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International law on the protection of child refugees and its domestic implementation: A case study of refugee children in South Africa (1994-2005)

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Abstract

The study is an examination of issues with implementing international law pertaining to refugee children, with particular reference to South Africa. The study provides some selected outcomes with implementation and undertakes an analysis of the factors that influence those outcomes. While South Africa like many other countries provides a comprehensive legal regime in the protection of refugee children, there are still gaps with compliance. Also, whilst the norms of international law demand obedience and compel behaviour, there is no doubt that there still exists some degree of disparity between actual national behaviour and the behaviour prescribed by the rule of international law. If it were possible or meaningful to conduct a quantitative study of obedience to the rules of international law, it might be expected to show that most states obey most agreed rules of international law most of the time. In this particular case study, rules of law are in some instances violated or disregarded but these cases do not in themselves provide evidence that international law is without efficacy in South Africa.