



PROTECTING THE RIGHTS OF INTERNALLY DISPLACED PERSONS IN NIGERIA: AN APPRAISAL

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ABSTRACT

Issues surrounding Armed Conflicts have remained a source of concern to mankind from time immemorial. One is therefore tempted to ask the age long question that since unhappily we cannot always avoid wars, in an age where we hear of so much progress and civilization, is it not a matter of urgency, to press forward in a truly civilized spirit the attempt to prevent or at least alleviate the horrors of war? In the light of the foregoing and taking into cognizance the near inevitability of war situations, it is pertinent to ameliorate the plights of the victims of war, particularly people displaced as a result of war situations, otherwise referred to as refugees or internally displaced persons. The issues surrounding the welfare and treatment of refugees arising from armed conflicts and disasters have remained a source of serious global concern. Apart from refugees, internally displaced persons also face a very delicate and devastating situation deserving real attention. Although in their home countries, they are often subjected to inhuman and degrading treatments and subjected to poor and unhygienic living conditions. The unsavoury narrative surrounding the treatment of refugees, asylum seekers and Internally Displaced Persons (IDPs) is a source of serious concern and deserves more global attention. This article, therefore, examines the rights available for and enjoyed by internally displaced persons in Nigeria.

INTRODUCTION

When Nigeria acceded to the Geneva Convention Relating to the Status of Refugees of 1951, she agreed to protect Refugees and IDPs in her territory and under her jurisdiction, in accordance with the terms of these instruments. Nigeria has also agreed to extend relevant rights to Refugees and IDPs in accordance with international human rights obligations.¹ Even some States that are not party to the Convention or Protocol are bound by the principle of non-refoulment, which is considered a norm of customary international law and as such is binding on all States. The various branches of government, whether the executive, legislature, or judiciary have complementary roles and responsibilities for establishing and maintaining Nigerian asylum systems based on the rule of law, and for providing protection and durable

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¹ J George, 'Universal Declaration of Human Rights' [2020] *Encyclopedia Britannica*, 17.



solutions to Refugees and IDPs. These responsibilities are not limited to the federal government; state and local authorities also play an important part.²

In view of this, Nigeria has adopted national legislation on the determination of Refugees and IDP status and other international protection needs, rather than relying on informal or ad hoc arrangements.³ This is a crucial element of its State responsibility for protecting Refugees and IDPs and helps to ensure consistency of practice in line with international obligations. Furthermore, the 1951 Convention does not dictate the procedures to be followed for determining Refugees and IDP status.⁴ Legislators have had a great impact on Refugees and IDP protection by promoting the adoption of legislation that is consistent with international Refugees and IDP protection and human rights obligations while taking account of the country's particular constitutional and administrative structure as well as other national laws.⁵

War, violence and persecution has left one in every one hundred and twenty two (122) humans on the planet a refugee, internally displaced or seeking asylum at the end of 2014, according to a report by the United Nations that warns that the world is failing the victims of 'an age of unprecedented mass displacement'⁶ Refugee and IDPs (internally displaced persons) face grave dangers in their own countries and which dangers have forced them across international borders in search of protection. They are forced to flee their countries of origin, to seek asylum and to be granted legal protection (Refugee and IDP status) in the country of refuge. The trauma of being uprooted from their homes and of becoming separated from family members adds to the terrifying experiences that many refugees and IDPs undergo before and during their flight. Lack of language skills and unfamiliarity with new surroundings, coupled with fear and concern about events back home, create burdens.⁷ At the very root of displacement lies the obvious problem of detachment and eviction from established environments thus making the refugees and IDPs susceptible to economic, social and political hardship. Economically, the refugees lack the basic amenities of life having

² George (n 1) 18.

³ S Bagshaw and O Paul, *Protect or Neglect? Towards a More Effective United Nations Approach to the Protection of Internally Displaced Persons: An Evaluation* (Brookings Institution and OCHA, 2004) 1 - 2.

⁴ Ibid, 3.

⁵ V Barbelet and S Wake, *Livelihoods in Displacement: From Refugee Perspectives to Aid Agency Response* (Humanitarian Policy Group 2017) 31.

⁶ Protocol Additional to the Geneva Convention of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, 8 June, 1977, 1125 U.N.T.S (entered into force 7 December, 1978), Preamble; Emmanuel O. Okon, 'Internally Displaced Persons in Nigeria: Review of Empirical Studies' [2018] (2)(1) *American International Journal of Social Science Research*, 2.

