

Through the Lens of Forced Displacement: Refugee Women's Rights as Human Rights

Pearl K. Atuhaire, Sylvia Kaye

Abstract—While the need for equal access to civil, political as well as economic, social and cultural rights is clear under the international law, the adoption of the Convention on the Elimination of all forms of Discrimination against women in 1979 made this even clearer. Despite this positive progress, the abuse of refugee women's rights is one of the basic underlying root causes of their marginalisation and violence in their countries of asylum. This paper presents a critical review on the development of refugee women's rights at the international levels and national levels. It provides an array of scholarly literature on this issue and examines the measures taken by the international community to curb the problem of violence against women in their various provisions through the instruments set. It is cognizant of the fact that even if conflict affects both refugee women and men, the effects on women refugees are deep-reaching, due to the cultural strongholds they face. An important aspect of this paper is that it is conceptualised against the fact that refugee women face the problem of sexual and gender based first as refugees and second as women, yet, their rights are stumbled upon. Often times they have been rendered "worthless victims" who are only in need of humanitarian assistance than active participants committed to change their plight through their participation in political, economic and social participation in their societies. Scholars have taken notice of the fact that women's rights in refugee settings have been marginalized and call for a need to incorporate their perspectives in the planning and management of refugee settings in which they live. Underpinning this discussion is feminism theory which gives a clear understanding of the root cause of refugee women's problems. Finally, this paper suggests that these policies should be translated into action at local, national international and regional levels to ensure sustainable peace.

Keywords—Feminism theory, human rights, refugee women, sexual and gender based violence.

I. INTRODUCTION

THE abuse of human rights is one of the basic underlying root causes of armed conflict, cultural stereotypes and practices that restrict women's rights and allow violence against women [1]. This section presents a review on the development of women's rights at the international and national levels. It focuses on the protection of women refugees under the 1951 United Nations Convention relating to the Status of Refugees and other international instruments that provide legal protection to refugee women against all forms of violence. While both women and men are affected by conflict, refugee experiences of women and men are different with women refugees bearing most the brunt of this conflict due to

the gendered specific atrocities they face [2]-[4]. They have special needs, particularly as heads of households with a responsibility for the children, are more enmeshed in family networks than male refugees, and may lose their traditional sources of income [2], [5]. As such, refugee women need sufficient income to support their families and themselves, although, their need for economic resources has often been underestimated [2].

Against this backdrop, this paper is cognizant of the fact that despite the increased awareness and understanding of the challenges pertaining rights of women, major problems remain in protecting and assisting refugee and displaced women [2], [3]. They are vulnerable to gender-based discrimination, exploitation, and violence, and are at risk not only in the communities from which they are fleeing, but also in their adopted homelands and while en route from one to the other [6]. Scholars argue this is partly because traditionally gender has not, on its own served to merit eligibility into forced migration discourse and practice mainly because during the establishment of the Refugee Convention, women's rights were under appreciated and violence against women then was still unmitigated in [7]-[9]. Worth noting is that women's discrimination is rooted in deep patriarchal structures of the society as feminists argue. Thus, despite the increased awareness and understanding of the international legal policies, major problems still remain in protecting and assisting refugee and displaced women. They have often been excluded in policy planning and implementation at local, national and international levels.

II. FEMINISM THEORY

According to [10], feminism is defined as analyses and political interventions that address the unequal and often violent relationships among people based on real or perceived social, economic, political, cultural and sexual differences. While contemporary feminist debates display a range of contested theories and opinions regarding the origins of women's oppression and the ways to confront and eradicate it, they mostly emphasise the role played by male dominance/patriarchy and gender hierarchy, which leads to social, economic and political imbalances in societies. Despite this analysis, feminist theorists eschew the notion that gender is fixed and immutable [11] since just like men, women can also be active participants at all levels of the society. Hence a need for gender equality to be realised at all social, economic and political arenas.

According to [12], the feminist discourse asserts that gender inequality pervades virtually all formal and informal world

Pearl K. Atuhaire is with the Department of Public Management, Durban University of Technology, Durban, South Africa (phone: +277882143523; e-mail: pearlatauhaire@yahoo.com)

Sylvia Kaye (Dr.) is with the Peacebuilding Programme, Durban University of Technology, Durban, South Africa.

order and the institution of war. Feminists acknowledge the significance of gender inequalities and power differences in the etiology of violence directed toward women by challenging gender inequalities that oppress and discriminate against them. Therefore, feminist theorists recognize gender equality as a requisite for peace, hence, the premise of the social construction and cultural derivation of gender is now leading to a more focused inquiry into patriarchy itself and how it is manifested in various contemporary institutions, cultural practices, social behaviors and relationships [12], [13].

