ABSTRACT

Refugees and asylum seekers are vulnerable group that requires both national and international protection in South Africa. It is the duty and responsibility of the South African government and international community to provide adequate protection to individuals who are compelled to flee their countries of origin due to well-founded fears of persecution or other life threatening problems. Such protection must meet internationally recognized and acceptable standards for the protection and treatment of refugees and asylum seekers, as outlined in various international law and conventions. South Africa has pledged through her democratic Constitution and the Refugee Act of 1998 to protect and promote the rights of refugees and asylum seekers in her territory.

The research explores how South Africa has responded to the protection of the rights of refugees and asylum seekers in the post-apartheid era. The research also explicates the relationship between human rights and refugee protection and how human rights have been used to facilitate the rights of refugees and asylum seekers in South Africa. The thesis identifies the extent of compliance with the international refugee law, which South Africa has achieved within the first decade of democracy and the roles played by non-state actors and other stakeholders in refugee protection in South Africa. It also explores the major problems and obstacles militating against the realisation and in pursuit of the rights of refugees and asylum seekers in the post-apartheid South Africa. Finally, the findings of this research are expected to contribute to our understanding of the problems facing refugees, the government and international community, and the range of options and interventions open to policy makers in the field which will help to secure such rights.