⁷ J Mc Adam, *Climate Change, Forced Migration and International Law* (OUP 2012) 45.

been cut from their employment.⁸ Often, they are left with little or no means of livelihood and can hardly feed themselves talk more of their relatives. Even where asylum or refugee status is granted, they are still in lack as the resources at their disposal can hardly sustain them. This is so because in their new found environment, integration and amalgamation is difficult as the citizens of the host state are usually afraid or unable to accept the refugees or asylum seekers.⁹ Socially, refugees and IDPs most times lose contact with their relatives, friends and families. The causes of the displacement, in most cases, are abrupt and sudden so much so that the victims are left with little or no time to pick up property talk more of locating friends and family. While most armed conflicts previously took place on the international scene, today, most armed conflicts are internal, putting government forces against non-state actors like rebel forces, militants, bandits and terrorists, amongst others.¹⁰ This article, therefore, examines the rights available for and enjoyed by internally displaced persons in Nigeria.

CONCEPTUAL CLARIFICATIONS

This section examines and clarifies some concepts that are germane to this work.

Internally Displaced Persons

Internally Displaced Persons (IDPs) are persons forced to abandon their homes because of natural disaster, war or persecution. When the term ‘internal (ly)’ is used in this article, it is in respect to those rendered homeless ‘inside’ Nigeria.¹¹ The Internal Displacement Monitoring Center (IDMC) describes internal displacement as a person(s) who voluntarily abandon their homes in flight, in search of peace and better livelihood, to avoid being hurt by situations of violence or disasters, to other places of safety within Nigeria.¹²

Unlike refugees, IDPs remain citizens or habitual residents of their country and are entitled to protection and assistance on that basis alone. They can invoke protection under the rights listed in the Guiding Principles which are also contained in relevant international conventions because they are displaced and thus have specific needs, not because they are

⁸ W Kalin and N Schrepfer, *Protection of People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches* (UNHCR 2012) 88.

⁹ IDMC, ‘Internal Displacement Monitoring Centre’ <<https://nairametrics.com/2020/10/20/covid19-update-in-nigeria/>> accessed 09 November 2023.

¹⁰ Protocol Additional to the Geneva Convention of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts, 8 June, 1977, 1125 U.N.T.S (entered into force 7 December, 1978), Preamble.

¹¹ H Archie (eds), *The Oxford Dictionary of Difficult Words* (USA 2001) cited in B Toby and C Ajie, ‘Legal Protection of Internally Displaced Persons (IDPS) in Nigeria Amidst Corona virus (Covid-19) Pandemic’ [2021] (6)(3) *People: International Journal of Social Sciences*, 273.

¹² IDMC, ‘Internal Displacement Monitoring Centre’ <<https://nairametrics.com/2020/10/20/covid19-update-in-nigeria/>> 09 November 2023.

registered or formally recognized as IDPs. The State therefore, should not create a system whereby IDPs can enjoy their rights only after having been granted a legal status that could also be refused or revoked.¹³ It should be noted that unlike laws governing refugee status, there is nothing like IDPs' status that can be engaged only after it has been formally granted to an individual. Sometimes it is important to be able to identify who the displaced are. In some countries, individual registration serves the purpose of identifying IDPs. Registration of IDPs may be administratively useful or even necessary for a number of reasons. Such procedures can allow authorities to improve their response in providing protection, reliefs' assistance as well as other humanitarian care services to the IDPs.

Refugees

The definition of the term 'refugee' is provided for in the Refugee Convention which is the primary convention for the protection of refugees. In article 1 A (2) thereof, it states that for the purposes of the present Convention the term 'refugee' shall apply to any person who as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. The primary convention on refugees is known as and called Convention Relating to the Status of Refugees signed at Geneva on 28 July 1951. The Convention came into force on 22 April 1954.

