

“Every phase in refugee experience is importantly gendered.” Discuss.

This essay will explore the above statement and consider the significance of gender in relation to three key distinct phases of the refugee experience. 1: Pre-conflict and conflict. 2: Gender based persecution claims, human rights and international refugee law. 3: The experience of exile and resettlement based on two studies of Eritrean and Ethiopian diaspora communities resettled in Canada and North America. It will conclude that every phase in the refugee experience *is* importantly gendered.

Introduction

“Being a refugee is experienced differently by men and women because of their gender” (McSpadden, Moussa, 1993:205).

In order to consider the question it is first essential to explore the meaning of *gender* and its relevance in the study of forced migration. Gender is a culturally constructed set of ideals and expectations of masculinity and femininity, attributed to men and women by the society in which they live, according to their sex. Gender is often perceived to relate specifically to women and women’s experiences, this misconception is common and the majority of research on gender issues tends to focus on women and children in isolation of men.

Women do not live in gender isolation, and their situations cannot be adequately analyzed as

if they were. Masculinity is no more a social construct than femininity and an adequate understanding of forced migration must also take into account how men and women represent and negotiate masculinity in the changed circumstances of forced migration.

Facing many of the same risks and dangers as men, women are also subject to the

additional dangers of sexual assault, exploitation, and neglect because of patriarchal ideologies that construct them as less valuable human beings (Matsuoka,

Sorenson.1999:

226).

According to Indra, gender issues in forced migration studies are not considered mainstream or universal, which she sees as 'a microcosmic example of what is happening across a host of...social contexts', and she observes that 'society does not see the issue of gender arising...when men are with men' (Indra, D. 1993:3,4). Benson, Krulfield, and Kulig maintain that 'understanding relationships of men and women and the values assigned to gender roles is crucial to understanding change and adjustment in the refugee societies they researched' (Krulfield, R. 1994:73). As a social construct, gender, like other aspects of culture may be transmitted to new settings following older models, created anew, or modified in response to changing circumstances, and renegotiated within the community. For refugees, the process of uprooting and resettlement has usually necessitated this re-creation, reinvention, and negotiation of new gender roles and relations (Krulfield. 1994:71). Indra warns of the dangers inherent in Western feminist discourse of the 'universal' woman in discussing gender issues, particularly in relation to forced migration. This 'essentialisation' of women detracts from the many social, political and cultural constructions of gender and 'renders mute and invisible critical aspects of diversity' (Indra, D. 1993:7.8).

Pre conflict and Conflict

In modern conflicts it is estimated that civilians account for ninety percent of casualties, these casualties are predominantly women and children, as men have usually been mobilised, or have fled to avoid mobilisation in the build-up to conflict. In the post-Cold War

period, civil wars and communal conflicts have involved wide-scale, deliberate targeting of civilian populations. The violence of these wars is often viciously gender-specific. Women are systematically raped and men are the targets of mass murder or forcible conscription (UNHCR. 2000:277.280). Large-scale rape and sexual violence were characteristic of the recent conflicts in Rwanda, the Congo and former Yugoslavia. Divisive patriarchal and familial ideologies of male and female roles are reinforced, particularly in conflicts arising from ethnic nationalism. Ideas and images of the home are often central to nationalist ideologies and inform conflict (Giles, W.1999: 83). Men are seen as responsible for the protection of women, children, and the nation; women are ideologized as child bearers, mothers of the nation and keepers of the home. Women are not only the biological reproducers of an ethnic group, but are also perceived as the 'cultural carriers' who have the key role in passing on the language and cultural symbols to the young (Castles, Miller. 1998:36). As such, women become prominent targets for rape and sexual violence in the practice of 'ethnic cleansing'. The Australian *Guidelines on Gender Issues in Decision makers* (1996: par. 4.29) refers to 'ethnic cleansing as *'the destruction of the ethnic identity and/or prosperity of a racial group by killing, maiming or incarcerating the men, while the women may be viewed as capable of propagating the ethnic identity and persecuted in a different way, such as through sexual violence'* (cited in Macklin, A. 1999:294). Sexual violence carries traumatic social repercussions, which may be affected by a woman's cultural origins or social status. Thompkins (1995, cited in Crawley, 1999) suggests that the key to understanding the injury of sexual violence...*is to recognise that, although... the insult may have been intended for men, through women, it is internalized by women in three ways. Firstly, women bear the physical injury; secondly, they blame themselves...and feel ashamed; and thirdly, in cultures where men view rape as a stain on their honour and that of their family, women internalize this guilt* (Crawley, H.1999: 314,5). Women's assaulted bodies

may be used as easy metaphors for assaults meted upon imagined homes and, thus, upon the nation. In this process, women's bodies are foregrounded both as the targets of violence and symbols of a violated nation (Giles, W.1999: 89).

