Realising the Socio-Economic Rights of Refugees Under Human Rights Law: A Case Study of South Africa

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Abstract : For a long time, refugee protection has constituted one of the main concerns of the international community as a whole and for the South African government in particular.The focus of this paper is on the challenges refugees face in accessing their rights in South Africa. In particular, it analyses the legal framework for the protection of the socio economic rights of refugees under international law, regional and domestic law and the extent to which the rights have been realized. The main hypothesis of the study centered on the fact that the social protection of refugees in South Africa is in conformity with international standards. To test this hypothesis, the qualitative research method was applied. Refugee related legal instruments were analyzed as well as academic publications, organizational reports and internet sources. The data analyzed revealed that there has been enormous progress in meeting international standards in the areas of education, emergency relief and assistance, protection of women and refugee children. The results also indicated that much remain to be desired in such areas as nutrition, shelter, health care, freedom of movement and very importantly, employment and social security. The paper also seeks to address the obstacles which prevent the proper treatment of refugees and to make recommendations as how the South African government can better regulate the treatment of refugees living in its territory.Recommendations include the amendment of the legal instruments that provide the normative framework for protection and improvement of protection policies to reflect the changing dynamics.
Keywords : international community, refugee, socioeconomic rights, social protection

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