In Nigeria, a person is considered a refugee, who owing to a well-founded fear of persecution, colonial rule, or foreign occupation, or events seriously disturbing public order, covering a wide variety of man-made conditions which do not permit humans to reside safely in their countries of origin or nationality, and have to seek refuge in Nigeria, including also civil wars or armed conflicts, as well as due to the conditions of famine and natural catastrophes. However, a person shall not be considered to be a refugee under Nigerian Law in the following circumstances:

- a) When there are serious reasons to believe that he or she has committed a crime against humanity, as defined in any international instrument to which Nigeria is a party and which has been drawn up to make provisions in respect

¹³ W Kalin, 'A Manual for Law and Policy Makers, Protecting Internally Displaced Persons' <<http://www.google.com>> accessed 09 November 2023.



of such crimes; or he has committed a serious non-political crime outside Nigeria prior to his entry;

- b) He has been guilty of acts contrary to the purposes and principles of the Organisation of African Unity.¹⁴

Human Rights

To begin with, there are no universally accepted definitions of the term human rights. The reason for this may be attributed to the fact that the protection of human rights is an ever-widening area of both international and municipal law, and on this account it does not lend itself to a neat demarcation of categories of rights. Though there are many definitions, there is no consensus as to what exactly human rights should be.¹⁵ Definitions of human rights may differ according to the socio-economic conditions under which the defining scholars live. Moreover, there is controversy as to the status of human rights in the system of law. Many states regard human rights as a matter for the domestic jurisdiction, as opposed to the international jurisdiction, while others think otherwise.¹⁶

There is, however, a common element to the varying views on human rights: the liberal tradition of western democracy has considerably influenced the world public opinion, and emerged as the dominant philosophical and theoretical foundation of the present international human rights law. The Western Libertarian philosophy of human rights is the refined heritage of ‘Greek philosophy, Roman Law, the Judaeo-Christian tradition, the Humanism of Reformation and the Age of Reason’.¹⁷ This was manifested by the American and French Declarations of Rights of 1776 and 1789, respectively.

Both Declarations proclaimed certain rights as inalienable rights of man, without stating any reason why they are so.¹⁸ The imprescriptible nature of these rights was probably influenced by the natural law theory which presupposed the existence of ‘conditions and principles of practical right-mindedness of good and proper order among men,’¹⁹ thereby acknowledging the existence of natural rights.

QUALIFICATIONS FOR REFUGEE OR ASYLUM STATUS IN NIGERIA

Generally, the commonest way to identify a refugee in any country depends on how the term refugee has been defined in their national laws on the issue. The refugee problems usually

¹⁴ NCFR Act, s 20(2) and AU Convention, art 5 (c).

¹⁵ M Rebecca, *International Law: A Student Introduction* (Sweet & Maxwell 1986) 175.

¹⁶ Ibid.

¹⁷ A Robertson, *Human Rights in the World* (Manchester University Press 1982) 3.

¹⁸ French Declaration of the Rights of Man and of Citizens, 1789, art. 2.

¹⁹ F John, *Natural Law and Natural Rights* (Clarendon Press 1980) 18.



affect the refugees, the asylum state, and the international community. Therefore, issues about refugees are properly placed under the jurisdiction of both national and international law.²⁰

For Nigeria, it is the national laws and the international instruments viz the 1951 United Nations Conventions relating to the Status of Refugees and its optional protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee problems in Africa.²¹ The qualification for refugee or asylum status in Nigeria is therefore based on these three. Nigeria has ratified the two international treaties and one is minded to believe that the national law is domestication or at least an attempt to adopt the international treaties. The 1951 Convention mandates that an asylum seeker fulfils four conditions: he or she must be outside his or her state of origin; he or she is unable or unwilling to return to this home country in order to be protected; the third and second conditions above must stem from a well-founded fear of being persecuted; this persecution must be on account of nationality, race, religion or political opinion or membership of a social group.²² This definition and qualification for refugee has been under criticism as it focuses only on the individual who has to show specifically, persecution where he is the sole target on the grounds provided. It also does not consider other circumstances prevalent in the person's immediate surroundings that may warrant his or her flight to protection (e.g., massive abuse of human rights, violent displacement, civil wars, etc.). The protocol gave new light on the provisions of the convention.²³ A large number of refugees were produced as a result of colonial domination in the 1960s necessitating a means of protection for those who could not be protected by the restrictive provision of the Convention.²⁴ The 1967 Protocol relating to the status of refugees was adopted. It retained substantially the provisions of the convention but removed the geographical and time limitations.²⁵

THE RIGHTS OF REFUGEES IN NIGERIA

Just like every other human being, refugees have some rights and privileges which are provided for in various national, regional and international legal frameworks. These frameworks range from Conventions, Treaties, Legislations, Policies, Principles or

²⁰ R Changani, *Refugee Definition and the Law in Nigeria* (Praveen Kumar Changani 2011) 43.

²¹ A Betts and Others, *The State of the World's Refugees* (Oxford University 2006) 22.

