

# Socio economic inclusion of refugees: access to justice and basic service

Hemin Solomon  
Dilla University, School of Law

## 1. Introduction

The refugee crisis is one of the world's most pressing issues, with global displacement at an all-time high. According to the most recent global estimates from the UN High Commissioner for Refugees (UNHCR), over 103 million people have been forced to flee their homes due to persecution, conflict, generalized violence, or human rights violations.<sup>1</sup> The estimated refugee population reached an unprecedented 32.5 million individuals worldwide in mid-2022—half of them being children. Despite support from UNCHR and other humanitarian organizations, significant number of refugee populations is struggling hard to regain their basic human rights. They are facing a lot of challenges including difficulties finding food, basic health services, adequate housing and employment, loss of community support, and lack of access to resources. Their access to justice has been hampered by the government's hostile policies as well as a lack of resources available to the systems put in place to make decisions that shape migrants' lives. While internally displaced people (IDPs) face human rights violations as well, refugees face greater risks due to a lack of protection from a national state, as well as prejudice and other issues related to lack of acceptance, among other things.<sup>2</sup> The international protection for refugees is thus arises as a result of their inability to rely on their own country's protection.

The essay seeks to uncover refugees' socioeconomic inclusion, with a focus on their right to basic services and access to justice, as well as the challenges they face and potential solutions to these challenges. To that end, it is divided into six sections, one of which is this one. By defining refugees and discussing the international framework for refugee protection, the second section laid the groundwork for the main discussions in the subsequent sections. The third section expands on the legal framework for refugee protection, and the fourth section focuses on refugees' socioeconomic inclusion. The fifth section discusses the challenges in preparation for the final section's recommendations.

---

<sup>1</sup> UNCHR <<https://www.unhcr.org/refugee-statistics/>> (Accessed 15 November 2022).

<sup>2</sup> Pablo Tosco, 'refugee and migrant crisis ', <https://www.oxfam.org>

## 2. Setting the scene: international framework for refugee protection, refugees and their challenges

### 2.1 Legal frameworks governing refugees

Before delving into the definition of refugees, it is critical to first identify the legal frameworks that govern refugee issues at both the global and regional levels, as they serve as the foundation for determining whether an individual or group of people can be classified as a refugee or not.

Because refugee law is a branch of international law that deals with the rights and duties that states have in relation to refugees, its sources are determined in accordance with Article 38 of the Statute of the International Court of Justice (ICJ). Accordingly, international refugee law derives from a range of treaties (universal and regional), rules of customary international law, general principles of law, and national laws and standards. The 1951 Convention relating to the Status of Refugees and its 1967 Protocol pertaining to the Status of Refugees (the 1967 Refugee Protocol) are the two principal international treaties. These treaties laid the foundation upon which subsequent regional instruments have built. These include the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa (the 1969 OAU Convention'), the 1984 Cartagena Declaration on Refugees (the Cartagena Declaration), the EU Qualification Directive and other relevant instruments of the EU asylum *acquis communautaire*, and the 1966 Bangkok Principles. These regional instruments were adopted to account for the unique characteristics of population movements in various locations. The United Nations High Commissioner for Refugees (UNHCR), a multilateral, intergovernmental institution, established by the United Nations General Assembly (GA) with a mandate to provide international protection and humanitarian assistance for persons within its core mandate responsibilities, also has a crucial role in the elaboration and developments that are relevant for the protection of refugees.<sup>3</sup> Collectively, these treaties and principles on refugees, along with the general protection offered by international human rights law and international humanitarian law (IHL), makes up the international refugee protection regime under which UNHCR, exercises its mandate responsibilities.<sup>4</sup> International human rights, IHL, and refugee law thus make up the main protection mechanisms to refugees. The human rights law

---

<sup>3</sup> International Federation of Red Cross and Red Crescent Societies, Geneva, 2017, *The legal framework for migrants and refugees*, December 2017, pg11

