal, like their favourite colour, pet, etc.

1. We will not be going around the circle, anyone can answer this who chooses. So tell me this, after you were victimised as a result of your nationality, what did you do? Or where did you go too?
2. If you reported to the criminal justice system or another relevant organisation, did you report immediately or was it delayed? Tell us why you reported immediately or waited before reporting?
3. So, I am hearing that most of you told someone about the victimisation, whether it was a friend, family member, the police or whomever, but now I am wondering, for those of you who did report this incident to the police whether you reported incidents before this specific one you are thinking about now, to the police or organisations like this? Or was this the first incident you reported to the police? Tell me more about how you found the reporting process?
4. If you did not report the incident, share with me why you did not report it? What prevented you from doing so?
5. So, I am hearing **XXXX** are some of the factors making it quite difficult for you to report...Besides these mentioned factors...What will you say are other challenges you are facing when you need to report xenophobic victimisation to the criminal justice system, so the police?
6. I am wondering if any other challenges are preventing you? So, I am thinking more psychologically than physical things preventing you from reporting.
7. Fear came up quite a lot, what fears are you having when it comes to reporting to the police?

8. Then lastly before we start with the next session; will you report your victimisation to the police if you were victimised again?

9. Some said yes, others no, what is the reasons for this?

What we would like to do now is talk about a possible strategy or solution that could be done to help reduce the challenges you are facing when reporting.

In some parts of the world it has been found that because it is so difficult to engage with police or other justice officials and authorities based on the reasons you have mentioned, an easier way of reporting has been implemented, which facilitates the reporting process.

This new method is what is known as a third-party reporting mechanism.

This is a tool where you as the victim of xenophobia report victimisation directly to a civil society organisation that works with matters related to non-nationals; in doing so you are given the choice of extending the reporting to the criminal justice system for example the police (which will be done by the organisation). So, there is no need to go to the police directly. Thus, theoretically, it may offer an indirect, alternative, straightforward, quick and anonymous way of reporting xenophobic incidents to relevant organisations within South Africa.

1. How do you feel about this possibility? Please put a thumbs up if you feel it might make reporting easier for you, shake your thumb if you fully agree, or show a thumb down if you think it will not work?
2. If we implement this, what will you expect from these organisations?
3. What concerns do you have? If you compare this new possibility to reporting to the police... any concerns or worries?

Our last question for the day deals with everything that has been shared today, what was the most important thing for you? It can be something you said or something someone else said? So basically, what stood out for you? We will be going around the group now and ask each of you the opportunity to just share what was the most important thing for you.

Before we conclude, my colleague here will share a summary of what has been discussed here today and if there was anything we misunderstood, please raise your hand and tell us.

Thank you so much everyone... this brings us to the end of our conversation, thank you so much for your time. Please enjoy some refreshments on your way out and once again thank you I appreciate your presence.