Feminist theorists believe that patriarchy as a universal state of male dominance grants men the right to control female behaviour, through their social interactions [10], [12], [14]. Patriarchy therefore implies male rule and privilege, and entails female subordination [15]. In reiteration, [12] assert thus:

The field of gender and peace has evolved through various phases, each with a perspective based on the concerns of its time. All phases, however, found some roots in the problematic of patriarchy, a social and cultural construct that has not only privileged men over women, but can be seen as a paradigm for other forms of authoritarianism, hierarchy and inequality.

Therefore, the power vested within this arrangement deprives women of certain fundamental human rights and privileges [12], [16]. A case in point is that women are systematically excluded from participating in public activities including paid work and community leadership [16]. As such, Jenkins and Reardon [12] suggest an integration of masculinity studies with human rights norms and concepts in a framework of inquiry into patriarchy. Feminists argue that any approach to transformation of the patriarchal system will require taking into account the gendered nature of the entire system, inclusive of all the component institutions, social, economic and political. They advocate for the destruction of patriarchal ideologies and the abandonment of hierarchical patriarchal institutions and relationships. Due to the fact that there are more than one kind of feminism [10], this theory will not particularly concentrate on a singular perspective but will analyse feminism as a framework to build an understanding of the etiology of violence against women. As a result, this theoretical framework considers a spectrum of feminist theories categorized as liberal, cultural, radical, postmodern and postcolonial. According to [17], when confronted with a particular challenge, no single theory seems adequate. Hence, a range of feminist theories and methods are necessary to excavate the issues concerning violence against women since they all have shared views in regard to masculinity as the root cause of violence.

III. REFUGEE WOMEN AND HUMAN RIGHTS

According to [18], engendering forced migration discourse and praxis bears with it many benefits, for example, making gender an integral part of the forced migration discourse allows both identifying the vulnerability and emphasising the agency of refugee women. This is mainly due to the gender

specific vulnerabilities that exist in emergency situations caused by forced migration which often renders women more susceptible to different dangers [19], including sexual assault and increasing rates of morbidity and mortality [18]. These vulnerabilities do not stem solely from biological differences between women and men but from the social-cultural and biological factors that define women and men's places in society [18]. However, refugee women's invisibility on the international scene came to an end in 1985 when the United Nations began to discuss the need for particular protection to women refugees, creating a landmark decision on the global protection of refugees women and setting guidelines on sexual violence against refugee women and asylum policies [8]. Subsequent to this achievement, today, international human rights and the refugee law have become increasingly interconnected, with refugee claims being fact based hence, providing individual remedies in a procedure that is private and confidential [20]. This is positive progress since individual cases grouped together could lead to actions to publicize and denounce the failure of state protection especially where the state has been involved in war crimes and crimes against humanity during conflict and through state laws [20]. Such cases could be brought before international human rights bodies for trial. A case in point is the mass systematic rape cases that were prevalent in the former Yugoslavia (1991-1998) and in Rwanda (1994), which resulted into the creation of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) respectively to prosecute sexual crimes and rape as distinct war crimes [21], [22]. Consequently, now more than ever, human rights activists, refugee advocates and the academic community have the opportunity to work together to call states to account for the injustices against women and other social groups, hence, the fabric of international human rights law can be strengthened as it is interwoven with the testimonies of women refugees [20]. Against this backdrop, women's rights have received greater recognition on the international scene, as evidenced by the existence of the various international tools relating to women such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the Beijing Platform for Action (1995), the United Nations Security Council Resolution 1325 (2000) and its subsequent resolutions 1820 (2008), 1860 (2009), 1888, 1889 (2009) 1960 (2010), 2106 (2013) and 2122 (2013), the International Criminal Court (ICC), and the United Nations Declaration on the Elimination of violence against women (1993). To date, SGBV perpetrated against women in the international human rights context has resulted into the emergence of a body of law which affects granting refugee status, encapsulated in the *gender asylum law*, a landmark achievement for refugee women [8]. Although this has not been entirely applicable to most States, it is a legally constructed instrument that guides States on how to protect refugees and asylum seekers especially women and girls against sexual and other forms of gender based violence in conflict and post-conflict settings, a positive achievement for refugee women.

Thornton and Whiteman [23] argue that discourse on women in peace and security is divided between arguments that stress women's right to participate, versus those that emphasise the impact and outcome of their participation. Worth noting is that patriarchy, a system of social ordering that historically placed the male as a superior of the female justifies the subordination of women to men [24]. This concept not only renders refugee women economically unproductive compared to their male counterparts but also subjects them the risks of experiencing sexual and gender based violence. Nonetheless, despite the fact that women's rights have normally been stumbled upon because of these ethos, women are entitled to enjoy universal human rights as part of the human nature, and these rights are universal, inalienable and should be respected by all states [8].

