Gendering Refugee Studies

Women make up at least half of the world’s refugees, but only a minority of asylum seekers who reach the West are female. Why is this?

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The United Nations High Commission for Refugees [UNHCR] (2000: 7) estimates there are 50 million uprooted people in the world today including asylum seekers (seeking refugee status), refugees (under the Geneva Convention) and internally displaced persons (displaced within their own countries borders). Women make up over 50% of the world’s refugees however only a minority of women are granted refugee status in the West. It is often reported that 80% of the world’s displaced persons are women and children but as Bhabha (2004: 227) cautions, women and children should not be aggregated into one homogenous group since they experience different inclusionary and exclusionary pressures. Also women’s experiences differ due to intersections of race, class, ethnicity, culture and sexuality. The majority of women refugees are single as their husbands have been killed in conflict or because they are fleeing persecution by their husband or male relatives. This increases women’s vulnerability since in many cultures women have no status of their own. However women refugees are not helpless victims, they display agency within their situation; that is they actively shape their fate despite the oppressing circumstances.

The data on gender and asylum applications is unsystematic and incomplete. However it is clear that

“first, in every single developing country neighbouring the refugees’ country of origin, women and children refugees substantially outnumber adult males. Second, in every developed state, male asylum seekers far outnumber females” (Bhabha 2004: 232).

The UNHCR statistics for 1996 shown women constituted 76.6% of refugees in Ethiopia and 80% in Pakistan compared to 42% in Belgium and less than 45% in France (Bhabha: 232). Data for 2000 replicates these finding of inverted percentages of women refugees in the West. Unpublished UNHCR figures show in every single Western state the percentage of female refugees is under 50%; ranging from a high of 39.2% in Canada to a low of 7.5% in the Netherlands. Women account for only 30% of asylum applications in the west due to several reasons.
In this essay I argue that women fail to gain refugee status in the West for three main reasons. One, due to practical barriers in reaching the West such as reduced access to travel, lack of finances and social positioning in their country of origin. Two, the definition of a refugee in the 1951 Convention Relating to the Status of Refugees (the Geneva Convention) excludes women and gender related persecution. The Convention reflects the post cold war political situation; thus women are not considered political agents and persecution done to women is relegated to the ‘private’ sphere. Thirdly, during the assessment of their claims women are often required to submit ‘proof’ of sexual or physical harm as a result of the escalating fear in Western states of being ‘overrun’ by refugees. Socio-economic factors are increasingly being used to assess admissibility and thus women are disadvantaged due to gender stratification, that is the privileging of the male role, and the separation of the public and private spheres.

Women have less access to formal and informal structures that facilitate migration such as travel agents or smugglers (Bhabha 2004: 235). Due to gendered divisions of labour, women often lack the finances required to reach a country in the West. In many places women are not allowed to work or if they are employed it is on a minimal wage. Women are expected to raise children, not participate in the formal labour market. Also, without meaning to ‘essentialise’ gender roles, or to claim a ‘natural’ difference between the genders, women are often reluctant to leave their children and flee. Women may also encounter language barriers as they have less access to education than men and therefore are less likely to know a second language. Additionally the actual travel can be a dangerous experience for women.

Travel is a risk for women as the incidence of violence and sexual assault is high. In a study of 15, 479 Indochinese ‘boat people’ fleeing to the West in 1981, the UNHCR (2000: 87) found: 578 women and girls were confirmed to have been raped; 228 women were abducted and 881 people were missing or dead. The
breakdown of gender was not published, but if only 30% of women can flee their home then 4643 of these refugees were women and 17% were raped or abducted. Gender roles and expectations in a woman's home country create further barriers to travel.

Social positioning often makes it harder for women to flee as they lack autonomy and freedom of movement. The ideology of male superiority means a woman may have no status of her own, besides her husbands. Wives then become depended on their husband for legal standing and finances and that can lead to a psychological dependence as well. This is illustrated by Nada, a refugee from Saudi Arabia:

“First of all, it's very hard to leave [Saudi Arabia]. Even if a woman thinks about leaving, she cannot get permission. It's also not easy for a woman to do things by herself. Women are raised to be incapable of doing anything. One pays a big price to come here and the woman who is willing to do that is rare.” (Macklin 1995: 220)

Once women reach the shores of a Western state they face further difficulties as the Geneva Convention discriminates against women in its ‘gender neutral’ position.

