

# Women and the 1951 Refugee Convention: Fifty Years of Seeking Visibility

NAHLA VALJI

## Abstract

*The refugee regime, built on the 1951 Convention relating to the Status of Refugees, has long excluded women from the international right to protection from persecution. The gender-blind parameters of the Convention have been exacerbated by the same qualities in the international legal system of which it is a part: state practices toward asylum-seekers, and the dichotomous construction of the refugee regime as a whole, which has produced and reproduced victimizing identities of refugee women. Advances today, such as the adoption of gender guidelines in a number of states, have been more symbolic in effect than transforming. New policy paths need to be evaluated to ensure that the next half-century of refugee protection does not duplicate the inequalities of the past.*

## Résumé

*Le régime juridique encadrant la protection des réfugiés, bâti sur la Convention des Nations Unies de 1951 relative au statut des réfugiés, a longtemps servi à priver les femmes du droit international de protection contre la persécution. Les paramètres de la Convention, qui sont indifférents aux spécificités de genre, ont été intensifiés par les mêmes qualités se trouvant dans le régime juridique international dont elle fait d'ailleurs partie, par le traitement réservé aux demandeurs d'asile par les États et par la structure dichotomique du régime de la protection des réfugiés en général qui a produit et reproduit pour les femmes demandeurs d'asile des identités de victimes. Les progrès que l'on peut voir aujourd'hui, tel que l'adoption par un certain nombre de pays de programmes de sensibilisation aux spécificités de genre, sont plutôt symboliques et n'apportent pas de transformations réelles. Conséquemment, pour l'avenir, il*

*importe d'examiner de nouvelles initiatives en matière de politiques à suivre afin de s'assurer que le prochain demi-siècle de la protection des réfugiés ne perpétue pas les inégalités du passé.*

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*Sex-specific violence and discrimination has never been treated with the same seriousness as other human rights abuses . . . If a person is murdered because of his or her politics, the world justifiably responds with outrage. But if a person is beaten or allowed to die because she is female, the world dismisses it as cultural tradition.*

—Lori Heise  
Crimes of Gender

Until very recently, if one spoke of domestic violence within mainstream refugee scholarship, it could safely be assumed that the reference was to the internal security concerns of a state—perhaps fears of domestic clashes in the wake of large flows of migration. One of the last actions of outgoing U.S. Attorney General Janet Reno was to overturn a 1999 Board of Immigration Appeals decision to deny political asylum to a Guatemalan woman who had been persecuted relentlessly at the hands of an abusive husband. The decision did not grant asylum, but rather ensured that the case was held over until new regulations, currently before the Department of Justice, can be decided upon.<sup>1</sup> If approved, the new regulations will facilitate the case of women fleeing gender-specific or gender-based persecution, including that of domestic violence.<sup>2</sup>

The last decade has seen a number of such advances in the policies of industrialized states, as increasing awareness

# Refugee Convention At Fifty

**Theodor Billroth**



## **Refugee Convention At Fifty:**

*The Refugee Convention at Fifty* Joanne van Selm, 2003-01-01 The year 2001 marked the fiftieth anniversary of the Convention Relating to the Status of Refugees The Refugee Convention at Fifty is a commemorative volume but it is one that points toward a future that will see a continued need for refugee protection The volume performs a much needed task for the current era it carefully examines this key legal text which impacts not only the law but also the politics and sociology of forced migration Joanne van Selm and her coeditors have collected essays by scholars from a wide range of disciplines NGO staff members international organization professionals and national level policy makers who discuss the impact of this legal document on forced migrants the states they migrate from and to and the societies they join and leave behind Sub themes covered include the potential for solidarity between states in ensuring that legal and political commitments are upheld regional approaches to refugee protection and displacement and the human and social consequences of forced migration for those covered by or excluded from refugee protection The geographic and disciplinary spread of the book is unparalleled and The Refugee Convention at Fifty sets for the contentious and critical study of refugees the high standards for scholarship and innovative thinking that will serve as precedent for future policy making and implementation in the field *The Refugees Convention 50 Years on* Susan Kneebone, 2018-04-27 This title was first published in 2003 The authors of the essays in this collection all internationally recognised refugee scholars and practitioners look at the controversial hot topic of refugee rights They consider whether 50 years after its agreement the Refugees Convention can provide an adequate framework for protection In particular the authors address the effect of globalization upon the human rights of asylum seekers and refugees the efficacy of the Convention as an instrument of international law the role of the UNHCR whether NGOs are effective instruments for change and nationality and citizenship issues They also consider alternatives and options for solutions to the global refugee problem **Refugee Law's Fact-Finding Crisis** Hilary Evans Cameron, 2018-05-10 At a time when many around the world are fleeing their homes seeking refugee protection has become a game of chance Partly to blame is the law that governs how refugee status decision makers resolve their doubts This long neglected branch of refugee law has been growing in the dark with little guidance from the Refugee Convention and little attention from scholars By looking closely at the Canadian jurisprudence Hilary Evans Cameron provides the first full account of what this law is trying to accomplish in a refugee hearing She demonstrates how a hole in the law's normative foundations is contributing to the dysfunction of one of the world's most respected refugee determination systems and may well be undermining refugee protection across the globe The author uses her findings to propose a new legal model of refugee status decision making *Fifty Years of the International Court of Justice* Vaughan Lowe, Malgosia Fitzmaurice, M. Fitzmaurice, 1996-02-29 To mark the fiftieth anniversary of the International Court of Justice a distinguished group of international judges practitioners and academics has undertaken a major review of its work The chapters discuss the main areas of substantive law with which the Court has