²² Betts and Others (n 28) 23 - 24.

²³ S Castles and Others, *The Age of Migration: International Population Movements in the Modern World* (Palgrave 2013) 11.

²⁴ *ibid.*

²⁵ Protocol Relating to the Status of Refugees 1967, 606 UNTS 267, art 1 (1) (2) and (3).



Guidelines. While some of the frameworks are legally binding, some are not.²⁶ It therefore follows that the violation of the provisions of legally binding legislation attracts punishment or at least a redress in the court of law. Some of these rights are as follows:

Right to Liberty

The Right to liberty of a person is important in the context of how refugees and asylum seekers are treated within the intended state of refuge. The national laws of Nigeria provide for the detention of asylum seekers at one point or another during the adjudication of their claims. The detention of asylum seekers is a contentious issue because of the conditions found in the detention facilities of several states. This is particularly an issue in Nigeria, a state overwhelmed by the number of asylum seekers. Generally other international human rights instruments also provide for the right to liberty and security of persons as well as prohibition of arbitrary detentions and unfair trials. Therefore, refugees have the right to the liberty of their persons during the period of the refuge and any act to the contrary amounts to the violation of their rights.²⁷

Right to Seek Asylum

Once a person fleeing persecution enters a state other than that of his origin or nationality, what he needs most is asylum. Asylum is the protection which Nigeria grants on its territory or in some other place under the control of certain of its organs, to a person who comes to seek it.²⁸

Asylum is necessary not only for safeguarding his right to life, security and integrity but also for preventing other human rights violations. Thus, the grant of asylum in the case of refugees who constitute a unique category of human rights victims is an important aspect of human rights protection and hence should be considered in the light of the U.N. Charter as a general principle of international law and an elementary consideration of humanity. No wonder then, not only the right of a person to leave the other or his country is recognized in several human rights instruments but even his right to seek and to enjoy in other countries asylum from persecution has been proclaimed as a human right.²⁹

²⁶ E Ngwakwe, 'Human Rights and Development Equation in Africa: Conflictual or Complementary' in E Ngwakwe and Others, *Human Rights, Democracy and Development Revisited* (KDV -Publishers 2015) 32.

²⁷ ICCPR, art 9.

²⁸ M Moussalli, *Who is a Refugee?* (Refugee Magazine 1982) 42.

²⁹ Universal Declaration of Human Rights 1948, art 14 (1); American Declaration, art XXVII; American Convention on Human Rights, ILM, vol. 9 (1970), p 673, art 22 (7); Vienna Declaration, part I para 23.



Right to Equality and Non-Discrimination

A refugee is entitled to be treated with humanity by Nigeria, as a state of asylum. The obligations of the State of refuge on this count are derived from the rules and principles, which enjoin respect and protection of fundamental human rights, general international law and elementary considerations of humanity and are founded on the international community's interest in and concern for Refugees and IDPs. Refugees and IDPs under the Refugees and IDP Convention are entitled to relatively higher standards of treatment than those belonging to some other status category or mandate refugees.³⁰ Since as a general rule, the rights and freedoms recognised by international human rights law apply to everyone, including refugees, the latter are also entitled to respect for, and protection of their basic human rights like nationals of the state of refuge. Of crucial importance to the protection of human rights and fundamental freedoms of refugees is the rule of non-discrimination laid down in several global and regional human rights instruments, because being foreigners in the asylum country they are most vulnerable to discrimination.³¹

It must be recognised that refugees often lack proper identification and official documents and as such might encounter problems with the authorities. Their presence in a country might be resented or they might be received with suspicion because of their religion or ethnicity. They might also encounter difficulties due to absence of sufficient provisions in the national laws of the country of asylum for refugees or because of uncertainty about the extension of the benefits of the laws to refugees.³²

Right to Freedom of Expression

This right is the external manifestation of the right to freedom of thought/conscience and is central to the ability of individuals to carry out any meaningful political activity. The guarantee of freedom of expression in the ICCPR, article 19(1) is universal in coverage as aliens, including refugees, fall within its scope. The Human Rights Committee stressed that States must ensure that aliens enjoy freedom of expression to the same extent as citizens.³³ However, this right is not without limitations. As with many other provisions of the ICCPR, article 19 explicitly acknowledges that the interests of the wider community need to be

³⁰ Moussalli (n 35).