<sup>4</sup> 'The refugee concept under international law Global compact for safe, orderly and regular migration', New York, 12-15 March 2018, <https://www.unhcr.org/5aa290937.pdf>

regime, which applies to any one in the world regardless of inter alia nationality of origin and race, applies to refugees as well. In the same vein, armed conflict and IHL are of relevance to refugee law and refugee protection in a number of ways.<sup>5</sup> This is evident, for example, in the fact that the majority of people forced to flee their country of origin today are fleeing the indiscriminate effect of hostilities and the accompanying disorder, which includes the destruction of homes, food stocks, and means of subsistence. This may or may not involve elements of persecution as defined in the 1951 Refugee Convention and its 1967 additional protocol,<sup>6</sup> as discussed in the following section, but it is still relevant given that the Regional refugee instruments like the 1969 OAU Convention and the 1984 Cartagena Declaration recognize a broader range of grounds for refugee status.<sup>7</sup> The essay now turns to the definition of refugees as provided under the abovementioned instruments.

## 2.2 Definition of refugees

It is critical to define refugees so that they can be distinguished from other groups of people in need of international protection. This is especially true given how much terminology is thrown around when discussing the refugee crisis, leading to confusion and false perceptions. Pursuant to the 1951 Convention and its 1967 Protocol, refugee is defined as someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.<sup>8</sup> Thus, peoples fleeing across borders because of persecution based on race, religion, nationality, membership of a particular social group or political opinion; armed conflict, which may be caused by and/or waged along lines of race, ethnicity, religion, politics, gender or social group divides; violence by non-State actors, against which the State is unable or unwilling to protect; persecution in relation to sexual orientation or gender identity; and disasters that are intermingled with situations of persecution or armed conflict rooted in racial, ethnic, religious, or political divides, or disproportionately affect particular groups, would be refugees according to the 1951 Convention definition. Furthermore, a look at regional refugee instruments reveals additional grounds that

---

<sup>5</sup> ICRC, humanitarian law, human rights and refugee law- three pillars, <https://www.icrc.org/en/doc/resources/documents/statement/6t7g86.htm>, accessed at nov6

<sup>6</sup> Ibid

<sup>7</sup> The 1969 Organization of Africa Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, Article 1 and 1984 Cartagena Declaration on Refugees, section III.

<sup>8</sup> Convention and protocol relating to the status of refugee, with an Introductory Note by the Office of the United Nations High Commissioner for Refugees, art 1

allow people outside their country of origin to be eligible for refugee protection. For instance, the 1969 OAU Convention extends the definition of refugees to include every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality. The phrase “events seriously disturbing public order” in the OAU convention includes a very broad category that can also encompass climate change, natural disasters, epidemics, generalized violence and other situations.<sup>9</sup> This one-of-a-kind definition explicitly introduces objective criteria for determining refugee status, based on the conditions in the country of origin, and "requires neither the elements of deliberateness nor discrimination inherent in the 1951 Convention definition. Following in the footsteps of the OAU convention, the Cartagena Declaration, which added more objectivity to the 1951 Convention, defines refugees as: *‘Persons who flee their countries because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.’*<sup>10</sup>

From the above discussions, one can identify what makes refugees different from other individuals who are outside their country of origin but who may not qualify as refugees under international or regional law. For instance, unlike refugees, migrants choose to relocate not because they face a direct threat or persecution, but rather to improve their lives, such as finding work, pursuing a better education, or reuniting with family. As a result, unlike refugees, migrants can return home if they so desire.<sup>11</sup>

### 2.3 Figures on refugees

Refugees constitute just 10% of the total population of migrants, the vast majority of them are regular ones.<sup>12</sup> According to UNHCR refugee data of 2022, over 103 million people are forcibly displaced and 72% originated from five countries of the world. 36% are the five major host countries in which 36.5 million are children by which 1.5 million children were born as refugees,

---

<sup>9</sup> GICJ Reports ,Giorigia Airoldi, 'understanding the refugee ', june19 2019

<sup>10</sup> Jastram, Kate; Achiron, Marilyn, *Refugee protection: A Guide to international refugee law*. UNHCR, ISBN 92-9142-101-4, 2001.