Human rights are cognizant of issues of gender equality, meaning that they ensure the interests, needs and priorities of both women and men are taken into consideration and that achieving rights, responsibilities and opportunities for men and women are not dependent on their sex [25]. Despite the fact that men and women experience conflict similarly, women also experience gender related violence [19], [21], [26]. While the international community has progressed in providing legal rights to refugees, it is quiet absurd that international instruments which protect refugees do not distinguish between male and female refugees [8] especially when it comes to their rights. An example of this non-separation of female and male rights is stipulated in the article 2 of the Universal Declaration of Human Rights (UDHR) which states that:

Everyone is entitled to all the rights and Freedoms set forth in this declaration without distinction of any kind such as race, color, sex, language, religion and political or other opinion, national or social origin, property, birth or other status.

Conversely, violence against women has always been undermined especially in patriarchal settings, a problem that has affected their needs and protection, above their vulnerability to abuse and torture. Therefore, as earlier mentioned, it is true that the drafters of a number of international conventions had only males in mind as the only ones that are affected by conflict. In addition, [8] argues that women have now been singled out for attention as a group of persons deserving special protection, yet, not as beings who can change their plight. Krause [27] argues that while the preamble of UNHCR 1951 identifies the need for immediate protection and assistance to those forcibly displaced, it also imposes a vulnerable and passive refugee identity which is why refugees worldwide remain to be largely observed as needy passive victims requiring support and protection. This kind of victimisation hampers women's ability as change agents in their communities to break the chains of discrimination and inequality that have tied them for long. Moreover, when it comes to the challenges women face, the situation is aggravated when one considers the doubly-disadvantaged situation pertaining to women refugees [8].

Anderlini and El-Bushara [25] argue that while women's human rights violations do not always involve state actors, in most cases, the state has either condoned existing practices, allowed the passage of discriminatory laws or instigated policies and programmes that are inherently discriminatory against women. Such laws and policies may include: those that approve forced sterilization, forced pregnancy and forced abortion; those that approve virginity testing and sanctioning forced marriages; policies that fail to recognize women's autonomy and agency and legitimize male control over women General Assembly [28]. Various reasons are given for such state behaviour. Anderlini and El-Bushara [25] argue thus:

Sometimes, human rights are overridden or ignored for the sake of state security. Human security puts people first, emphasising that human rights are central to state security. Many nation states, including those with questionable human rights records, often describe state security as of paramount importance. But state security is often ill defined, masking the economic or other interests of elites or other powerful groups and pretending that these interests are for the common good.

Moreover, violence against women in what the State mainly calls *private sphere* (home) denies and reduces women's access to decision-making in the *public sphere*. In my analysis, there is a need for transformation through dismantling the unjust structures and policies that exacerbate discrimination and gender inequality and replacing them with mechanisms, processes and institutions that enable rights, priorities and needs of both women and men to be recognised. Therefore, a gendered perspective should not be confined to redressing the violations of the human rights of women or their social economic needs but represent peacebuilding as a process of inclusion [29].

Following the adversity in women refugees' livelihoods, the UNHCR established three policy recommendations including the Policy on Refugee Women (1990), the Guidelines on the Protection of Refugee Women (1991) and the Guidelines on Sexual Violence against Refugees: Prevention and Response (1995) [8], [18].

A. UNHCR Policy on Refugee Women (1990)

Govindjee and Taiwo [8] argue that becoming a refugee affects women and men differently, with refugee women facing the brunt of conflict on a large scale than men. Therefore, refugee women need to transform from their situation into a peaceful sustainable livelihood where they can take care of themselves and their families without fear of oppression. As [30] maintains, oppression is domesticating thus, for one to elude its force, it is necessary for one to emerge from it and turn upon it by means of the praxis, reflection and action upon the world in which one lives, in order to be able to transform it (Freire's feminist pedagogy). Therefore, refugee women should be seen as active beings who are capable of impacting the world they live in hence, they should be involved in policy planning and implementation in order for them to change their plight. This

argument is as a result of marginalization of refugee women which is besides the oppression they encounter in post-conflict settings.

