

A Legal And Social Study On The Status Of Women Refugees Under International Law



Ekta Singh Bisen¹, Dr. Usha palhoeya²

¹Research Scholar Faculty of law, oriental university Indore

²Associate Professor, oriental university Indore

Abstract

Women refugees are particularly disadvantaged in terms of the international refugee protection regime because of the multiple forms of gender-based persecution that they experience in connection with their displacement, which includes sexual and gender-based violence, trafficking, exploitation, discrimination, and denial of their access to justice and necessary means of support. The research investigates the position of women refugees in terms of international law, with emphasis on the 1951 Refugee Convention, the 1967 Protocol, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), international human rights law, and related guidelines issued by UNHCR. Although the Refugee Convention serves as the primary reference point for refugee affairs in this context, gender is not identified as a standalone category of persecution. Therefore, gender-based claims must be interpreted through the existing categories, in particular membership in a particular social group. The research continues by evaluating the importance of gender-sensitive refugee status determination and growing acknowledgment of gender-based persecution in the domain of international protection. The guidance offered by UNCHR points to necessity of interpreting refugee claims in a gender-sensitive manner, with CEDAW General Recommendation No.32 addressing the issue of gender-based refugee status. Looking at it from a social viewpoint, it is observed that refugee women suffer due to various disadvantages like lack of education, health care, and employment opportunities, housing problems, lack of legal help, and lack of participation in decision-making processes. In this respect, it is worth noting that the formal acknowledgment of refugee rights is not enough unless it is supported by effective implementation, the introduction of gender-sensitive way of asylum processes, protection against violence, and access to justice, and the implementation of social and economic integration.

Keywords: Women Refugees, International Law, Refugee Protection, Gender-Based Persecution, CEDAW, 1951 Refugee Convention, Human Rights, Gender Equality, Asylum, Social Justice.

1. Introduction

The emergence of massive forced displacement has changed refugee protection into one of the most critical issues in international law and global governance. Women and women are nearly half of all forcibly displaced persons, but their experiences of displacement are largely influenced by ways of persecution specific to their gender, such as sexual violence, forced marriages, trafficking, domestic violence, and other forms of socially discriminative practices. These dangers follow women refugees in all stages of their refugee journey, meaning that gender is an essential aspect of refugee protection. [United Nations. (1951). Convention relating to the Status of Refugees. United Nations Treaty Series, 189, 137. UNHCR – 1951 Refugee Convention]

The basis of international refugee protection is the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. According to it, a refugee is any person who has a well-founded fear of being persecuted due to any race, religion, nationality, political opinion, or membership in a particular social group. The Convention themselves does not mention gender as a separate basis for persecution, but thanks to global case law and guidelines of the UNHCR,

gender-based claims have received a broader interpretation through the concept of “particular social group” in the context of the refugee law. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), along with the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR) together reinforce the principles of equality, dignity, non-discrimination, and access to justice. CEDAW General Recommendation No.32 highlights that asylum procedures and refugee status determination should have a gender-responsive approach to give effective protection to women and girls.

[United Nations. (1967). Protocol relating to the Status of Refugees. United Nations Treaty Series, 606, 267. UNHCR – Convention and Protocol relating to the Status of Refugees]

In spite of this legal framework, the social conditions of women refugees are still marked by marginalization and structural inequality. Women refugees often suffer from lack of education, health care, jobs, housing, legal documents, and political

representation which prevents them from enjoying their rights guaranteed by international law. Many cultural factors, language barriers, poverty, and lack of support from the institutions make them even more vulnerable to exploitation, especially in developing host countries. [Heaven Crawley, 'Gender, Persecution and the Concept of Politics in the Asylum Determination Process' (2000) Forced Migration Review 17; Deborah Anker, 'Refugee Law, Gender, and the Human Rights Paradigm' (2002) 15 Harvard Human Rights Journal 133, 139.] In this research, an interdisciplinary approach is used which combines legal and social aspects of the refugee issue in order to assess the situation of women refugees according to international law. It investigates the efficacy of international law documents, examines the progress made in acknowledging gender-based persecution, and looks into socio-economic issues that prevent women refugees from exercising their rights. Through the integration of the legal framework with the lived experiences of refugee women, the paper aims to enhance the development of a rights-oriented, inclusive, and gender-sensitive framework for refugee protection.