<sup>11</sup> UNHCR/Gordon welters 'challenge topic 3: economic inclusion of refugees', MUN refugee challenge,pg2 , para6

<sup>12</sup> Ibid 1

204,500 refugees resettled and 4.3 million are stateless people, 74% of the countries were hosted in low and middle income countries, and 69% hosted in neighboring countries.<sup>13</sup> A large majority of the world's refugees –85 % lives in developing countries. The size of the host country's population and the strength of its economy will affect how they cope with the economic impact of refugee flows.<sup>14</sup>

According to the comprehensive refugee response framework (CRRF), Ethiopia is the second largest refugee population in Africa. The majority of refugees in Ethiopia are located in Tigray Regional State and the four emerging regional state including the Somali Regional State. The arid environment in Somali regions and the small and scattered nomadic populations make it more challenging to provide services. A number of projects have been developed by UNHCR Ethiopia in cooperation with the Ethiopian government, other humanitarian organizations, development actors, donor agencies, and the business sector to meet the socioeconomic needs of refugees and host communities.<sup>15</sup>

## 2.4 Understanding the refugee issue

A refugee's life is difficult; they have fled places of war, hunger, famine, and persecution and have traveled a long distance to find a safe haven in another country. While they brave dangerous terrains and weather conditions to cross international borders in search of safety, things aren't as simple as one might think once they arrive in another country. They are still faced with numerous problems and challenges, often alone, scared, and traumatized. Integrating into a new country and finding work, and recovering from trauma are all challenges for them. Leaving everything behind in one life and beginning new life in a different country with different languages, different laws, different education and health systems and different cultural expectations by itself pose challenges to refugees.<sup>16</sup> For example, when they live in countries where their diplomas and experience are not recognized or where their skills are not in demand, it is difficult for refugees to support themselves. If they are unable to obtain work permits, refugees may be forced to work in the unofficial sector, putting them all in the same small labor market area. In this case, there could be

---

<sup>13</sup>UNHCR, 'Refugee statistics' <https://www.unhcr.org/refugee-statistics/> accessed November 06 2022

<sup>14</sup> UNHCR/Gordon Welters 'challenge topic 3: economic inclusion of refugees', MUN refugee challenge, pg2 , para 6

<sup>15</sup> UNHCR brief note on CRRF in Ethiopia, July 2018

<sup>16</sup> H.Caux, 'Refugee settlement', <https://www.roads-to-refuge.com.au/settlement/settlement-challenges.html>, accessed November 6

a significant impact on informal sector wages, as well as job losses and significant income losses for local informal employees. Stereotypes, competition for resources and local politics may all contribute to hostility toward refugees, which can lead to extreme acts of xenophobic violence. Refugee women and girls face additional challenges, such as discrimination, psychosocial trauma, sexual and gender-based violence, and the risk of human trafficking.<sup>17</sup>

### 3. The protection of refugees under international law

States are responsible for protecting the rights of their citizens. When governments are unable or unwilling to do this, people may face such serious threats that they are forced to leave their country and seek safety elsewhere. If this happens, another country has to step in to ensure that the refugees' basic rights are respected. This is known as "international protection".<sup>18</sup> The UN General Assembly has given the UNHCR the authority to offer worldwide protection to refugees and look for long-term solutions to their suffering.<sup>19</sup> It is tasked specifically to provide assistance and protection to refugees, stateless individuals, and groups that have been forcibly uprooted from their homes, as well as helping with their voluntary return, local integration, or resettlement in another nation.<sup>20</sup> It is the strong belief of the UNHCR that its role is to provide refugees with international protection on a non-political, humanitarian basis while also looking for long-term solutions for them.<sup>21</sup> Accordingly, it has been playing significant roles in the development of legal norms and institutions that aim to expand or strengthen protection to refugees. For instance, following two years of comprehensive consultations with Member States, international organizations, refugees, civil society, the commercial sector, and experts under the direction of UNHCR, the United Nations General Assembly approved the Global Compact on Refugees on December 17, 2018.<sup>22</sup> The Global Compact on Refugees recognizes that without international cooperation, a durable solution to refugee crises cannot be accomplished, and it provides a framework for more equal and

---

<sup>17</sup> Pablo Tosco, 'refugee and migrant crisis', <https://www.oxfam.org>

<sup>18</sup> Franches Nicholson and Judith Kumin, *A guide to international refugee protection and building state asylum systems* (2017), refugee handbook.

