

Why human rights institutions could be the key to protection of refugee rights

In her doctoral thesis, Dr Vivian John-Langba, a recent PhD recipient at the University of Cape Town (UCT), identified national human rights institutions (NHRIs) as one of the institutions through which effective promotion and protection of refugee rights can occur. Her thesis is titled, "National human rights institutions and the promotion and protection of refugee rights: the case of South Africa and Kenya".



Dr Vivian John-Langba

NHRIs are independent entities, more popularly known as "human rights commissions", with the mandate to promote and protect human rights and are unique in that they are created through the Constitution, legislation or by decree.

While officially recognised within the international processes as important actors in advancing human rights, they have not played a prominent role where refugee rights are concerned. This is primarily because of the context within which refugee rights play out. However, such recognition would be crucial in light of the continued challenges faced in solving the refugee problem. It would appear though that this remains a missed opportunity, according to John-Langba.

Impediments to NHRI effectiveness

"My research determined that NHRIs, even in the absence of their founding legislation requiring that they protect refugee rights, have taken on this specialised area of human rights as an important aspect of their work. The impediments to their effectiveness are significant and include the securitisation of asylum where refugees are deemed as national security threats rather than persons in need of protection.

"In addition, the adoption of a humanitarian approach, rather than a human rights approach, in addressing refugee issues hampers state accountability and limits action to one that is perceived as meeting welfare needs, such as provision of shelter, on the basis of 'anything is better than nothing,'" shared John-Langba.

Looking to the future, she shared: "There are significant issues within refugee studies that I identified in my doctoral research that warrant further research. For instance, issues of intersectionality within the refugee experience and how addressing these, including through NHRIs, could enhance the efforts in promoting and protecting refugee rights. I am keen to explore this further in collaboration with my doctoral supervisor, Professor Rashida Manjoo, to whom I am grateful for her scholarly guidance and mentorship."

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