Gender Based Persecution, Human Rights and International Refugee Law

Both the structure of international law making and the content of the rules of international

law privilege men; if women's interests are acknowledged at all they are marginalized.

International law is a thoroughly gendered system(Charlesworth et al. 1991, cited in Crawley, H. 1999:308).

There is currently no legal framework for considering gender based asylum applications in the U.K. In 1991 the UNHCR issued its *Guidelines on the Protection of Refugee Women*, which included protection from physical, sexual and other forms of violence in refugee camps, legal aspects of status determination, access to food and shelter, and repatriation. It also concluded that women fearing persecution on the basis of their gender should be considered a member of a particular social group, as well as those that had made a religious or political statement by transgressing the social norms of their society (Macklin, A. 1999:275). In 1993 the Canadian Immigration Board introduced its ground breaking *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution*, two years later the United States Immigration and Naturalization issued *Considerations for Asylum Officers Adjudicating Asylum Claims from Women* (1995), and in 1996 the Australian Department of Immigration and Multicultural Affairs followed suit with *Guidelines on Gender Issues in Decision makers*. None of these guidelines constitute law, but are

directives on applying the international refugee definition in a gender-sensitive manner, as well as providing practical instructions on rendering the hearing process less intimidating and more respectful of women (Macklin, A. 1999:273). All three directives recognise sexual abuse, forcible abortion, forced marriage and genital mutilation (FGM) as grounds for a gender based asylum application. The Canadian and U.S directives go further in identifying domestic violence as gender based persecution in cases where 'states are unwilling or unable' to offer the victim protection. A recent report by The Refugee Women's Resource Project, 'Women Asylum Seekers in the U.K: a Gender Perspective', defines gender specific abuse as including, but not limited to, sexual violence, sexual humiliation, enforced nakedness, rape, domestic violence, forced prostitution, trafficking, forced marriage, 'dowry death' or bride burning, honour killing, forced sterilisation, forced abortion, female genital mutilation (FGM), refusal of access to contraception and social and legal discrimination (RWRP. 2003:11).

Men are considered the principle agents of political resistance and therefore the legitimate beneficiaries of protection as enshrined in the 1951 Convention Relating to the Status of Refugees (Crawley, H.1999: 309). Women experience significant difficulty in being recognised as a 'Convention' refugee as their experiences are often perceived as 'private' and apolitical. Women are more likely to be involved in 'low level' supportive roles, for example, hiding people, passing messages or providing food, clothing and medical care, or other gendered forms of resistance and are less likely to be directly involved in political activity.

It is necessary to ensure that 'political opinion' is interpreted to include women's political activities. The context in which these activities are performed makes them

political, regardless of whether they are inherently political’ (IAA Asylum Gender Guidelines, 2000, s.3.21, 23, cited in RWRP, 2003: 49, 72).

The result is that women’s political activities and the persecution they may experience as a result are often seen as irrelevant in refugee law. Furthermore, the penalties for political activity may be more severe for women who run the risk of ‘double punishment’ (Crawley, H.1999: 321). They are punished both for their political views or activities, as well as for transgressing the socially and culturally prescribed norms of behaviour for women. Women also experience persecution on account of ‘imputed’ political opinion; detention, violence, threats and torture because of the political activities of their male relatives. Macklin, cited in Crawley (1999) suggests that women’s identities, beliefs, and status are frequently subsumed under those of their male kin; there is a societal assumption that women defer to men on all significant issues and that their political views are aligned with those of the dominant members of their family (Crawley, H.1999: 322).

Sexual violence against women by state agents is frequently characterised as ‘lack of discipline’ or ‘gratuitous lust’, and the common fate of women in war zones, as oppose to ‘an integral and tactical part of the arsenal of weapons deployed to brutalize, dehumanize and humiliate women and demoralize their kin and community’ (Crawley, H.1999: 315).

Spikjerboer (1994) and Crawley (2001), cited in RWRP 2003, point out that the sexual abuse of women is often considered a private act, even when carried out by state actors. Crawley states that “although sexual violence should be one of the least controversial examples of ‘serious harm’ in the context of a definition of persecution, the interpretation of sexual violence against women has often differed substantially from the interpretation of other

forms of serious harm, including sexual violence experienced by men” (RWRP. 2003: 106). This kind of ‘institutional misogyny’, (Cipriani, 1993), cited in Crawley, becomes a human rights issue when states fail to protect individuals who have experienced gendered forms of discrimination (Crawley, H.1999: 321).

Female asylum seekers in the U.K are more likely than their male counterparts to be granted Exceptional Leave To Remain (ELR) on compassionate or humanitarian grounds rather than Indefinite Leave To Remain as a ‘Convention’ refugee. ELR entitles women to substantially fewer rights than Convention refugees, for example, the right to family reunion, as well as depoliticising refugee women’s experiences of persecution and defining them as ‘passive victims’ (Crawley, H. 1999:322). Women’s asylum claims are usually complex and often based on more than one ground under the 1951 Refugee Convention. Yet in many cases, the decision to refuse women asylum seekers protection under the 1951 Refugee Convention is made on the basis of a gender-blind approach to their claim. In the UK, three quarters of women are refused asylum at initial decision stage. However over half of cases determined do obtain refugee status or ELR after appealing against the initial decision (RWRP. 2003:11). The failure of the determining authorities to address the issue of women’s human rights provides further compelling evidence that international law, including international refugee law, is a thoroughly gendered system that marginalizes women’s interests (Crawley, H. 1999:330).

Exile and Resettlement

Resettlement is considered the ‘end point’ of the refugee journey and the beginning of rebuilding a stable existence (McSpadden, Moussa.1993: 224). However it is also the

beginning of a long process of reconstructing identity and renegotiation of gender relationships. While some refugees may resettle in countries with gender relations comparable to those in their country of origin, many will have come from societies where there are more traditional divisions of male and female roles. Resettlement impacts on male and female roles and the relationships between men and women. In some refugee source countries greater authority is vested in men as heads of household and community leaders. In contrast, in some countries of resettlement women may have greater freedom and rights, such as divorce and property rights. They are also more likely to be in paid employment. This may result in tensions between men and women in refugee communities as women become more economically independent ("Taking Account of Gender". UNHCR. Ch 3.2:245).

Refugee men face particular difficulties in adjusting to loss of status in being unemployed or underemployed, as often their identity is linked to their role as providers. Both Benson and Kulig found that rationales for not working or for being unable to contribute to the support of their families were available to women, while men, having no such culturally accepted excuses, suffered loss of self-esteem (Krulfield.1994: 73). Studies of Eritrean and Ethiopian diaspora communities settled in Canada and North America found that men experienced more difficulty in coming to terms with their lower status and limited opportunities in the country of resettlement

due to their higher status in their home country (Matsuoka, Sorenson, 1999, McSpadden, Moussa, 1993). Many refugees are young, single men from traditional societies where women take care of domestic duties; they may experience difficulties in adjusting to independent living in resettlement. Furthermore they may have lost their male role models in the extended family who would provide emotional and peer support and act as mentors

("Taking Account of Gender". UNHCR. Ch 3.2:248). The splitting of families affects other gendered relationships beyond those of husbands and wives. Eritrean exiles who had left elderly or vulnerable family members behind in war zones found they were unable to meet culturally prescribed responsibilities, causing them great anxiety. This was especially acute for eldest sons who would normally be expected to care for both parents and younger siblings. Consequently many men felt they were not meeting their family responsibilities as material providers (Matsuoka, Sorenson. 1999:224).

The growing number of domestic violence cases in the Eritrean and Ethiopian diaspora communities in Canada and the U.S is attributed to, though not excused by, the anger and frustration experienced by many refugee men as a consequence of unemployment, under employment, racism and loss of status (McSpadden, Moussa, 1993:214). Domestic violence occurs across all cultural, racial and socio-economic lines, however refugee women are particularly vulnerable as they may lack the support of family or community, and may be unaware of the laws relating to domestic violence in the country of resettlement. They may also have a heightened tolerance to their partners' violent behavior if he has been subject to trauma in the course of his refugee experience. Women may also face language difficulties in accessing legal and social support, and may also be wary of involving police and the authorities in family matters if they had negative experiences of law enforcement in their country of origin. Women from traditional societies where there are strong cultural prohibitions against separation and divorce may fear greater isolation if they leave their partner without the support of their family and community ("Taking Account of Gender". UNHCR. Ch 3.2:255).

Refugee women face multiple role adjustments in countries of resettlement. In many refugee source countries greater communal responsibility is taken for domestic tasks and the care of children, the elderly and the sick. In contrast, in countries of resettlement there is often limited access to the extended family and community support ("Taking Account of Gender". UNHCR. Ch 3.2:249). In the absence of the extended family many couples find themselves sole carers of their children. Eritrean communities back home would normally share such duties, operating within a system of familiar values, customs and behavior. Furthermore extended families would have acted to resolve marital discord (Matsuoka, Sorenson, 1999:225). In many countries of resettlement the nuclear family is the dominant model and greater emphasis is placed on individual rather than collective responsibility ("Taking Account of Gender". UNHCR. Ch 3.2:249).

As a consequence of gender inequality in both countries of origin and resettlement, many women face considerable disadvantage in education and employment. They may be less well educated and literate than their male counterparts and less accustomed to paid work. Many women will also be entering paid work for the first time. Women from certain traditional societies, where women's identity is linked to their relationships with men, i.e. fathers, husbands, brothers, may experience significant challenges in mixed sex work places ("Taking Account of Gender". UNHCR. Ch 3.2:250). Studies found that Eritrean and Ethiopian refugee women tended to see their new environment as offering more possibilities for them in the long term, and had less difficulty accepting low positions in the short term. Women's pre-flight education status did not suffer the same status decline as that of the men who had more opportunities for advanced education in their home country (McSpadden, Moussa, 1993:216). It has also been suggested that women's socialization

makes them more accepting of menial jobs. Kaplan, in writing about Jewish refugees from Nazi Germany, suggests one reason that women are more adaptable to a change of status was because they are less conscious of status than men (Kaplan, cited in McSpadden, Moussa, 1993:216). Colson (1991:9) cited in Buijs (1993:4) notes that 'women refugees appear to show greater resilience and adaptability than do men'. It has been suggested that this is because they have the responsibility for maintaining the household routines which provide them with occupation, and that they are also less conscious of status deprivation associated with failure to find positions comparable to those they left (Buijs 1993:5). Single, separated or widowed women may face particular difficulties in their new role as heads of households and single parents. Unemployed women, in particular, single mothers, may find it extremely difficult to integrate into the host society and face isolation and depression as a result (Matsuoka, Sorenson, 1999:240). Without support, women who remain outside of the labour force may struggle to integrate into society in the country of resettlement. Women in these circumstances are not only vulnerable to depression, anxiety and social isolation, but will be less able to support their children and other family members in their integration ("Taking Account of Gender". UNHCR. Ch 3.2:251).

Conclusion

Patriarchal nationalist ideologies render men and women vulnerable to gender specific ethnic cleansing in pre conflict and conflict. Institutional misogyny (Crawley, H. 1999:320) in international refugee law marginalizes women and depoliticises their experiences of persecution. Gender inequality in both the country of origin and the country of resettlement significantly disadvantages women in education and employment. Reconstructing identity in exile necessitates renegotiation of traditional gender roles for both men and women. In

summary, the vast majority of gender based research in forced migration studies provides conclusive evidence that every phase in the refugee experience *is* importantly gendered. Gender, as a cultural construction, defines male and female roles in society and shapes our experiences and our perceptions. Therefore it is reasonable to conclude that every phase in the refugee experience is also importantly gendered.

This analysis indicates a need for both international and domestic policy makers to work against the institutional misogyny inherent in refugee law and the human rights discourse to develop a more gender sensitive approach in dealing with issues of gender-based persecution. There is also a need for domestic policy makers and refugee support organisations to be more aware of the complexity of gender issues experienced by refugees in resettlement.

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