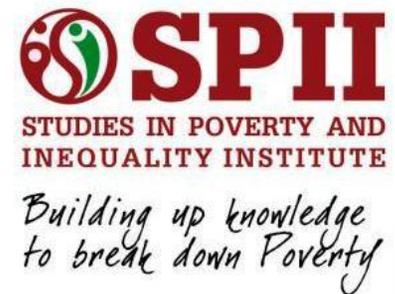


Studies in Poverty and Inequality Institute (SPII)

Access to socio-economic rights for non- nationals in SADC

Research commissioned by OSISA



Outline

- “ Background to research
- “ Triple Objectives
- “ Process
- “ Challenges
- “ Findings
- “ Recommendations
- “ Reflections

Background to research

- “ The SADC Social Charter, to which all member states are bound, recommends that members provide access to social protection to their citizens.
- “ In reality though, access to education, health care and social security, three of the fundamental elements of social protection, still remains patchy across the region, with a variety of challenges to access, including the aspect of user fees.
- “ Importantly, the SADC Charter is silent about the provision of social protection by member states to non-nationals.
- “ Non-nationals, especially refugees and displaced persons, face particular vulnerabilities: to develop an advocacy agenda we need to know what the objective realities within the region are.

Triple Objectives of Research

- “ Develop comprehensive study through:
 - “ Scope existing desk top research into access to social protection by non- nationals
 - “ Verify through primary research conducted by locally based research and advocacy partners
- “ Develop recommendations for internal consideration by OSISA and external consideration by locally based partners
- “ Establish and nurture network of locally based partners for ongoing information sharing and development of potential future collaborative projects.

Process of Project

- “ Identify local partners
- “ Undertake desk top scoping of socio-economic conditions, regional, continental and international treaties
- “ Develop draft methodology and interview tools
- “ Host meeting of experts and meeting of researchers to agree on and finalise research tools
- “ Field work by local partners
- “ Second meeting of researchers to share preliminary findings, and address challenges of data collection
- “ Receive inputs from local partners
- “ Draft composite report
- “ Share with experts
- “ Host final meeting with researchers to disseminate findings and discuss potential ways forward

Challenges experienced

- “ Access to refugees and camps
- “ Time frames for data collection
- “ Resource constraints
- “ Communication with local partners due to infrastructure challenges

Research findings

- “ Access to socio-economic rights for refugees is restrictive, and access by citizens is also parlous
- “ There is a difference between people living in camps, and those who are incorporated into the country
- “ Dependence on the provision by state or third parties of socio-economic rights for refugees is increased by wide spread limited access to the ability to provide for own needs through income generating activities, both *de iure* and *de facto* (generally high levels of unemployment, distance of camps to centres of economic activity etc)
- “ There appears to be a lack of vision about how social protection can be incorporated into future return of refugees to countries of origin
- “ Issues pertaining to rights and conditions of refugees generally viewed in isolation of mainstream rights and development issues

Findings continued..

- “ High levels of dissatisfaction amongst refugees about their conditions and their ability to command their own lives, high levels of suspicion and distrust amongst state officials and refugee service providers about conditions
- “ In a number of countries a gap was found between legally adopted provisions for refugees and what people in fact were able to access
- “ Low levels of knowledge amongst refugees about their rights and how in fact to access them
- “ However, it as also found that in some instances, rights were accessed in fact even if not present in law – e.g. access to schools
- “ Recognition by many respondents that their situations were not that different from the conditions in which citizens lived.

Recommendations

- “ Mainstream refugee issues into national and regional policy discourses
- “ Clarify refugee rights and entitlements as they exist in individual countries
- “ Campaign for the provision of citizenship for those who have been in camps for more than ten years
- “ Advocate for trauma counselling of refugees
- “ Lobby governments to scrap the encampment policy, grant refugees access to the labour market
- “ Create oversight and accountability mechanisms that track progress on socio-economic rights for national and non-nationals over time

Recommendations cont.

- “ Monitor gender parity in access to socio-economic rights for both nationals and non-nationals
- “ Improve access to refugee camps
- “ Consider the role of the media in promoting positive messages around cross – border migration
- “ Lobby national and regional parliaments to adopt human rights treaties and strengthen their oversight role over treaties and conventions
- “ Address corruption
- “ Analyse the role of the UNHCR, its powers and autonomy, and its relationship with national governments

Implementation of recommendations

- “ These can take place at three levels through the following processes:
 - “ Further research
 - “ SADC- wide lobbying for the domestication of treaties, and
 - “ National campaigns on improved access to socio-economic rights by both nationals and non-nationals

Reflections and learnings

- “ Working collaboratively provides for far richer analysis than external research projects
- “ Regional comparisons can identify best practices that provide for advocacy content within each country
- “ Working collaboratively however requires additional time and resources to accommodate individual organisations’ own commitments and resource constraints
- “ Local political conditions impact on the ability to access data
- “ Language variances must be better anticipated and provided for
- “ Future collaboration has great potential for multiple- pronged advocacy and research, but must be clearly planned and resourced.