According to [21], women refugees do need protection and are vulnerable in some circumstances, but this should not be generalised to assume that they are all just *vulnerable victims*. Women refugees are capable of transforming their situation and making their livelihoods better if given a chance. However, despite their plight, refugee women have culturally specific ways of expressing their strengths and resolving the post-settlement problems they encounter, which transform in the new context of their host country [9], [31]. As such, a gender perspective and women's participation, protection and rights is critical at all levels of the peacebuilding process [4], [5]. Conversely, [8] argues that women should be taught, informed and assisted in order to achieve their proper integration. Therefore, one can rightly say that while women refugee participation is used as a catalyst for them to gain access to employment, it is also a tool used to gain opportunities for self-sustainability.

B. UNHCR Guidelines on Protection of Refugee Women (1991)

In 1991, the UNHCR published the *Guidelines on the Protection of Refugee Women*² [3]. This document introduced policy measures for programme design for UNHCR personnel and implementing partners in order to fill the protection gaps specific to refugee women, among which include unsafe physical layout of refugee camps and procedures for aid distribution which make women susceptible to sexual violence and deprive them of vital resources [3]. According to [8], these guidelines call for integrating the resources and needs of refugee women into all aspects of programming so as to assure equitable protection and assistance activities. According to [23], women's security is recognised as human security where women are free from fear and want. However, in most cases women have been denied these rights for instance where their cases on SGBV have been reduced to private matters which do not deserve legal protection. As such, [32] argues that a denial to legal system is in contravention of the international law norms. Protection of refugee women under these guidelines is two pronged because they are doubly disadvantaged; first, they are victims of human rights abuses, conflicts and other acts of aggression; second, they are outside of their home communities and unable to afford themselves of the protection that their own governments should provide [2]. As such, they deserve both legal protection of their rights in countries of asylum and physical protection to ensure their safety and security [2], [33]. Therefore, refugee women have special protection needs including protection against sexual and physical abuse and exploitation against sexual discrimination [2]. In addition, these guidelines compose a standard which UNHCR set for refugee women and girls and are important in raising awareness as well as acting as programming tools for field work on the reproductive health issues and on SGBV

issues. However, despite the call for gender mainstreaming at all levels of policy planning, and implementation by these guidelines, women remain marginalized in most policies across the globe and even in refugee settings where they are not consulted on any projects being implemented on their behalf [2], [33]. As such, as [2] observes, the insufficient participation of refugee women in decision-making is a barrier to the full implementation of the Guidelines.

C. Guidelines on Sexual Violence Against Refugees: Prevention and Response (1995)

In 1995, UNHCR published *Sexual violence against refugees: guidelines on protection and response*, in order to provide a framework for action for the United Nations organizations, governmental and non-governmental organizations working with refugees [3]. These guidelines were updated in 2003, hence, they pertain not only to refugees but also to returnees, moreover, emphasizing a new preventive approach towards the problem of SGBV [3]. They provide information on the occurrence of sexual violence to refugees, its physical, psychological and social effects, as well as illustrating measures on how to prevent it. The suggested appropriate responses to sexual violence in these guidelines include an emphasis on the need for education, information campaigns and the need for women refugees to receive training on legal awareness, leadership guidance, skills training and education [18]. Despite the progress in trying to reduce the problem of SGBV, scholars highlight the fact that many cases of SGBV are undocumented due to underreporting that is caused by various cultural interpretations of such cases leading to the victim's stigma, shame and fear for reprisal [8], [21], [33], [34].

D. International Protection and Gender Related Persecution Guidelines (2002)

In 2002, UNHCR updated its guidelines (*Guidelines on International Protection No. Gender-Related Persecution*) to include explicit reference to the ways in which gender should be taken into account when deciding whether an individual is in need of international protection by implementing the International protection and gender related persecution guidelines [35]. These guidelines are intended to provide legal interpretative guidance for governments, legal practitioners, decision-makers and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field [35], [36]. As such, UNHCR issued these Guidelines pursuant to its mandate, as contained in the Statute of the Office of the United Nations High Commissioner for Refugees, in conjunction with Article 35 of the 1951 Convention relating to the Status of Refugees and Article II of its 1967 Protocol [36]. Important to note is that these Guidelines highlight the concept that women are persecuted as women is not the same as women being persecuted because they are women [35]. Often times, refugee women's experiences of persecution have been excluded from the dominant interpretation of the 1951 Convention Relating to the Status of Refugees for a number of reasons. Many of these reasons accrue from the fact that the

²This policy document was updated and replaced by the 2008 UNHCR Handbook for the Protection of Women and Girls.

roles of men and women in the societies from which they originate are different from those in the countries in which they seek protection [35]. Against this backdrop, these Guidelines not only focus on the interpretation of the refugee definition contained in Article 1 A(2) of the 1951 Convention relating to the Status of Refugees from a gender perspective but also propose some procedural practices in determining women refugee status such that a range of gender-related claims are recognized [36]. This illustrates a significant step taken by the UNHCR in improving the status of women refugees and asylum seekers recognition across the world, unlike the traditional 1951 Convention's definition of a refugee which was critiqued for being gender blind.