³¹ ICCPR, art 2(1); ICESCR, art 2 (2); U.N. Charter, arts 1 (3), 13 (1) (b), 55 (c) and 76 (c); Universal Declaration of Human Rights, art 2; European Convention, art 14 213 UNTS 221; American Convention, arts 1 and 24; African Charter, arts 2, 13, 18 (3).

³² UNHCR, *Human Rights and Refugee Protection* (UNHCR 2012) 37.

³³ H Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy* (2nd edn, Princeton University Press 1996) 74.

balanced against the interests of any one individual. Article 19(3) states that freedom of expression may be subject to restrictions necessary for respect of the rights and reputations of others or for the protection of national security, public order, public health or public morals.³⁴ In essence, these restrictions are not concerned with the effect of any political statements on a third State, but rather the interests of the host State. In contrast, it would seem, to the concerns behind customary international law on State responsibility for injurious activities of individuals.³⁵

Right to Freedom of Movement

At the regional level, the rights to seek asylum and freedom of movement can be found within the text of the same article. The rights are closely related, since the inability to return to one's country is the basis of an asylum claim while the ability to leave one's country is a prerequisite for claiming refugee status under the 1951 Convention.³⁶ Freedom of movement, however, is also a key right for refugees within their host country. Freedom of movement is guaranteed for all those lawfully within a State by Article 12 of the ICCPR subject to restrictions necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and which are consistent with other rights guaranteed by the ICCPR. This right would therefore also apply to all refugees lawfully within a State. Article 26 of the 1951 Convention provides that States shall accord refugees the right to choose their place of residence within the territory and to move freely within the State. Meanwhile, article 28 obliges States parties to issue refugees travel documents permitting them to travel outside the State unless compelling reasons of national security or public order otherwise require. Freedom of movement is an especially important issue with regard to protracted refugee situations in countries with limited national resources and/or limited legal frameworks for protecting refugees who nonetheless host large refugee populations. In such countries as Nigeria, refugee warehousing, in which refugees are confined to refugee camps, thereby restricting their access to employment and education, is commonly practiced.

CHALLENGES OF REFUGEES IN NIGERIA

The life of a refugee is hard; they are fleeing places of war, hunger, famine, and persecution and have gone through a tough journey to a safe haven for themselves in a completely

³⁴ Ibid, 75.

³⁵ Ibid.

³⁶ African Charter on Human and Peoples' Rights, art. 12(1) and (3); American Convention on Human Rights, art. 22.



different journey. They do so in the pursuit of a normal life for themselves and their families. Many cross dangerous terrains and weather conditions, putting themselves and their loved ones at risk to cross international borders just to have a chance at a better life.³⁷ However, things are not as easy as one might imagine after they reach another country. They are still left with many problems and challenges that they have to face, often alone, scared, and traumatized. The challenges to refugee protection extend beyond the field of obligations. In the complex interplay of texts, practice, multiple jurisprudence, and different actors, it is just not possible to airbrush the inconvenient out of history. Challenges faced by refugees and migrants shape their new life in a completely foreign country. Understanding the barriers that stand in the way of refugees and migrants is an essential step in paving the way for their well-being. Some of the challenges faced by refugees are discussed below.³⁸

Lack of Punishment for the Refoulement of Refugees by a State

Although by the relevant legal instruments protecting the refugees, they have the right not be forcefully evicted out of state of refuge or host state. But the question is if they are forcefully evicted what will happen, that is, what can the international community do to the state that evicted them? It is obvious that the international community will not do much to punish the perpetrator(s) due to lack of the enforcement mechanism of international law particularly as it relates to punishing a sovereign state. Therefore, there is need to make forceful ejection of refugees a war crime or crime against humanity punishable with life imprisonment since there exist a possibility that the refugees might be killed in their home country if they are forcefully ejected back to their home country by the refuge state.³⁹

Discriminatory Laws

The Nigerian government has put efforts in the area of legal reform in form of the publication of a study compiling all national, state and local laws, policies and practices relating to the status of women and children and the establishment of a Committee on Reform of Discriminatory Laws against Women. However, discriminatory provisions in the Constitution such as section 26 (2) which does not allow a Nigerian woman to transmit her nationality to her foreign spouse on the same basis as a Nigerian man seem to be challenging. There are other discriminatory laws at both the federal and state levels, including those that allow wife

³⁷ R Cohen, 'The Guiding Principles on Internal Displacement: An Innovation in International Standard Setting' [2004] (10) *Global Governance*, 34.