The 1951 Convention Relating to the Status of Refugees (commonly referred to as the Geneva Convention) defines a refugee as a person who:

“owing to a well founded fear of being persecuted for reasons of race, religion, nationality, member of a particular social group or political opinion, is outside the country of his nationality or is unable, or owing to such fear is unwilling to avail himself of the protection of that country” (quoted in Kneebone 2005: 8)

This narrow definition excludes those fleeing natural disasters, war, starvation, gender-related persecutions and those displaced within their own borders. Furthermore persecution by non-state actors or individuals is not mentioned and thus becomes a ‘private’ or personal matter where states can claim no
responsibility. It appears the Geneva Convention is historically relevant to the time it was created, however, in its original form, it is not as applicable to the current political situation.

The Geneva Convention was written after the cold war to deal with political refugees from the East and thus reflects the international politics of that era (Freedman 2007: 72). It was negotiated by an all male panel primarily from the USA and European Allies (most of the new Eastern Bloc boycotted the negotiations). A refugee was considered to be an autonomous individual persecuted by a totalitarian regime for political views or actions and was celebrated as a hero by the anti-communist states. The definition of a refugee assumes a liberal concept of a rights bearing individual, which is not a description that universally applies to women (Kneebone 2005: 8). The Convention is androcentric, assuming a male norm, and thus women’s experiences have been trivialised and made invisible. Furthermore the UNHCR has declared that ‘persecution’ involves a threat to life, freedom or other serious violation of human rights (Bhabha 2004: 19). This is problematic since women’s rights are not universally recognised as human rights.

Women’s agency and legitimacy as political agents need to be recognised in both the public and private spheres. O’Kane (2007: section 4) argues that a

“fluid concept of power and politics is necessary to capture a fuller range of power relations and appreciate the agency and power of both dominant and non-dominant actors”

O’Kane describes women-activists in Burma, who were displaced to the states borders and formed the Women’s League of Burma (WLB), as political agents challenging the state-centric categories of agency and subjectivity. From their depoliticised position of statelessness these women are using human rights discourses to publicise systematic gender-based persecutions in Burma. It is through the activist-refugees self-defined identity as legitimate subjects of human rights, articulated through human rights discourses, that they claim a right to be
recognised as political actors. However the Geneva Convention, as with most policies and law, does not recognise women’s actions as political.

Men are considered the principle agents of political resistance because actions are only considered political when occurring in the public arena (Freedman 2007: 81). Women do engage in political action but this often takes a different form as women are situated in the ‘private’, domestic sphere of home and family. At an individual level, women may refuse to adhere to dress codes or a prescribed gender role. They are more likely to be found in supporting roles such as hiding people, passing messages and providing food or medical care. Women may be absent from the political elites but this does not make them non-political.

Mentions of gender or sex are absent in the Geneva Convention; Nan Heuven Goedhart, the UN High Commissioner for Refugees at the time, doubted strongly “whether there would be any cases of persecution on account of sex” (Spijkerboer 2000 cited in Freedman 2007: 72). The Convention is presented as ‘gender neutral’, however due to its vague definitions it is open to interpretation by individual states with existing gender biases. It was written with the autonomous, right’s bearing male as the norm and consequently women are discriminated against, as they are not privileged to the same status as males. Laws and policies about refugees also contain gendered assumptions such as the ideology of women as victims and notions of a homogenous category of ‘women and children’. Feminist activists and scholars have sought to make the experiences of women refugees more visible in the global arena.

Making women refugees visible as gendered subjects has the potential to disregard other forms of oppression arising from race, class, sexuality and religion, in what Oswin (2001: 351) terms a “problematic hierarchy of oppression”. Women are not a homogenous group but have different values and experiences. Despite this they are often presented as vulnerable, helpless victims and there is an assumption that in times of crisis patriarchy intensifies
and the subordination of women increases. However Kibreab (1995: 1) argues that Eritrean women refugees display agency within their situation; that is they “display a high degree of adaptability, resilience, creativity and resourcefulness”. Nevertheless this does not diminish the level of harm resulting from gender related persecutions.

Gender related persecution is an outcome of unequal power relationships in society and often takes the form of men attempting to control women’s sexuality and their capacity to reproduce (Freedman 2007: 46). Examples of this include female genital mutilation, sexual based violence, forced pregnancy or abortion and domestic violence. Women are considered the bearers of national identity; the producers and reproducers of national boundaries, identities and cultures and therefore are subjected to high levels of control and surveillance. Women fleeing gender related persecutions often have their claims rejected because the Geneva Convention does not recognise gendered forms of persecution. Women are not recognised as a ‘particular social group’ whereas “oppression from parallel forms of invidious status distinction such as race or religious conviction are central” (Indra 1987 in Bains 2004: 29). It must be noted that every state discriminates against women and gender related persecutions are not exclusive to the ‘third world’. Persecution done to women is often relegated to the ‘private’ or family sphere and thus women’s rights have been marginalised in international politics.