In order to respond to some of the criticisms of the operation of the international laws and policies regarding female asylum seekers and refugees, a few countries have introduced gender guidelines [21]. However, despite this progress by the UNHCR which has led to increased awareness and understanding of the vulnerabilities of refugee women, major problems are still apparent in providing them with humanitarian assistance and protecting them from sexual violence which is also carried out by those who are supposed to protect them [18], [21]. According to [21] gendered relations are so deeply entrenched in many situations, that even those who are supposedly *protecting* refugees or civilian populations may become involved in sexual exploitation or violence against women. Examples of these include peacekeepers from the United Nations as evidenced in DRC conflict where sexual exploitation was also carried out by members of UN's Mission in DRC (MONUC) [21], [22].

Whilst it is commendable that actors such as UN organizations alongside some States are moving towards a comprehensive and nuanced understanding of violence against refugee women, Freedman [21] argues that these norms have had uneven transition into national policy arenas, moreover, where guidelines have been adopted, their implementation rests patchy at best. Freedman stresses that few countries have officially integrated such directives into their legislation on asylum, and even where the directives have been transposed into national policies and legislations, they are not always adhered to in the asylum decision making process [21]. According to [3], in public discourses and the work of concerned actors, structural violence against refugee women and girls is still not dealt with, nor even perceived as the shocking and violating sexual violence that it is. However, there has been some progress, with Canada being the first country to integrate gender guidelines into their national asylum policies and legislation in 1993 when the Canadian Immigration and Refugee Board issued Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution [21]. Hence, these guidelines affirmed that the definition of a refugee should be interpreted so as to protect women who demonstrate a well-founded fear of gender related persecution, and further sought to provide principles that would lead those making decisions on asylum claims to be more accountable for the particularities of women's experiences of persecution [21]. As such, similar policies followed in the United States,

Australia, Sweden and United Kingdom among other Western Countries and to date most Third World countries have adopted these guidelines, thus showing a willingness by States to reduce SGBV against refugee women.

IV. THE ROLE OF MEN AND WOMEN IN ELIMINATING DISCRIMINATION

This section ascribes both men and women the role of peace in every society. It also does not claim the universal innocence of women, nor does it argue that women are inherently more peaceful, or that men are more war like, but examines the role both women and men play in making lasting peace a reality. While patriarchy has been a major challenge to the equal participation of women and men in their societies in trying to build peace, men should play a role to solving the challenges of patriarchy and exclusion of women in peacebuilding capacities. Women, who make up the majority (eighty percent) of targeted civil society during armed conflicts [2] and are not mere victims of war. Just like men, women are actors and victims of the enactment and consequences of conflict, the representation of both genders in mechanisms of peace is vital [37]. They are also contributors to peace as mothers, housewives, as mediators, peace advocates and activists and volunteer workers [19] thus, their commitment to peace needs to be acknowledged. According to the United-Nations and Interparliamentary-Union [38] handbook for parliamentarians:

...the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields.

The Preamble of the CEDAW 1979.

According to Stephenson [1] overcoming the cultural factors that allow gender discrimination and violence against women can only be achieved through changing structural economic and political conditions that encourage gender inequality is important. As such, Raj [39] argues that specific instruments such as the CEDAW call for equality between women and men by imposing obligations on states to modify or abolish discriminatory laws in areas of politics, education, work environment, marriage and legal representation. Further still, Raj [39] argues that the protection capabilities of CEDAW are curtailed due to heavy reservations by governments, particularly states using the *Sharia* as their legal code of governance. Against this backdrop, [25] advocates for the goal of attaining relations between men and women that are based on equality, justice and mutual respect. Thornton and Whiteman [23] argue that while women have had tremendous contribution to integrated peacebuilding, for most of the twentieth century, women and issues of gender were largely ignored or marginalised rather than mainstreamed. The twenty first century still has not been of any difference since despite the fact that a host of policies have been established, since women continue to be marginalised in most peacebuilding processes. Anderlini and El-Bushara [25] observe thus:

...women's profiles in peacebuilding, as in many other areas of life, have been unrealistically low and undervalued. Yet in conflicts and war-torn countries across the world, women are often at the forefront of peacemaking and peacebuilding efforts. They are leading households, caring for the sick and the old and sustaining and ensuring the survival of their families and communities. Even in refugee camps and despite their own traumas or victimisation, women shoulder the responsibilities of others.