<sup>19</sup> Professionals in Humanitarian Assistance and Protection (PHAP),

[https://phap.org/PHAP/Sector\\_Monitoring/Themes/Law\\_and\\_protection/IRL/PHAP/Themes/IRL.aspx](https://phap.org/PHAP/Sector_Monitoring/Themes/Law_and_protection/IRL/PHAP/Themes/IRL.aspx), November 9

<sup>20</sup> Wikipedia, UNHCR, [https://en.wikipedia.org/wiki/United\\_Nations\\_High\\_Commissioner\\_for\\_Refugees](https://en.wikipedia.org/wiki/United_Nations_High_Commissioner_for_Refugees), accessed at nov6

<sup>21</sup> Wikipedia, UNHCR, [https://en.wikipedia.org/wiki/United\\_Nations\\_High\\_Commissioner\\_for\\_Refugees](https://en.wikipedia.org/wiki/United_Nations_High_Commissioner_for_Refugees), accessed at nov6

<sup>22</sup> <https://www.unhcr.org/afr/the-global-compact-on-refugees.html>, accessed at nov6

predictable responsibility-sharing. It offers a guide for ensuring that host communities receive the assistance they require and that refugees can live fulfilling lives for governments, international organizations, and other stakeholders.<sup>23</sup>

This and other policy frameworks, along with the treaties and declarations adopted both at the global and regional levels, seek to recognize and protect the dignity of refugees so that they can enjoy the same human rights as all other people, including migrants. However, there are two legal principles that States are required to follow that are especially important for refugee protection:<sup>24</sup>

### **3.1 The principle of non-refoulement**

Under international refugee law, refugees must not to be returned to situations where their life and/or liberty would be under threat. The principle, known as the principle of non-refoulement, is considered a rule of customary international law, which means that it applies to all States irrespective of whether they are party to any particular international instruments.<sup>25</sup> The best-known example of this is found in Article 33 of the 1951 Convention Relating to the Status of Refugees, which states that no Contracting State shall expel or return (also known as "refouler") a refugee in any way to the borders of countries where his life or freedom would be in danger due to his race, religion, nationality, membership in a particular social group, or political opinion.<sup>26</sup> This protection may be denied to someone who is reasonably suspected of posing a threat to the security of the country in which he is, or who has been found guilty of a particularly serious crime by a final judgment.<sup>27</sup> The principle also appears in varying forms in a number of legal instruments such as: the 1966 Principles Concerning Treatment of Refugees, adopted by the Asian- African Legal Consultative Committee, Article III(3), the 1967 Declaration on Territorial Asylum adopted unanimously by the United Nations General Assembly as Resolution 2132 (XXII), 14 December 1967, Article 3, the 1969 Organization of Africa Unity (OAU) Convention Governing the Specific

---

<sup>23</sup> Ibid

<sup>24</sup> International Federation of Red Cross and Red Crescent Societies, Geneva, 2017, *The legal framework for migrants and refugees*, December 2017, pg10

<sup>25</sup> Ibid

<sup>26</sup> Gizachew Admassu, *refugee law teaching material* (2009), pg104

<sup>27</sup> Ibid

Aspects of Refugee Problems in Africa, Article III(3) and also the 1969 American Convention on Human Rights, Article 22(8).<sup>28</sup>

### 3.2 The duty of non-penalisation

Under international refugee law, refugees cannot be punished for their unlawful entry or presence in a country. This provision was specifically included to take into consideration the circumstances under which refugees are compelled to leave their home countries, and the practical difficulties they may face complying with administrative formalities in order to seek asylum in a new country.<sup>29</sup> The “well-founded fear of persecution” criterion set out in the 1951 Refugee Convention has traditionally been interpreted as referring to an “individual” fear of persecution. This requires that the persons concerned demonstrate that they were personally at risk of being persecuted on one of the five grounds of persecution.<sup>30</sup> Refugees are at risk of human rights violations in their home country. The work UNHCR does to ensure they are not subject to refoulement is a direct and powerful means of protecting their basic human rights. In the last decade, refugees who have been forcibly returned to their countries have been killed, tortured, arbitrarily detained, or forced to live in conditions of extreme insecurity. Preventing refoulement is an effective, and sometimes the only, means of preventing further human rights violations. International human rights law treats all countries equally by imposing the same standards and obligations on each state regardless of the ideology of any particular government and many provisions of international human rights law have been universally accepted and/or specifically undertaken by states, and advocating their implementation is not “political” but simply asking governments to live up to their obligations.<sup>31</sup> Economic and social rights, such as the rights to food, health, housing, education, and employment, highlight another area in which human rights law and refugee law have the opportunity to help each other grow by exposing internal conflicts and pushing forward particular contextualized claims.<sup>32</sup>