been concerned and the more significant aspects of its practice and procedure in dealing with cases before it. It discusses the role of the Court in the international legal order and its relationship with the political organs of the United Nations. The thirty-three chapters are presented under five headings: the Court, the sources and evidence of international law, substance of international law, procedural aspects of the Court's work, and the Court and the United Nations. It has been prepared in honour of Sir Robert Jennings, judge and sometime President of the Court.

Let Me be a Refugee Rebecca Hamlin, 2014. Why do decision makers in similar liberal democracies interpret the same legal definition in very different ways? International law provides states with a common definition of a refugee as well as guidelines outlining how asylum claims should be decided. Yet the processes by which countries determine who should be granted refugee status look strikingly different even across nations with many political, cultural, geographical and institutional commonalities. This book compares the refugee status determination (RSD) regimes of three popular asylum seeker destinations: the United States, Canada and Australia. Despite similarly high levels of political resistance to accepting asylum seekers across these three states, once asylum seekers cross their borders they access three very different systems. These differences are significant both in terms of asylum seekers' experience of the process and in terms of their likelihood of being found to be a refugee. The book moves beyond the claim by some scholars that asylum seeker destinations are uniformly becoming more exclusionary and the contrary assertions of other scholars that the same destinations are converging on a new inclusive internationalism leading to the decline of state sovereignty. Instead, Hamlin finds these states to be running on three distinct trajectories, none of which are totally restrictive or expansive. Based on a multi-method analysis of all three countries, including a year of fieldwork with in-depth interviews of policy makers and asylum seeker advocates, observations of refugee status determination hearings and a large-scale case analysis, Hamlin finds that cross-national differences have less to do with political debates over admission and border control policy than with the level of insulation the administrative decision-making agency enjoys from either political interference or judicial review. Administrative justice is conceptualized and organized differently in every state and so states vary in how they draw the line between refugee and non-refugee.

*General Surgical Pathology and Therapeutics, in Fifty Lectures* Theodor Billroth, 1875. *General surgical pathology and therapeutics, in fifty-one lectures* Theodor Billroth, 1880.

**Global Migration** K. Khory, 2012-10-22. Immigration today evokes passionate debates over questions of national identity, state sovereignty and citizenship. Even as capital, goods and services flow easily over national boundaries, human beings are subjected to intense scrutiny and resistance when crossing borders. In this collection of essays, distinguished scholars probe the challenges and opportunities that global migration presents for individuals, states and societies grappling with questions of identity, belonging and citizenship. Multidisciplinary in scope, the book demonstrates how forced and voluntary migrations intersect with global politics, from economic and environmental crises to human rights and security.