More than a decade after the implementation of the UNSCR 1325, women's participation in peacebuilding processes is still relatively low. According to the UN-Women [40] report the average numbers of women participating in peace negotiations in official roles as negotiators, mediators, signatories or even witnesses remain notably low. Statistically data on the women in peace talks are scarce, as this information is not consistently tracked by any authority as argued by the UN-Women [40], thus:

A study undertaken in 2008, which scanned 33 peace negotiations, found that only 4 per cent of participants—11 out of 280—were women, and that the average participation of women on government negotiating delegations was, at 7 per cent, higher than on the delegations of non-State armed groups.⁸ Our own limited but reasonably representative sample of 31 major peace processes between 1992 and 2011 reveals that only 4 per cent of signatories, 2.4 per cent of chief mediators, 3.7 per cent of witnesses and 9 per cent of negotiators are women. Last year's negotiations in Oslo regarding the Philippines, with 33% of female signatories and 35% of women on delegations to reach the 2011 agreement, represent a stand-out high point without which the average number of women in the cases we have tracked drops to 3% of signatories and 7.5% of negotiators.

Thornton and Whiteman [23] argue that while the use of quotas encourages women participation and is often encouraged in policy debates, they are simply recognised as one part of the complex equation. Johnson and Rehn [41] illustrate thus:

Certainly quotas alone cannot guarantee the emergence of a 'gender perspective' in the political process – although one is more likely to develop when a critical mass of women are in decision-making positions. We recognize that especially when numbers are small and cultural barriers enormous, quotas can only put women in power; they cannot guarantee that grass-roots concerns will be addressed.

While attempts have been made to include women on the peace table, they are still lagging behind especially in post-conflict settings such as refugee settings where women are largely marginalised. Indeed, refugee women are nevertheless still being regarded as victims as opposed to agents of change for example, the UNSCR 1325 on women, peace and security does not specifically include refugee women as partners in peacemaking [14]. Besides, [21] argues that much as women need protection and are vulnerable in certain circumstances, it

should not be generalised to assume that they are all just *vulnerable victims*. For example, while refugee women in third world countries experience higher percentages of domestic violence in their settings, women refugees in the West experience less cases of domestic violence. Sonneveld [42] argues that rather than regarding women primarily as victims, it is essential that women's meaningful participation is prioritized and that they are actively present in all realms of conflict prevention, resolution, peacebuilding and decision-making processes in government. Schirch [43] asserts that while a dominated worldview creates a foundation for violence, the value of partnership is an alternative to this relationship, hence, when relationships are egalitarian and based on values of partnership, rather than domination, people cooperate with and empower each other to meet mutual needs.

The onus of reducing discrimination in society lies on both men and women. Discrimination has mainly been created by gender hierarchies which are socially constructed, and maintained through power structures that relegate women to subordination [14]. Many theorists therefore contend that unless societies reconcile unequal power relations between men and women, insecurities and conflict will persist [23]. Feminists discourse on post-conflict peacebuilding, highlights the fact that although the aftermath of war often provides an opening in which gender relations can be transformed, in many cases gendered hierarchies of power are (re) constructed and maintained in the transition from *war to peace* [14].

According to [9], although refugee women are normal people who are forced to deal with abnormal and traumatic situations, they tend to be socially constructed as victims who are needy, yet, do not have the capacity to help themselves out of their situations. UN-Women [40] disputes this perception by arguing that women's absence in peace processes cannot be explained by their alleged lack of experience in conflict resolution or negotiations. Instead, there has been a lack of effort to integrate them in formal peace processes. In reiteration, UN-Women [40] reiterates thus:

Women's absence in peace processes cannot be explained by their alleged lack of experience in conflict resolution or negotiations. Instead, there has been a lack of effort to integrate them in formal peace processes.

Moreover, [37] argues that the underlying system of gender-based discrimination and violence shows up nowhere else as it severely does in the traditional forms of violence such as female genital mutilation, honor killings, deforming women for rejecting would-be suitors, and dowry killings, amongst others. There is need for the role of men to foster women's participation at all levels of peacebuilding. It is the role of men in every society to first of all accept women capacity to contribute to peacebuilding efforts in conflict and post-conflict settings and also work hand in hand with them to bring peace in communities with each one of them having a role to play. Therefore, it can be deduced that the conflict transformation can only be possible with complete transformation of present patriarchal gender relations. The former UN Secretary General Kofi Anan echoes this by arguing thus:

Only if women play a full and equal part can we build the foundations for enduring peace [37].

V. REFUGEE WOMEN'S IDENTITY

Self-identity is recognised to be a central part of who we are as humans and an important aspect of mental wellbeing [44]. The concept identity is enormously debated in contemporary criticism; thus legitimacy occupies a pivotal place in any investigation related to refugees [44]. Indeed, refugee women in particular face this challenge, because defining their identity is encompassed with consequences such as forced displacement experiences which pose significant challenges to their sense of identity. For example, the multiple challenges they go through to fend for their families at a loss of a husband, brother or elder in the family who was formerly their source of provision. As such, [44] highlights on the plight of women refugees experience right after conflict explaining their process of identity transformation in a more specific manner. In what he defines as *de-selving* and *re-selving*, he argues that refugee women more than men find themselves unequally located in marginalizing structures where they are forced to confront forces of *de-selving* which enter a dialogical relationship with experience of *re-selving* [44]. He further argues that from the moment they are forcibly uprooted from their familiar environment, refugee women are situated within a constant process of *de-selving*, of deprivation of their agency in various forms, extending even to the extreme of physical annihilation [44]. Hence, their new location or situation challenges their sense of self, which is constantly renegotiated as they rebuild their lives, which process may open up new possibilities [44]. According to [5], the loss also created a sense of emptiness especially for mothers who lost their children and for families who lost heads of households.

As such, *de-selving* is not a loss of culture or identity but rather a gradual erosion of agency imposed by the organisations, spatial configurations, laws and relationships that refugees confront in their refugee experience. Hajdukowski-Ahmed [44] argues that refugee women are shackled with *de-selving*, which is rooted within the patriarchal power relationships that affects them differently from men but also as result of the various forms of oppression that men are subjected. Therefore, refugee women are *de-selved* when gender roles are affected in relocation by disruption of status and power hierarchies, geographical dispersal of kin and friendship networks, new residence patterns, loss of economic resources among others. Above by all these external pressures, refugee women face SGBV which leads them into a form of passivity, which affects their loss of self-identity, agency and their mental health. Hence, while the various forms of objectification in the form of SGBV that refugee women encounter are intended to *de-selve* them, the gender specific persecutions that they encounter in refugee settings are considered to be private domain matters, which curtails intervention to solve the problem [44]. In addition, *de-selving* occurs when their agency is curtailed by those who are meant to protect them, for example, while in refugee camps, refugee women are under the protection of states and

humanitarian organisations, which, in spite of some progress, fail to include them in meaningful ways of decision making [27], [33]. Also, when war and poverty separates women and children from men, a process which reinforces the tendency to construct *women and children* as a single entity in popular press and scholarly works alike although the identities and needs of each group are vastly different [44]. Conversely, while *de-selving* is mainly characterized by the ill-treatment of refugee women as vulnerable beings or blank pages, as if they had no education, no occupation, or life before their flight, refugee women are active agents in the construction of their identities and in exemplifying resilience amidst their multiple personal and systematic challenges [45].

Amidst all this frustration and hopelessness caused by tensions that rise from their daily experiences, firstly as refugees and secondly as women, refugee women seize new circumstance as opportunities for emancipation and self-affirmation [44]. In addition, cultural norms acceptable to the domicile nations of women refugees exacerbate their situations. Such norms include acceptance of chastisement of a woman, relegating a woman to being a child and subordination of a woman. According to [7], the persecution that women face often is not seen as rights violations, because these were customs and practices of cultural groups and often occurred in *private sphere* before flight. However, as earlier mentioned, despite their plight, refugee women have culturally specific ways of expressing their strengths and resolving their problems, which transform in the new context of their host country [9]. Often times in what [44] calls *strategic essentialism*, they assume a temporary unified position to achieve a particular goal for example, they seem to obey the cultural norms and conventions to protect themselves and their families without appearing to dispute these norms [44]. Although, despite their efforts for self-determination, they still struggle to have their voices heard and their needs met, although with setbacks of cultural norms impeding their identity transformation.

VI. CONCLUSION

While both women and men experience identity transformation during war, women experience it differently because war is a gendered aspect [19]. In relation to argument of [31], whilst displacement is a trademark of many of today's wars and their aftermath, legislation and mechanisms that deal with its legacies lag far behind. It is evident that SGBV is still widespread and far reaching and informs all aspects of forced migration. Worth noting is that work on gender equality and in particular on the furtherance of women's rights, continues to be essential [1] because while States have slowly mastered the rhetoric of respect for women's rights, the full realization of these rights across the globe remains elusive. This in part is because humanitarian agencies have often failed to take into account the fact that before their flight, refugees were entirely independent, with their own self sufficiency networks, although today they are totally reliant on international and national protection for survival [33], a concept that has led to loss of self-confidence. Therefore, it is important to recognize

that refugee women are an extra ordinarily constructive force [46] since they are armed with policies, guidelines and other tools to protect themselves, and to advocate for their rights through their agency. For example, in the 1980s and 90's, the Working Group on Refugee Women together with a Coalition of different NGO's pressurized the UNHCR to address the situation of women refugees and asylum seekers [2]. They targeted the Executive Committee meetings at the UNHCR to lobby for the inclusion of refugee women's issues and issues of equality [2]. While these policies are good, there is need to concentrate on translating these them into action in the field, and on marshalling the contribution of refugee women to building lasting peace. As such, reducing violence against women should be seen as a direct indicator for achieving development in general with policy attention and support needs increasingly focusing on understanding women's own pathways in addressing the continuing scourge of gender-based violence, particularly in the global South [47].

REFERENCES

- [1] Stephenson, C.M., *Gender equality and a culture of peace*, in *Handbook on building cultures of peace*, J. de Rivera, Editor. 2009, Springer: USA. p. 123-138.
- [2] Forbes, M.S., *Refugee Women*. 2nd ed. 2004, London: Zed Books.
- [3] Al-Sharmani, M. *Navigating refugee life* (online) 2010; Available from: <http://unchronicle.un.org/article/navigating-refugee-life/>
- [4] Snyder, A.C., *Gender relations and conflict transformation among refugee women*, in *Handbook of conflict analysis and resolution*, D.J.D. Sandole, et al., Editors. 2009, Routledge: New York, USA. p. 45-58.
- [5] Isis-WICCE. *Forced to flee: voices of Congolese women refugees in Uganda* (online) 2014; Available from: http://www.researchgate.net/publication/267155113_Voices_Of_Congolese_Women_Refugees_In_Uganda
- [6] Sherwood, K. and H. Liebling-Kalifani *A grounded theory investigation into the experiences of African women refugees: effects on resilience and identity and implications for service provision*. Journal of International women's studies, 2012. 13, 86-108.
- [7] Daenzer, P.M., *Social protection of refugees: paradoxes, tensions and directions*, in *Not born a refugee woman: Contesting identities, rethinking practices*, M. Hajdukowski- Ahmed, Khanlou, N. and Moussa, H, Editor. 2008, Oxford: New York. p. 228-243.
- [8] Govindjee, A. and E.A. Taiwo, *The protection of women refugees under the international refugee convention*, in *An introduction to international refugee law*, R. Islam and J.H. Bhuiyan, Editors. 2013, Martinus Nijhoff Publishers: U.S.A. p. 379-399.
- [9] Hayward, L., et al., *We want to talk, they give us pills": Identity and mental Health of refugee women from Sudan*, in *Not born a refugee woman: Contesting identities, rethinking practices*, M. Hajdukowski-Ahmed, Khanlou, N. and Moussa, H., Editor. 2008, Oxford: New York. p. 196-214.
- [10] Hyndman, J. and M. de-Alwis, *Reconstituting the subject: feminist politics of humanitarian assistance*, in *Not born a refugee woman: Contesting identities, rethinking practices*, M. Hajdukowski- Ahmed, Khanlou, N. and Moussa, H., Editor. 2008, Oxford: New York. p. 83-96.
- [11] Steans, J., *Gender and International relations* 2013, Polity Press: UK.
- [12] Jenkins, T. and B.A. Reardon, *Gender and peace: towards a gender inclusive, holistic perspective*, in *Handbook of Peace and Conflict Studies*, C. Weibel and J. Galtung, Editors. 2007, Routledge: New York. p. 209-231.
- [13] Harders, C., *Gender relations, violence and conflict transformation*, in *Advancing conflict transformation: The Berghof handbook II*. Opladen/Farmington Hills: Barbara Budrich Publishers. 2011.
- [14] O'Reilly, M., *Gender and peacebuilding in Routledge handbook of Peacebuilding*, R.M. Ginty, Editor. 2013: New York, U.S.A. p. 57-68.
- [15] Muringi, C.K. and A.K. Muriiki *An analysis of GBV in African literature* International Journal of Humanities and Social Science, 2013. 3, 117-123.
- [16] Kalabamu, F. *Patriarchy and women's land rights in Botswana*. Land use policy, 2006. 23, 237-246.
- [17] Charlesworth, H., *Feminist methods in international law*. American Journal of International Law, 1999: p. 379-394.
- [18] Gozdzia, E.M., *Pray God and keep walking: Religion, Gender, Identity and refugee women*, in *Not born a refugee woman: Contesting identities, rethinking practices*, M. