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## **Protection of refugee rights – why human rights commissions may be the answer**



Dr Vivian John-Langba

Photo: Supplied

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With an unprecedented increase in the number of refugees around the world in recent years there is a need to effectively promote and protect refugee rights particularly in Africa, which has historically been the continent with one of the largest displaced populations.

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

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.

"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 John-Langba 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."

While she is excited about the future, John-Langba admitted that her PhD journey was not easy and there were moments where she felt that the best thing to do would be to give up. "It is not a journey that one can take alone – even though it can, at times, feel quite solitary," she said.

"I am indebted to my husband, Professor Johannes John-Langba for his support. He has been my cheerleader and guide throughout. My family and close friends also played an important supportive role. My children learnt early about the importance of 'mama's writing time' – many times this would mean late nights, writing into the early hours of the morning, rushed meals and conversations, and last minute help with school projects. But they were generous and did not complain. All in all, the PhD is dedicated to my parents, whose shoes I can only hope to fill."

***ENDS***

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