---

<sup>28</sup> Ibid

<sup>29</sup> Ibid 31

<sup>30</sup> UNHCR, Guidelines on International Protection No. 12: Claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the regional refugee definition, December 2016

<sup>31</sup> Human rights and refugee protection (RLD 5) (oct1995)

<sup>32</sup> Marouf, Fatma E. and Anker, Deborah, "*Socio-Economic Rights and Refugee Status: Deepening the Dialogue between Human Rights and Refugee Law*" (2009).



## **4. Socio- economic inclusion of refugees**

### **4.1 Explaining socio-economic inclusion**

It is critical to begin by posing questions that aid in the definition of socioeconomic inclusion. What is social inclusion? How can we assist refugees' social integration into the community? What is social inclusion first of all? How can we help the community's social integration of refugees? Social inclusion or integration does not imply uniformity among its members but rather a society that values interaction while allowing for variation. Their wants and concerns must be taken into consideration if social inclusion and integration are to be achieved. The inclusion of society fosters and upholds stability and a readiness to accept change when it is required. The idea of full participation in all facets of life is at the heart of the majority of definitions of social inclusion.<sup>33</sup> Economic inclusion starts from the beginning of the refugee influx, and leveraging the provision of both humanitarian assistance and educational opportunities at this stage can lead to better outcomes for refugees in later phases of displacement.<sup>34</sup> Therefore, socio economic inclusion is the position of an individual or group on the socioeconomic scale, which is determined by a combination of social and economic factors such as income, amount and kind of education, type and prestige of occupation, place of residence, and in some societies or parts of society ethnic origin or religious background and of course access to justice too.<sup>35</sup>

### **4.2 Why is the socioeconomic inclusion of refugees important?**

The justification for socioeconomic inclusion of refugees is based on the fact that enhancing livelihoods through economic inclusion is a crucial element of achieving protection and solution results for refugees. The MUN refugee challenge study demonstrates that it is widely acknowledged as an effective way to increase refugees' independence, improve the economic health of local communities, and restore dignity to people who have been forcibly displaced and have lost most of their possessions and livelihoods.<sup>36</sup> Refugee's livelihoods outcomes and economic inclusion are supported by a number of issues. Inclusion into a market system depends not only on access to a wide range of support services including finance, training, access to

---

<sup>33</sup> Creating an inclusive society practical strategies to promote social integration (DESA2009), <https://www.un.org/esa/socdev/egms/docs/2009/Ghana/inclusive-society.pdf> , OCT 10

<sup>34</sup> UNHCR emergency handbook, *livelihoods and economic inclusion*.

<sup>35</sup> Socio economic status, <https://www.apa.org/topics/socioeconomic-status> ,OCT 10

<sup>36</sup>UNHCR/Gordon welters '*challenge topic 3: economic inclusion of refugees*', MUN refugee challenge.pg3

education at all levels, coaching and job placement services, but also on a conducive enabling environment shaped by rules and regulations governing rights and security.<sup>37</sup>

### 4.3 Access to basic services

Basic service is a way to enable refugees to meet their basic needs and achieve a longer term wellbeing through the means to survive and services based on their socio-economic vulnerabilities and capacities.<sup>38</sup> This include access to education, health care, access to food, the right to work and also protection. Around 36.5 million children of the world are refugees by which 1.5 million children were born as refugees.<sup>39</sup> Education will therefore be the children's top preoccupation. No matter their legal situation or nationality, or if they were accompanied, every single one of them claimed they wanted to attend school. All children who had been able to access education in any capacity, whether it be official or informal, said that they felt more at home in their host community after beginning their education.