**Saudi Policies towards Migrants and Refugees** Joseph A. Kéchichian, Fahad Alsharif, 2021-09-22. A Sacred Duty sets out the Kingdom's

policy toward the global issue of migrants and refugees with special emphasis directed toward Muslim societies Discussion focuses on refugee communities currently living in Saudi Arabia some of which migrated due to war forced displacement environmental catastrophe and economic hardship Some migrants have come from bordering countries such as Iraq and Yemen others reached the Arabian Peninsula from Africa and Asia All have been welcomed and cared for though settlement conditions repatriation and deportation circumstances were not always ideal Inevitably and mirroring experience elsewhere in the world there are undeniable gulfs between policies and practices Policy shortcomings are measured against the substantive assistance planks that Riyadh espouses including providing financial aid to refugees in third countries over and above United Nations appeals These acts are done without prejudice and mostly without publicity Aid to the needy is justified by religious obligations as well as on humanitarian grounds Saudi Arabia s aid contributions have generally been either overlooked or dismissed and the religious foundations of their commitment to displaced populations has been negatively contrasted against human rights based commitments espoused by Western states and institutions Sa udi Policies Towards Migrants and Refugees addresses these concerns filling a key gap in the literature on a vital policy topic The book refutes notions that the country discourages open research on sensitive topics and further dispels the prejudiced idea of a society closed to any kind of external influence Saudi Arabia s granting of hospitality to refugees reinforces historic tribal and universal norms in contrast to misplaced notions of hostility toward Western standards which in the case of migrants and refugees has seen the application of confused and alarming standards of behaviour by a plethora of Western states Published in conjunction with the King Faisal Center for Research and Islamic Studies KFCRIS **Refugees and Rights** Mary Crock, 2017-05-15 Forced migration is both as ancient as human life on earth and a relatively new subject of interest for human rights scholars This volume continues the discussion from Migrants and Rights to focus attention on refugees victims of trafficking and others who cross borders seeking protection from anthropogenic or natural disasters The opening essays provide historical and conceptual overviews of rights to freedom of movement and asylum and links between human rights and refugee law Articles on the principle of non refoulement in international law explore the occasional disjuncture between the individual s right to protection and the State s rights to protect its national interests The refugee s rights to due process and the substance of entitlements at law are explored in essays that range across administrative processes social and cultural rights including family reunion detention and the right of return There follow four essays that address sexual orientation and refugee rights refugees and disability rights human rights and persons displaced by climate change disasters and the rights of victims of human trafficking The volume concludes with work reflecting on the rights discourse outside of traditional Western theatres These cover Africa Kenya India South America Brazil and the Asia Pacific Indonesia and Papua New Guinea

*Vulnerable Bodies* Erin K. Baines, 2017-03-02 Examining the response of the United Nations to forced displacement in three cases this insightful work lays bare the breach between advances in global policy on gender equality and

humanitarianism and the implementation of these policies In this book Erin Baines uses the examples of Bosnia Rwanda and Guatemala to explore the interplay between the global the national and the local level By providing critical empirical data feminist propositions can be tested against experience Vulnerable Bodies will form an excellent resource for courses in international relations gender studies development studies comparative politics and for UN policymakers and government practitioners

**America in the Fifties** Andrew J. Dunar, 2006-11-07 Blessed by a booming economy the United States experienced the benefits of technology in the 1950s with television and the automobile transforming the way people lived and the space race offering new challenges At the same time the nation faced domestic divisions and international crises that would have far reaching historical and political consequences The 1950s evoke images of prosperity suburbia a smiling President Eisenhower cars with elaborate tail fins Elvis Presley Marilyn Monroe and the golden age of television seemingly a simpler time in which the idealized family life of situation comedies had at least some basis in reality A closer examination however recalls more threatening images the hysteria of McCarthyism the shadow of the atomic bomb war in Korea the Soviet threat manifested in the launch of Sputnik and the bombast of Nikita Khrushchev and a clash over the integration of public buses in Montgomery Alabama and a high school in Little Rock Arkansas Andrew J Dunar successfully shows how the issues confronting America in the late twentieth century have roots in the fifties some apparent at the time others only in retrospect civil rights environmentalism the counterculture and movements on behalf of women Latinos and Native Americans The rise of the beats the continuing development of jazz the emergence of rock n roll and the art of Jackson Pollock reveal the decade to be less conformist than commonly portrayed While the cold war rivalry with the Soviet Union generated the most concern Dunar skillfully illustrates how the rise of Nasser in Egypt Castro in Cuba and Communist regimes in North Korea Vietnam and China signaled new regional challenges to American power This book will be ideal for instructors of American history survey courses at the high school and undergraduate levels *Report of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs* League of Nations. Advisory Committee on Traffic in Opium and Other Dangerous Drugs, 1923

*The Contemporary Reader of Feminist International Relations* Catherine Goetze, Khushi Singh Rathore, 2025-07-21 The Contemporary Reader of Feminist International Relations is a comprehensive volume for contemporary scholarship on feminist international relations and theory showcasing research from a range of international scholars This collection explores the state of women s and LGBTQi rights in the world feminist contributions to peace women s and feminist approaches to diplomacy and feminist theorizing on borders security and the politics of care in the world It also features interviews and short essays by trailblazers of feminist international relations The book is composed of six parts and features case studies examples in depth field research and conceptual debates prominently in all chapters Further readings complement the reader s guidance The Contemporary Reader of Feminist International Relations is an ideal study companion for students and scholars in Women s and Gender Studies International Relations Politics Peace Studies and

Security Studies Chapter 33 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution CC BY 4.0 license

*The Social Science Encyclopedia* Adam Kuper, 2004-10-14

The Social Science Encyclopedia first published in 1985 to acclaim from social scientists, librarians and students was thoroughly revised in 1996 when reviewers began to describe it as a classic. This third edition has been radically recast. Over half the entries are new or have been entirely rewritten and most of the balance have been substantially revised. Written by an international team of contributors, the Encyclopedia offers a global perspective on key issues within the social sciences. Some 500 entries cover a variety of enduring and newly vital areas of study and research methods. Experts review theoretical debates from neo evolutionism and rational choice theory to poststructuralism and address the great questions that cut across the social sciences: What is the influence of genes on behaviour? What is the nature of consciousness and cognition? What are the causes of poverty and wealth? What are the roots of conflict, wars, revolutions and genocidal violence? This authoritative reference work is aimed at anyone with a serious interest in contemporary academic thinking about the individual in society.

Implementation and World Politics Alexander Betts, Phil Orchard, 2014

A significant amount of International Relations scholarship examines the role of international norms in world politics. Existing work though focuses mainly on how these norms emerge and the process by which governments sign and ratify them. In conventional accounts the story ends there. Yet this tells us very little about the conditions under which these norms actually make any difference in practice. When do these norms actually change? What happens on the ground? In order to address this analytical gap, the book develops an original conceptual framework for understanding the role of implementation in world politics. It applies this framework to explain variation in the impact of a range of people-centred norms relating to humanitarianism, human rights and development. The book explores how the same international norms can have radically different effects in different national and local contexts or within particular organizations and in turn how this variation can have profound effects on people's lives. How do international norms change and adapt at implementation? Which actors and structures matter for shaping whether implementation actually takes place and on whose terms? And what lessons can we derive from this for both International Relations theory and for international public policy makers? Collectively, the chapters explore these themes by looking at three different types of norms: treaty norms, principle norms and policy norms across policy fields that include refugees, internal displacement, crimes against humanity, the use of mercenaries, humanitarian assistance, aid transparency, civilian protection and the responsibility to protect.

Asylum-Seeking Trauma Roben Pfumai Mutwira, 2012

Each asylum seeker has a story of why he left home, the difficulties he met on the journey and how he got asylum. Some are unable to retell their stories because of the amount of suffering they experienced in the different countries they passed through. But there is nothing more painful than being told that what you suffered is a lie and then being detained and deported to the very countries you had run away from and sitting your mind to receive the treatment you thought you had escaped. This book appeals to

people in authority to please believe the stories of asylum seekers give them a new home a job and a future

**International Refugee Law and Socio-Economic Rights** Michelle Foster, 2007-07-12 Publisher Description

**Refugees, Asylum Seekers and the Rule of Law** Susan Kneebone, 2009-03-19 An assessment of the impact of asylum on the integrity of the rule of law in five common law jurisdictions      Realising Socio-Economic Rights of Refugees and Asylum Seekers in Africa Ebenezer Durojaye, Robert Doya Nanima, Abiola Idowu-Ojo, Gladys Mirugi-Mukundi, 2023-10-31 This book examines the socio economic rights challenges of refugees and asylum seekers in Africa It seeks to fill a major gap in the literature by providing a nuanced discussion of the barriers to the realisation of the socio economic rights of refugees and asylum seekers in Africa It equally aims to provide some concrete recommendations to African governments towards the realisation of the socio economic rights of refugees and asylum seekers With the aid of lessons from selected African countries this book highlights the gaps challenges and good practices regarding the realisation of the socio economic rights of refugees and asylum seekers in the region The book will be useful to researchers students academicians policymakers and international organisations or institutions interested in advancing the rights of refugees and asylum seekers



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