Persecution done to women is often normalised and individualised. Rape, for example, is considered a part of universal relations between the sexes. (Freedman 2007: 79). In Bosnia 20, 000 Muslim women were systematically raped in 1992 by Serbian Militia as a deliberate strategy of conflict (UNHCR 2002: 7). These women were deliberately impregnated in ‘rape camps’ because it was believed that ethnicity is passed through the male line. The political nature of these actions is denied and explained away as individual actions motivated by lust, not strategy. Worldwide it is estimated that 1 in 5 women have been raped,
including over 50% of women in refugee camps. In 2003 the UNHCR released a report about gender and sexual based violence that stated:

“When rape or other forms of sexual violence are committed for reasons of race, religion, nationality, political opinion or membership of a particular social group, it may be considered persecution under the definition of the term refugee” (UNHCR 2003: 109)

The UN, like many states, fail to recognise that rape, and other forms of gender based violence, is a method of exerting control, power and dominance over women. The UN have published gender-sensitive guidelines for assessing claims but female asylum seekers still face practical barriers to their asylum claims.

‘Proof’ is often required by officials when assessing asylum claims, despite the UNHCR stating this is not required procedure (Freedman 2007: 7). Physical and sexual violence is inherently difficult to prove and further complicated by the culture of shame and silence surrounding these forms of violence. The rising number of women seeking asylum for sexual violence has led to a problem of credibility, as many stories of wartime sexual violence are similar. Deferenace, nervousness, hesitation in speech and avoidance of eye contact constitute appropriate gendered behaviour in some cultures but these actions are often interpreted by officials as evidence of deceit (Boyd 1999).

There is a growing fear in the West of being ‘overrun’ by ‘bogus’ refugees or economic migrants and thus states are tightening their borders to a perceived ‘influx’ of displaced persons (Bains 2004: 22). The numbers of asylum seekers reaching the West rose from 90, 444 in 1983 to 825, 000 in 1993 (Oswin 2001: 354). While simultaneously the acceptance of refugees fell from 50% to around 10-20% as economic policies began to dominate international relations and applicants were assessed on socio-economic, rather than humanitarian terms.

Socio-economic and cultural factors are considered when granting asylum claims. In Canada for example once a person meets the UN definition of a
refugee they are assessed for admissibility; the characteristics of this are largely of a socio-economic nature (Boyd in Macklin 1995: 219). Due to gender stratification in their country of origin many women have little or no education, are unlikely to speak a second language, have poor labour market skills and experience and have more dependents therefore making them less desirable to host countries. As a result around two thirds of refugees in Canada are male. A single mother with dependent children has a poor chance of being accepted but married women encounter difficulties as well.

Married asylum seekers are often ignorant of their rights and unaware that they are able to submit a separate claim to their husbands (Freedman 2007: 87). Married couples are encouraged to make joint claims under the ‘head of household’ model; the wife is then considered a dependent and must rely on her husband for legal standing and refugee status. This has furthered the distinction between public and private spheres by assuming that males are the active, public participants and women are merely dependent. Furthermore since women are considered non-political they may face difficulties establishing grounds for asylum.

It is obvious with a study of female asylum seekers that gender inequality is still prevalent throughout the world. Women asylum seekers are encounter practical barriers in reaching the West including lack of finances and social positioning that denies them autonomy and freedom of movement. The Geneva Convention fails to recognise gender based persecution and the political actions of women. Women are further disadvantaged when their asylum applications are assessed on socio-economic factors as they often have poor education and labour market skills. The discourse of ‘false’ refugees has caused Western states to accept less asylum seekers and ‘proof’ is demanded of a woman’s physical or sexual harm.

The Geneva Convention is outdated and needs to be modified to reflect the current political situation. It needs to be recognised that women have different
experiences and encounter different forms of persecution to men. There have been arguments made for simply including women as a ‘particular social’ group however this reinforces women’s marginalisation by confirming that only men are political agents and only men are effected by religious and racial pressures (Macklin 1995 in Oswin 2001: 351). This would also reinforce the ideology of women’s vulnerability and inferiority rendering invisible acts of agency or resistance. The concept a ‘political’ act needs to be adapted since women’s political action may take a different form to men’s but should not be considered less meaningful, or less dangerous. The Geneva Convention is a prime example of androcentric policies dictated by males, with a male norm that render women’s experience invisible.

The pervasive discourse of public and private spheres permeates this subject and the inherent assumptions within it.
References

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