

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 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.

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.¹ If approved, the new regulations will facilitate the case of women fleeing gender-specific or gender-based persecution, including that of domestic violence.²

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

Refugee Convention At Fifty

Hilary Evans Cameron



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 *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

Accessing Asylum in Europe Violeta Moreno Lax, 2017 The timely subject matter of this work focuses on the interface between extraterritorial border surveillance and migration control by EU member states and the rights that asylum seekers acquire from EU law In particular Moreno Lax concentrates on the relationship between the EU Charter of Fundamental Rights and border control measures

Global Refugee Crisis Mark Gibney, 2010-09-16 This book documents the current global refugee crisis and examines the interrelated factors of immigration enforcement international human rights law political violence and refugee protection There are two disparate components to the global refugee crisis first there are about 46 million refugees and Internally Displaced Persons IDPs most of whom are struggling to survive in the poorest and most violent countries in the world and second our interpretation of international human rights law allows this state of affairs to worsen Refugee protection has been a longstanding policy that ostensibly protects victims of human rights violations from other countries In actuality protection is largely negated by systematic efforts by industrialized states to reduce the number of refugees arriving at the borders This book provides a comprehensive examination of this worldwide problem and rejects the idea that the majority of asylum seekers abuse the system to gain entrance into the country

Women, Vulnerabilities and Welfare Service Systems Marjo Kuronen, Elina Virokannas, Ulla Salovaara, 2020-10-08 This book studies welfare systems in Europe and beyond from the standpoint of women in vulnerable positions in society These systems are under major transformations with new models of service delivery and management austerity measures requirements for cost effectiveness marketization and the prioritization of services Divided into three parts Welfare service systems not responding to vulnerable situations of women Women s encounters with the welfare service system Contradictions of informal support this book considers the experiences and encounters with the service system of women in poverty homeless women women with substance use problems women sentenced of crime girls and young women in care and refugees and asylum seeking

women Drawing upon research and critical discussions from Finland Canada Israel Slovenia Spain and the UK this book provides new empirical findings and critical insights and a valuable resource for the academics and students in social work social policy sociology and gender studies but also for policy makers and professionals in social and health care

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 *Reflections on Camps – Space, Agency, Materiality* Antje Senarclens de Grancy, Heidrun Zettelbauer, 2019-06-17 Camps as a global and ubiquitous mass phenomenon of the present and a flexible isolation tool for against specific socially politically or ethnically defined groups are at the centre of current policies and societal debates In the present volume the authors explore camps as cultural spaces in a broad sense and deal with their complex dimensions as sites of the Modern They examine camp spaces and their social configurations physical architectural qualities symbolic functions as well as cultural representations in an intent to define the inscribed ambivalences inconsistencies and paradoxes of the phenomenon Positioned within different disciplinary contexts Contemporary History Visual Studies Architectural History Refugee and Gender Studies the assembled articles present a wide range of understandings and approaches to space materiality and the relations between governance and agency The contributors stress the entanglement of social structures cultural discourse institutionalisation individual perception and appropriation They show how the issue of camps can serve as cross sectional matter for researchers in different fields in Cultural Theory and Contemporary History Human Rights Treaties Mark Sachleben, 2005-12-13 The book examines patterns of participation in human rights treaties International relations theory is divided on what motivates states to participate in treaties specifically human rights treaties Instead of examining the specific motivations this dissertation examines patterns of participation In doing so it attempts to match theoretical expectations of state behavior with participation This book provides significant evidence that there are multiple motivations that lead states to participate in human rights treaties

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Table of Contents Refugee Convention At Fifty

1. Understanding the eBook Refugee Convention At Fifty
 - The Rise of Digital Reading Refugee Convention At Fifty
 - Advantages of eBooks Over Traditional Books
2. Identifying Refugee Convention At Fifty
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Refugee Convention At Fifty
 - User-Friendly Interface
4. Exploring eBook Recommendations from Refugee Convention At Fifty
 - Personalized Recommendations

- Refugee Convention At Fifty User Reviews and Ratings
- Refugee Convention At Fifty and Bestseller Lists
- 5. Accessing Refugee Convention At Fifty Free and Paid eBooks
 - Refugee Convention At Fifty Public Domain eBooks
 - Refugee Convention At Fifty eBook Subscription Services
 - Refugee Convention At Fifty Budget-Friendly Options
- 6. Navigating Refugee Convention At Fifty eBook Formats
 - ePub, PDF, MOBI, and More
 - Refugee Convention At Fifty Compatibility with Devices
 - Refugee Convention At Fifty Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Refugee Convention At Fifty
 - Highlighting and Note-Taking Refugee Convention At Fifty
 - Interactive Elements Refugee Convention At Fifty
- 8. Staying Engaged with Refugee Convention At Fifty
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Refugee Convention At Fifty
- 9. Balancing eBooks and Physical Books Refugee Convention At Fifty
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Refugee Convention At Fifty
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Refugee Convention At Fifty
 - Setting Reading Goals Refugee Convention At Fifty
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Refugee Convention At Fifty
 - Fact-Checking eBook Content of Refugee Convention At Fifty

- Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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