For all people, especially refugees, the right to health is vital. Access to healthcare for refugees is one of UNHCR's main priorities. The 1951 Refugee Convention mandates that refugees have the same, if not comparable, access to healthcare as the host population. UNHCR promotes the participation of refugees in national health policies and systems in every circumstance. Refugees have increased access to healthcare in the fields of primary healthcare and referrals for secondary healthcare, community health, non-communicable diseases (NCDs) & communicable diseases prevention and treatment, immunization and medicine as well through UNHCR advocacy, funding, and support.<sup>40</sup>

The 1951 Refugee Convention and its 1967 Protocol preserve the freedom to work for refugees.<sup>41</sup> The Convention, which outlines minimal requirements for how refugees should be treated, is the primary international legal document on refugee protection. In order for refugees to reconstruct their lives, maintain their dignity, and be able to contribute to their host communities, they must

---

<sup>37</sup> Ibid 42

<sup>38</sup> UNHCR, Basic-Needs-Approach-in-the-Refugee-Response, <https://www.unhcr.org/blogs/wp-content/uploads/sites/48/2018/05/Basic-Needs-Approach-in-the-Refugee-Response.pdf>

<sup>39</sup> UNHCR, 'Refugee statistics' <https://www.unhcr.org/refugee-statistics/> access November 06 2022.

<sup>40</sup> <https://www.unhcr.org/afr/health-care-for-refugee.html>, November 6

<sup>41</sup> Convention and protocol relating to the status of refugee, with an Introductory Note by the Office of the United Nations High Commissioner for Refugees, art 17-19.

have the ability to work and access labor markets.<sup>42</sup> The research on migration and development done for the global knowledge partnership demonstrates that the right to work is rarely straightforward and unambiguous.<sup>43</sup>

#### 4.4 Access to justice

One of the fundamental right is access to justice, it is a basic principle in rule of law which describes how citizens have equal access to the legal system in their context. It is an essential prerequisite for the fulfillment of all other rights, quintessentially underlining the interdependence of all human rights. The principle of equal treatment under the law means the refugees, asylum seekers and other migrants have an equal right to be treated fairly and in accordance with the law. If we say there is rule of law to equally apply it means that every refugees or asylum- seekers they must have access to justice.<sup>44</sup>

The right to access to justice is often crucial to ensure respect of the labor rights of migrants, or the respect of the principle of non-refoulement. If migrants cannot access the legal system in countries where they are, there is no effective protection of rights and real access thereto. For the rule of law to equally apply to the refugees, they must have access to justice. However, their access to justice has been undermined by both the government's hostile environment policies and lack of resources afforded by the systems put in place to make decisions shaping migrants lives.<sup>45</sup>

To address the socioeconomic needs of refugees and host communities, UNHCR Ethiopia has created a number of programs in collaboration with the Ethiopian government, other humanitarian organizations, development actors, donor agencies, and the business sector.<sup>46</sup> By creating a national justice sector strategy, the Ethiopian government is also contemplating governance

---

<sup>42</sup> KIRSTEN SCHUETTLER, "Refugees' right to work: Necessary but insufficient for formal employment of refugees", November 09 2017.

<sup>43</sup> Roger Zetter and Heloise Ruaudel "Refugees' Right to Work and Access to Labor Markets – An Assessment", September 2016.

<sup>44</sup> Public Law Project, "Access to justice for refugees and migrants", <https://publiclawproject.org.uk/refugee-and-migrant-rights/>, (2022)

<sup>45</sup> Dr Rodrigo Núñez, Dr Jelmer Brouwer, Dr Gijs Verbossen, Dr Martin Gramatikov, Rupinder Kaur, "Justice Needs and Satisfaction Survey (JNS) for refugees and host communities"(2020).

<sup>46</sup> UNHCR brief note on CRRF in Ethiopia, July 2018

reforms that enhance access to justice for refugees and their host communities. This will include refugees in the services provided by the systems.<sup>47</sup>

## **5. Challenges**

In many countries, achieving full socioeconomic inclusion of refugees is a long and winding road. Refugees face difficulties in gaining access to basic services such as education, primary health care, job opportunities, and other necessities for their survival. They are also denied the right to equal legal protection and access to justice. There are several factors to blame for this, some of which deserve to be mentioned here.

### **5.1 Legal challenges**

Some countries have yet to enact comprehensive laws aimed at achieving full socioeconomic integration of refugees. Kenya, Rwanda, and Malawi, for example, have not finalized national refugee laws allowing inclusion.<sup>48</sup>

### **5.2 Implementation challenges**

Despite the existences of laws that provide for socio-economic inclusion of refugees in many countries and the efforts of the UNCHR, they are not properly implemented. This is due, among other things, to a lack of economic resources, a shortage of skilled labor, corruption, and stereotyped attitudes toward refugees. It is also reported that refugees do not have equal access to the judiciary due to a lack of economic support, legal aid, trust, and knowledge of their rights.

### **5.3 Xenophobic attitudes and attacks against refugees**

Before discussing refugees' socioeconomic inclusion and their rights to access justice and basic services, it is critical that refugees have safety and security, as well as an environment that allows them to feel at home and respects their humanity. In reality, they face the most heinous exclusion, mistreatment, abusive language, and xenophobic assault. Their livelihoods and shelters were destroyed in many countries, including South Africa. There are reports of their being informally

---

<sup>47</sup> Ibid 52

<sup>48</sup> UNCHR, 'Inclusion of refugees in government social protection systems in Africa', 2021, p 1.

denied from getting any jobs. These are usually orchestrated by ultranationalist youth groups, local government officials, and opposition political parties looking to capitalize on the situation.

A good example for xenophobia attack is xenophobia in South Africa. Xenophobic treatment of migrants and refugees, often accompanied by hostile rhetoric and hate speech, has been well documented in the public health sector, in schools and streets, including against many Zimbabwean migrants this will lead to pervasive negative attitudes and stereotyping among the general population of migrants and refugees from the rest of Africa in particular. In 2008, for instance xenophobic violence resulted in the death of over 60 people and contributed to the displacement of at least 100,000. Many of those who were displaced during the May 2008 violence elected not to return to the settlements from which they were displaced for fear of further attacks. Early returnees faced renewed violence or were murdered at various location.<sup>49</sup>

## **6. Recommendation**

Before concluding the discussion, it is necessary to make some recommendations to address the challenges identified. It must first be acknowledged that the refugee crisis affects all of us, whether we realize it or not. And the reasons for addressing it are both pragmatic and altruistic.<sup>50</sup> It is critical to conduct legislative oversight to ensure that host countries have adequate frameworks in place to ensure the socioeconomic inclusion of refugees, including the provision of basic services and access to justice. The judiciary should be well-equipped to deal with refugee issues and the need to take a human-rights-based approach. A well-organized and properly designed advocacy company for refugee rights should be launched, with the ultimate goal of reducing xenophobic attitudes, serotypes, and exclusion of refugees. Some additional suggestions are provided below:

### **6.1 Political**

The politicians can raise public awareness about refugee's matters and train civil servants on human rights issues. The abiding law of the society is one of the important prerequisites of refugee

---

<sup>49</sup> Crush, J., Tawodzera, G., Chikanda, A., Remachandran, S., & Tevera, D (2017) "South Africa case study: the double crisis- Mass migration from Zimbabwe and xenophobic violence in South Africa", (pp. 1-93 Rep).

<sup>50</sup> UNHCR & NATIONS UNIES HAUT COMMISSARIAT POUR LES REFUGIES, "global consultations on international protection", 14 -16 Sep 2001.

integration, so the government needs to provide access and opportunities to refugees so that they can take active part in some political activities.

## **6.2 Cultural**

The cultural changes are evolutionary and it is not possible to change behavioral patterns overnight. But the host government and institutions in place can promote cultural diversity educating their society about refugees. This can be done by organizing events of cultural change and supporting refugee communities. And of course the refugees must respect the society's culture and social norms.

## **6.3 Economic**

Economic integration is a key factor to other forms of integration. It is known that refugees who play an active role in the host community's economic life are the better integrated ones. In this case, the government must apply equal opportunity policy that provides refugees with access to basic services, ensure the right to work of the individuals in order to enable refugees to contribute effectively to the economic development of the host society.

## **1.1 Social**

Since refugees are usually the most affected by social changes, they are likely to remain marginalized. Therefore the governments have to ensure that refugees are given the same rights enjoyed by citizens while granting welfare benefits such as education facilities. Housing and health care services and so on.<sup>51</sup>

---

<sup>51</sup> ibid