³⁸ R Cohen and F Deng 'Masses in Flight: The Global Crisis of Internal Displacement' [1998] *Brookings Institution*, 56.

³⁹ M Dennis, 'Ineffability in the Lao Tzu: The Taming of a Dragon' [1977] (4) *Journal of Chinese Philosophy*, 14.



battery as chastisement as long as grievous harm is not inflicted;⁴⁰ prohibit women from working at night in certain sectors of employment;⁴¹ and classify sexual assault against female victims as a misdemeanour.⁴²

Unavailability of Relief Materials

The victims of displacement or refugees do not engage in any form of business during the period of crisis as such their sustenance usually comes through relief materials or humanitarian aids made available to them by philanthropists. Most times it comes from special agencies, world donors, wealthy nations, non-governmental organizations or/and individuals. There is need for honesty on the part of individuals responsible for the distributions of the donated relief materials in ensuring that those actually entitled to benefit from the material get it and not the other way around.⁴³ In fact, as a matter of importance, countries may on their own, create a special fund to be known as displacement funds. And the sole use of the funds will be to take care of the victims of displacement or refugees in the country. It could also be made part of the government annual budget to be administered by a designated body.⁴⁴

THE EFFICACY OF THE PRESENT REFUGEE LAWS IN NIGERIA

Nigeria has ratified international and regional instruments for refugee protection including the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol; as well as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Nigeria has successfully domesticated international and African refugee conventions into the National Commission for Refugees Act 1989 (NCFR Act).⁴⁵ The NCFR Act 1989 provides the legal and administrative framework for refugee management. It also sets out guidelines for application and determination of refugee status in Nigeria. Additionally, Nigeria acceded to the 1954 Convention Relating to Status of Stateless Persons and the 1961 Convention on the Prevention and Reduction of Statelessness in 2011; and to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) in May 2012.

⁴⁰ Penal Code of Northern Nigeria, s 55.

⁴¹ Labour Act 2004, s 55.

⁴² Criminal Code Act, s 360.

⁴³ S Ekpa and N Dahlan, 'Legal Issues and Prospects in the Protection and Assistance of Internally Displaced Persons (IDPs) in Nigeria' [2016] (49) *Journal of Law, Policy and Globalization*, 7.

⁴⁴ Ekpa and Dahlan (n 50).

⁴⁵ Cap N21 LFN 2004.



The main legal framework protective of refugees and asylum seekers in Nigeria is the National Commission for Refugees Act. This Act defines a refugee as a person who falls within the definition given by Article I of the Convention and its Protocol, and the 1969 OAU Convention. Thus, the Nigerian definition takes into consideration well-founded fear of persecution, colonial rule, foreign occupation, events disturbing public order, manmade conditions which do not permit humans to reside safely in their countries of origin, civil wars, famine and natural disasters.⁴⁶

CONCLUSION/RECOMMENDATIONS

Refugees and migrants are fleeing a life of extreme difficulty and hardships; they settle into a new country with hopes and aspirations of leading a better life. These challenges often play spoilsport to such dreams and aspirations. Systemic recognition and action are the only way to ensure that refugees and migrants transition smoothly and face fewer challenges while doing so. The refugee population over three decades has been on the rise with occasional periods of decline. This poses great socioeconomic and health problems to the refugees as well as the host countries themselves. It is, therefore, necessary that the government and other concerned stakeholders create lasting solutions to the causes of this increase in the refugee population by tackling the drivers of migration. The government should strengthen its efforts to ensure free and compulsory birth registration for all children of refugees through the following means: raise public awareness about the importance of birth registration and existing legislation; allocate adequate financial, human and other resources to ensure easy access to registration by population in rural areas, including by strengthening ongoing training programs for birth registration personnel and midwives; urge midwives to report administratively all births and provide midwives with training on how to undertake such reporting; amend the Birth, Death (Compulsory Registration) Act No. 69 of 1992 so as to ensure free birth registration regardless of the time of registration; ensure that monitoring bodies, in particular state committees for birth registration, operate effectively, including through adequate resources; conduct awareness-raising programmes, notably through the media, in rural areas on the importance and benefits of birth registration. Also, the government needs to include refugee children in the national child protection system, as a matter of priority and take all measures to guarantee the protection of refugee children in line with obligations under international human rights and refugee law.

⁴⁶ NCFR Act 1989, ss 9 and 20(5); AU Convention, art 5.