Introduction

Global Refugee Situation and Women's Vulnerability

Forced displacement is considered one of the most prominent humanitarian, social, and legal problems in the current international system. Based on the data provided by the United Nations High Commissioner for Refugees (UNHCR), around 123.2 million people suffered forced displacement worldwide at the end of 2024, which illustrates the consequences of military conflicts, oppression, political instability, human rights violations, and humanitarian disasters. The extent of such displacement indicates that the protection of refugees turned from a temporary humanitarian action into an important issue of international human rights, international law, and social justice (UNHCR 2025). Girls and women are significantly vulnerable in the context of forced displacement as they are subject to gender-based inequality and, therefore, become victims of various forms of violence, victimization, poverty, and exclusion.

Women refugees might face different types of dangers before and during the process of displacement. Countries where wars or political instability are prevalent can pose the serious risks for women targeted due to gender, political identity, ethnicity, or religion. Female refugees may be exposed to multiple forms of violence, including sexual violence, human trafficking, exploitation, early marriage, harassment, and unsafe routes for migration. [Elijah Adewale Taiwo, NMMU, Port-Elizabeth, is a Professor of Law, Afe Babalola University, Ado-Ekiti, Nigeria.] Conditions in refugee

camp and host communities exacerbate female refugee vulnerabilities. In light of this, it is important for aid workers to see female refugees not only as refugees but also as women, being aware of various forms of abuse they can experience. [Binder Andrea, 'Gender and the Membership in a Particular Social Group Category of the 1951 Refugee Convention' (2001) 10 Columbia Journal of Gender and Law 167, 193.]

Social impacts of forced displacement should be also highlighted. Refugee women may not only experience death or disappearance of family members but also lose their home, job, education, property, passport, and community support. Additionally, women-headed households might face dire poverty due to limited access to opportunities for employment and financial resources available in the country. Language obstacles, problems with legal documentation, and discriminatory attitudes in the host society may make it even more difficult for them to access education, healthcare, housing, and jobs.

International Legal Framework for the Protection of Women Refugees

The major international legal document that deals with refugee protection is the 1951 Convention Relating to the Status of Refugees supported with the 1967 Protocol Relating to the Status of Refugees. Article 1A(2) of the Convention gives a basic definition of refugee as an individual who suffers from a well-grounded fear of persecution based on his/her race, religion, nationality, membership in a specific social group, and political opinion. The Convention also establishes some other important protections including non-refoulement principle, right to go to court, right to education, right to work, right to receive assistance, possession of identity documents, and freedom of movement.

The non-refoulement principle is especially important because it prohibits the states from sending the refugees back to countries where their life or freedom will be in danger. [Ibid] Nevertheless, the 1951 Convention does not mention gender as a separate ground for persecution. This fact is very important in case of women refugees because many types of persecutions that women may face are directly connected with the gender-based social structure. The topic has become more important in looking for solutions to the problems involved in refugee law interpreting the grounds of the Convention. The UNHCR documents dealing with gender have helped states to approach refugee law in accordance with gender issues (UNHCR, 2002).

The practice of international refugee law shows that both the absence of the word gender in the original Convention does not show that the word gender is not important in relation to the issues of refugees. In particular, the principles of the Convention can be interpreted in accordance with the contemporary

human rights standards because they indicate the forms of persecutions not known at the time of the Convention's adoption. Thus, modern refugee law must include the understanding of the ways of using the Convention taking into account the changes in the nature of persecutions and women's and girls' experiences.

Gender-Based Persecution and Refugee Status Determination

Persecution based on gender is becoming an increasingly important part of international refugee law. Women may be victims of persecution for several reasons: their gender, nationality, or non-compliance with cultural, religious, political, or social norms. Gender can also affect the nature, intensity, and ramifications of persecution. [Guy S. Goodwin-Gill, "Convention relating to the status of Refugees," United Nations, <http://untreaty.un.org/cod/avl/ha/prsr/prsr.html> (accessed 27 June 2012).] For instance, a woman may suffer from sexual violence, forced marriage, human trafficking, coercive contraception, denial of education, and employment opportunities, among others. The determination of refugee status must involve tools that take into account the gender aspects of persecution. Traditional procedures in refugee determinations tend to overemphasize certain forms of persecution associated with political activity and ignore violence that is perpetrated within a family or community. A gender-sensitive procedure should include the social context of persecution, the circumstances of women in the country of origin, and the degree of state protection available. Another issue is the credibility assessment process. Women who have suffered sexual violence or other traumas may have difficulty remembering the details of their stories. Factors such as fear, shame, cultural stigma, trauma, or the presence of male officials may impede the ability of women to share their stories. Consequently, asylum procedures should have safeguards in place, such as trained decision-makers and interpreters when needed, confidentiality, and opportunities to explain the experience safely. [Anders B. Johnsson, "The International Protection of Women Refugees: A Summary of Principle Problems and Issues," *International Journal of Refugee Law* 1 (1989): 222.]

CEDAW and the Human Rights of Women Refugees

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides an important framework for the understanding of women refugees' rights. CEDAW obliges States to eliminate discrimination against women and take all necessary steps in legislation, administration, and institutions to achieve equality of rights of women. Although CEDAW is not a refugee convention, its

appropriateness to women refugees is beyond dispute since it does not make women refugees lose their rights as women. What is especially crucial is CEDAW General Recommendations 32 (2014) on the gender aspect of refugees who are in need of asylum and citizenship. The Committee points out that women might experience persecution based on gender and calls for the relevance of taking such facts into account in asylum procedures. [Article 1 of the United Nations convention on status of refugees 1951]

The CEDAW framework has great importance because it shows the importance of dealing with the larger structures of gender-based discrimination instead of merely focusing on protecting women from persecution. As a result, women refugees must be able to access all essential rights related to education, health services, employment, family life, participation in political matters, and receiving justice. Overall, the convergence of refugee law and international women's rights law forms a more solid basis for the protection of women throughout the process of displacement. [HO Agarwal human rights, <https://www.un.org/en/global-issues/refugees>]

Social and Economic Challenges Faced by Women Refugees

International law provides important protections and rights, yet, the actual social status of women refugees is still much poorer than their legal status. Displacement can disrupt access to education, work, family ties, community networks, and public institutions. Women working prior to displacement may suffer a loss of income and thus become dependent on humanitarian aid. Some women may not have needed documents to be able to get a job, get an education for their children, get medical help, or rent premises. Economic vulnerability puts women refugees at higher risk of being exploited and abused. Refugee women who do not have any income of their own depend on their relatives, employers, agents, or humanitarian aid providers. Such dependence provides the basis for exploitation, slavery, trafficking, or sexual exploitation. [James Sweeney, 'Credibility, Proof and Refugee Law' (2009) 21 (4) *International Journal of Refugee Law* 700, 707.] Poverty prevents women from getting access to legal protection or moving away from dangerous places. Another important aspect of social inclusion is education. Displaced girls can face disruption in schooling due to various factors, including insecurity, poverty, family responsibilities, lack of documents, language barriers, and insufficient educational infrastructure. Long-term deprivation of education can have negative consequences in terms of work prospects, economic independence, health awareness, and public life involvement. Therefore, it is important to understand that ensuring access to education for refugee girls and women is not merely a humanitarian act but an important part of equality and social integration in the long run. Accessing

healthcare is an additional challenge refugees face. Refugee women may need reproductive health services, maternal care, and support for injuries caused by violence. Nevertheless, they may face barriers such as lack of finances, documents, distance, and lack of specialized services. Thus, an effective intervention for refugee protection should include all essential aspects of human dignity, such as health, education, work, and social security.[UNHCR (1998), para 12.]

Protection from Sexual and Gender-Based Violence

Sexual and gender-based violence constitutes one of the more serious protection challenges for displaced women and girls. Insecurity as a consequence of fighting and corruption, built-in family and community weakness, vulnerable modes of accommodation, and poor institutional protection may increase the risk of sexual violence, exploitation, trafficking, and other forms of violence. Such violence may happen amidst conflicts and during the flight, as well as in resettlements, borders, and even when women finally arrive in their receiving communities. The effects of gender-based violence go beyond the physical injuries. Survivors may endure trauma, social stigma, marginalization, unwanted pregnancies, STDs, material disadvantages, and difficulty in starting a new life. In some cases, survivors become the victims of accusations and rejection instead of support, thus suffering another layer of social vulnerability. As a result, international protection mechanisms must comprise prevention, response, and accountability. Effective measures involve safe lodging, confidential reporting systems, access to medical and psychosocial services, legal assistance, protection against retaliation, and effective investigation of offenders. UNHCR and other humanitarian actors highlight the need for prevention and response to gender-based violence in order to ensure refugee protection (UNHCR, 2023). In addition, protection should involve the participation of refugee women themselves to ensure that services are based on their real needs and problems.[United Nations High Commissioner for Refugees (UNHCR). (1991). Guidelines on the protection of refugee women. Geneva: UNHCR.]

Non-Discrimination, Equality and Access to Justice

The idea of non-discrimination has a central role in international human rights law. The Universal Declaration of Human Rights (UDHR) underscores the fact that all people deserve equal dignity and rights. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) provide a much wider spectrum of protection in the context of civil, political, economic,

social and cultural rights. Women refugees have all rights to enjoy these important rights and guarantees regardless of their refugee status. However, they can suffer from various kinds of discrimination. Gender discrimination takes place at the same time with discrimination based on ethnicity, nationality, language, socioeconomic status, age, disability or family status. Access to justice is especially important taking into account the challenges women refugees have to face while making a complaint. The major problems include poor knowledge of legal procedures, language difficulties, financial constraints, fear of authorities, absence of necessary documents, social stigma, fear of retaliation and others.[Government of India. (1950). The Constitution of India. New Delhi: Government of India.]

Need for a Gender-Responsive International Refugee Framework

The persistent gap that exists between international law and the experiences of women refugees indicates the need for a new gender-responsive protection of refugees. Gender-responsive protection needs to recognize that women experience displacement differently from one another, which indicates that various characteristics such as age, family, socioeconomic position, availability of resources, and level of exposure to violence should be taken into account. Furthermore, gender-responsive protection must include gender-sensitive refugee status determination, protection against sexual and gender-based violence, access to healthcare and education, economic empowerment, legal assistance, and safe housing. Protection should not be limited to emergency response but should also include long-term plans for integration and sustainable solutions, emphasizing the importance of women participating in decision-making processes.

In 2018, the Global Compact on Refugees was adopted during an assembly of the United Nations and given its position as a significant policy paradigm of international cooperation to enhance the shared responsibility for the protection of refugees. The Compact deals with recognition of the importance of available support for refugees, their gaining access to education and jobs, and the necessity of working out effective solutions (United Nations, 2018). Gender-sensitive interpretation of obligations resulting from the Compact can contribute to strengthening the legal and social position of refugee women. At the same time, gender-sensitive approach presupposes that refugee women be treated as right holders entitled for participation in the decision-making process instead of positioning them solely as vulnerable recipient groups. Their involvement in policy formulation, humanitarian response, community leadership and peacebuilding will improve the effectiveness of the provided protective measures. The relevance of women's role is justified

by the fact that they are the ones that know their communities best which risks and barriers they may face.[United Nations High Commissioner for Refugees. (1991). Guidelines on the protection of refugee women. UNHCR.]

Constitutional Provisions Relating to Refugees in India

Indian law does not refer to a single document or piece of legislation governing refugee law comprehensively in terms of entry of refugees, their status, rights, and protection. Additionally, India has not ratified the 1951 Refugee Convention or the 1967 Protocol. However, refugees and other non-citizens in India are entitled to a fair level of protection under Indian constitutional provisions, in particular the provisions which grant certain rights to "persons" rather than citizens.

Article 14 – Equality Before Law and Equal Protection of Laws

According to article 14, equality before the law and equal protection of the laws is ensured. The provision is very significant because the definition of the term "person" applies to "any person" making it universal to all human beings and not limited to Indian citizens. The refugees who reside in India are entitled to invoke the principle of equality provided for in the Constitution in order to protect themselves against any arbitrary or discriminatory act of the State. The importance of the provision is particularly evident for women refugees who may encounter multiple levels of discrimination based on their gender, nationality, legal status of a refugee and their ethnicity and social conditions. The Supreme Court has held in a number of cases that the provisions of articles 14 and 21 hold validity for the non-citizens. In the recent case of Mohammad Salimullah v. Union of India, the Supreme Court has stated that the provisions of articles 14 and 21 should be applied to people as citizens as well as those who are not citizens.

Article 15 – Protection Against Discrimination

Article 15 prohibits State discrimination based on religion, race, caste, sex, or birthplace. However, strictly speaking, the application of Article 15 is designed to pertain primarily to citizens. As such, Article 15 does not provide the same precise constitutional protections to refugees as Article 14. Nevertheless, the constitutional commitment to non-discrimination and equality is very relevant in terms of the situation of refugee women. The broader framework of constitutional equality can provide non-citizens with protection against arbitrary State practices, and it is Article 15 that exhibits the commitment of the Constitution towards the eradication of sex discrimination.[Article 1 of the

United Nations convention on status of refugees 1951]

Article 19 – Freedom of Movement and Residence

Article 15 prohibits State discrimination based on religion, race, caste, sex, or birthplace. However, strictly speaking, the application of Article 15 is designed to pertain primarily to citizens. As such, Article 15 does not provide the same precise constitutional protections to refugees as Article 14. Nevertheless, the constitutional commitment to non-discrimination and equality is very relevant in terms of the situation of refugee women. The broader framework of constitutional equality can provide non-citizens with protection against arbitrary State practices, and it is Article 15 that exhibits the commitment of the Constitution towards the eradication of sex discrimination.

Article 21 – Right to Life and Personal Liberty

The significance of Article 21 in relation to refugee rights in India cannot be overstated. The provision states that no individual shall be deprived of his or her life or personal liberty unless the procedure laid down by law is complied with. The phrase "any person" is understood to include not only citizens but also foreign nationals. The interpretation of the clause has been extended progressively by the courts, making it clear that Article 21 serves to guarantee the right to life and personal liberty in matters relating to the refugees. It needs to be noted that human dignity is now implicitly included in the provisions of Article 21. In the context of refugee rights, it is also useful to duly understand the application of Article 21 in cases where there are threats to the individuals' life and liberty.[Anthony Good, above n 88, 99.]

Article 22 – Protection Against Arbitrary Arrest and Detention

Article 22 outlines constitutional protections governing arrests and detention. Some provisions of Article 22 fall within certain constitutional exceptions such as regulations concerning enemy aliens, hypothetical detention, etc. However, the provision is a component of India's constitution relating to deprivation of liberty. The refugees who are detained by a state agency will have constitutional restraints and due process protections accordingly. Just because people are foreigners does not mean that constitutional protections concerning the appropriate liberty are lost. It is a well-established principle where Articles 14 and 21 apply to non-citizens.

Article 21 and the Principle of Non-Refoulement

One of the most significant constitutional issues relating to refugees is whether India can deport a refugee to a nation where those individual risks

serious harm to his or her life or liberty. The issue is associated with the principle of non-refoulement. In *Ktaer Abbas Habib Al Qutaifi v. Union of India* (1998), the Gujarat High Court made a connection between Article 21 and the principle of non-refoulement, arguing that the protection of life and liberty can be given to refugees as well and that the interpretations of constitutional rights may be influenced by international humanitarian principles. However, the stance needs to be properly clarified. In the recent order on Rohingya refugees, that is, in the 2021 Mohammad Salimullah case, the Supreme Court confirmed that Articles 14 and 21 cover non-citizens too, but refused to provide the requested interim protection concerning non-deportation. The Court ordered that the procedures need to be followed before any deportation occurs. Thus, Article 21 provides a constitutional dimension of non-refoulement but Indian refugee law does not imply an unrestricted constitutional right for all refugees to stay in the country. [Bethany Collier, above n 71, 11. See also, Christel Querton, 'I Feel Like As A Woman I'm Not Welcome': A Gender Analysis of UK Asylum Law, Policy and Practice' (London, Asylum Aid, 2012), 48-49.]

Article 25 – Freedom of Religion

Freedom of conscience and the right to profess, practice and propagate religion are guaranteed by Article 25, while acting within the limits of the Constitution. The wording "all persons" makes the provision applicable to foreigners. This is significant for refugees escaping religious persecution, as once they arrive in India, they can invoke their rights under the Constitution regarding their freedom of conscience and religion.

Article 32 – Constitutional Remedies

In India, Article 32 grants individuals the right to seek justice from the Supreme Court regarding their fundamental rights. Given that some fundamental rights provided by the Constitution are also extended to non-citizens like refugees (Articles 14, and 21), the refugees have an opportunity to avail of the judicial remedy. Likewise, Article 226 gives power to the High Courts to issue writs to ensure enforcement of fundamental rights, among other legal rights, wherever warranted by the situation.

Article 51(c) – Respect for International Law [Birthe Ankenbrand, 'Refugee Women under German Asylum Law' (2002) 14 *International Journal of Refugee Law* 45, 56; Jane Freedman, 'Women Seeking Asylum: The Politics of Gender in the Asylum Determination Process in France' (2008) 10 *International Feminist Journal of Politics* 154.]

Article 51(c) instructs the State to make an effort to promote respect for international law and treaty commitments among nations. Article 51 is part of the

Directive Principles of State Policy and cannot be executed as a fundamental right; nonetheless, it is an important principle of constitutional interpretation. Indian courts have utilized international law and principles in order to interpret constitutional laws, provided that they conform to domestic legislation. The court referred specifically to Article 51(c) in the matter of the *Ktaer Abbas Habib Al Qutaifi*, while talking about international protection of refugees and non-refoulement.

Article 51A(e) – Promotion of Harmony and Dignity of Women

The provision in Article 51A(e) obligates followers to abstain from carrying out acts that denigrate women. Despite not being enforceable in the traditional sense, this provision still shows how the Constitution values women's dignity. In the case of women refugees, the materiality of this principle can be further enhanced in understanding the aim of the Constitution behind abolishing all practices that are inclusive of violence, exploitation, and discrimination against them. This connection is also justified when paired up with Arts. 14 and 21 as it can be used to further understand the broader context in which the Constitution aims for equality and dignity for all.

Directive Principles and Socio-Economic Protection

A good number of Directive Principles, such as Articles 38, 39, 41, 42 and 47 work towards ensuring social justice, decent means of livelihood, decent working conditions, free public aid and health improvement. These provisions are addressed mainly at state policy and do not have a similar direct enforceable impact as Fundamental Rights. However, Directive Principles serve as the constitutional frame through which India's commitment to social welfare can be interpreted. [Jane Freedman, above n 26, 423.]

Research Methodology

This study utilizes a qualitative, doctrinal, and socio-legal research methodology in order to investigate the legal and social status of women refugees under international law in the context of India. The study is primarily dependent on secondary sources of information such as international treaties and conventions like the 1951 Refugee Convention, its 1967 Protocol, CEDAW, UDHR, ICCPR, and ICESCR along with the Indian Constitution, court judgments, government reports, UNHCR publications, and books and research articles on the subject. The research studies various issues such as gender persecution, non-refoulement, equality, dignity, gender-based violence, and issues related to access to health care and employment. A socio-legal methodology is applied in order to establish the gap between formal legal frameworks and real conditions of women

refugees. The data collected from various sources is analyzed both thematically and comparatively in order to assess the efficiency of the current international and Indian legal systems.[United Nations High Commissioner for Refugees. (1991). Guidelines on the protection of refugee women. UNHCR.]

Results and Discussion

The analysis shows that the safeguarding of female refugees has the basis of a wide-ranging international and constitutional system, notwithstanding the serious shortcomings between acknowledgment in law and actual protection. [Helen Bailiot, Sharon Cowan and Vanessa E. Munro, "Hearing the Right

Gaps": Enabling and Responding to Disclosures of Sexual Violence within the UK Asylum Process' (2012) 21 Social & Legal Studies 269, 276.]International refugee law is the core of the protective mechanism, while human rights legislation serves as the basis for ratifying protection against discrimination and violence as well as for the guarantee of fundamental rights. In India, the Constitution has specific articles (in particular the two important articles—14 and 21) safeguarding women refugees, while the lack of specific refugee laws brings about doubts concerning the issues of the functions, and the process. The tables below contain the basic entities of the investigation.[Human rights protection: (United Nations, 1948)]

Table 1. International Legal Protection of Women Refugees

Legal Instrument	Major Provision	Relevance to Women Refugees	Assessment
1951 Refugee Convention	Definition of refugee and non-refoulement	Protection from persecution and forced return	Strong foundational protection
1967 Protocol	Extends application of refugee protection	Removes temporal and geographical limitations	Broadens refugee protection
CEDAW, 1979	Elimination of discrimination against women	Protection against gender discrimination	Strong gender-equality framework
CEDAW General Recommendation No. 32	Gender dimensions of refugee status and asylum	Recognition of gender-related persecution	Highly relevant to women asylum-seekers
UDHR, 1948	Equality, dignity and fundamental freedoms	Universal human rights protection	Applies as a fundamental international standard
ICCPR, 1966	Life, liberty and equality	Protection against arbitrary detention and discrimination	Important individual-rights protection
ICESCR, 1966	Health, education and economic rights	Supports socio-economic protection	Important for integration and welfare

Table 1 shows that female refugees are supported by an international protection system that works on multiple levels. [Singer (2014), 113. Singer also discusses the significance of demeanor in this context.]

The 1951 Convention provides the main framework for refugees while CEDAW strengthens the gender aspect of protection. However, the question of gender is not clearly provided for as an independent basis for persecution in the original Refugee Convention. Thus, claims that are made in relation to gender should be interpreted through the existing grounds for persecution, especially those pertaining to the membership in a particular social group. This proves the point that international law does provide substantial protection, but the effective application of such guarantees is dependent on the interpretation of the law and on the effectiveness of national implementation.[Hana Cheikh Ali, Christel Querton and Elodie Soulard, 'Gender Related Asylum Claims in Europe: A Comparative Analysis of Law, Policies and Practice Focusing on Women in Nine European Union Member States' (European Parliament, Directorate General for Internal Policies, Department of Citizens' Rights and Constitutional Affairs, 2012) http://www.europarl.europa.eu/meetdocs/2009_2014/documents/femm/dv/asylum_claims_/asylum_claims_en.pdf accessed 23 September 2016.]

Table 2. Constitutional Protection Available to Refugees in India

Constitutional Provision	Constitutional Protection	Relevance to Refugees/Women Refugees	Level of Protection
Article 14	Equality before law and equal protection	Protects non-citizens against arbitrary State action	High
Article 15	Prohibition of discrimination	Particularly relevant to sex-based discrimination, though primarily citizen-focused	Moderate
Article 19	Freedom of movement and residence	Mainly available to citizens	Limited
Article 21	Life and personal liberty	Protects refugees and other non-citizens	Very High
Article 22	Safeguards against arrest and detention	Relevant to detention-related issues	High, subject to exceptions
Article 25	Freedom of religion	Applies to all persons	High
Article 32	Constitutional remedies	Enables enforcement of applicable fundamental rights	High
Article 226	High Court writ jurisdiction	Provides judicial remedies	High
Article 51(c)	Respect for international law	Supports consideration of international legal principles	Supportive
Article 51A(e)	Dignity of women	Supports protection against practices derogatory to women's dignity	Supportive

According to Table 2, even though refugees in India are not considered New Delhi citizens, they are given special rights and protections by the Constitution of India. Articles 14 and 21 are particularly relevant in this regard since they cover "persons" and not only "citizens." Article 21 is of particular importance for refugee women since it protects life and personal liberty as interpreted in the Indian constitutional era. However, other rights given under Article 19 concerning freedom of movement and settlement are specifically only available to citizens which shows that refugees have limited constitutional rights as compared to Indian citizens.[Baillot, Cowan and Munro (2013), 539.]

Table 3. Major Social Challenges Affecting Women Refugees[Ibid, 49 citing the work of Maren Vinar and Marcelo Vinar, *Exit et Torture* (Éditions Denoël, 1989).]

Social Dimension	Major Challenge	Impact on Women Refugees	Overall Concern
Physical security	Sexual and gender-based violence	Fear, trauma and insecurity	Very High
Economic status	Unemployment and poverty	Dependency and exploitation	High
Education	Interrupted schooling and limited access	Reduced future opportunities	High
Healthcare	Limited access to reproductive and general healthcare	Health risks and vulnerability	High
Legal documentation	Lack of identity/residence documents	Restricted access to services and employment	High
Housing	Insecure or overcrowded accommodation	Increased exposure to violence and exploitation	High
Justice	Language, financial and institutional barriers	Under-reporting and limited remedies	High
Social integration	Discrimination and social exclusion	Marginalization and isolation	High
Family protection	Family separation and forced	Increased vulnerability	High

	marriage		
Decision-making	Limited participation in community decisions	Reduced empowerment	Moderate-High

According to Table 3, there are multiple challenges that women refugees encounter, and these challenges are not limited to legal status only. [Robert Thomas, 'Assessing the Credibility of Asylum Claims: EU and UK Approaches Examined' (2006) 8 European Journal of Migration and Law 79, 85.]Security, economic independence, healthcare, education, documentation, and access to justice are all intertwined. For example, without documentation, one may have limited access to jobs and healthcare. Economic dependence could lead to an increase in vulnerability to abuse. Furthermore, lack of access to justice may prevent women from reporting incidents of violence against them. They make it clear that the refugee protection must be beyond humanitarian aid and concentrate on the long-term protection and integration of refugees.

Discussion

According to Table 3, there are multiple challenges that women refugees encounter, and these challenges are not limited to legal status only. Security, economic independence, healthcare, education, documentation, and access to justice are all intertwined. For example, without documentation, one may have limited access to jobs and healthcare. [Diane Taylor and Hugh Muir, 'Border Staff Humiliate and Trick Asylum Seekers-Whistleblower', The Guardian, 2 February 2010, <https://www.theguardian.com/uk/2010/feb/02/border-staff-asylumseekers-whistleblower> accessed 11 September 2016.]Economic dependence could lead to an increase in vulnerability to abuse. Furthermore, lack of access to justice may prevent women from reporting incidents of violence against them. They make it clear that the refugee protection must be beyond humanitarian aid and concentrate on the long-term protection and integration of refugees. The findings further highlight the need for India to adopt a gender-sensitive refugee policy. Women refugees must have access to secure reporting channels, gender-sensitive asylum processes, legal assistance, healthcare services and education, protection from trafficking and sexual violence, and the opportunities for economic participation. In this way, the principles of the Constitution and international law can be translated into tangible improvements in the lives of refugee women. It can be concluded that although the Constitution of India provides significant rights-based protection, the lack of any refugee specific law requires doing more work. It is necessary to strengthen institutional mechanisms and develop gender-sensitive policies in order to improve legal security, dignity and equality of women refugees.[Arab convention on regulating status of

refugees in the Arab countries adopted by league of Nations www.academic.ocup.com]

Conclusion

The study concludes that women refugees are in an especially precarious situation at the intersection of international refugee law and human rights, gender equality and social justice. Although international instruments like the 1951 Refugee Convention, 1967 Protocol, CEDAW, UDHR, ICCPR, and ICESCR offer important protections, women continue to experience gender-related persecution, sexual and gender-related violence, trafficking, economic disparity and little access to basic services. The lack of an explicit gender basis in the original Refugee Convention highlights the need for effective gender-sensitive interpretation and application of the law. In the case of India, the constitutional it offers suitable protection to refugees even if there is no formal law on refugees. Articles 14 and 21 are particularly relevant because they provide equality and protection of life and personal liberty for "persons," including non-citizens. There have been various judicial decisions as well that also help protect the rights of refugees. Despite the protective provisions of the Constitution, refugees do not enjoy all the rights enjoyed by citizens, especially with respect to movement and residency under Article 19. Thus, there is a significant difference between constitutional protection from arbitrary treatment and the right to stay in India. The research confirms that the legal framework alone cannot facilitate the effective empowerment of women refugees. It points to social and economic barriers like poverty, absence of documentation, limited job opportunities, disrupted education, lack of healthcare, poor housing conditions, and problems with accessing justice that may hinder women's realization of rights. The findings imply that refugee protection should combine legal protections with practical social assistance. The conclusion drawn is that India needs more gender-sensitive and rights-based refugee protection policy, especially in relation to women and girls. It is recommended that more attention is paid to gender-sensitive asylum procedures, protection from sexual and gender-based violence, legal assistance, healthcare, education, job opportunities, documentation, and access to justice.

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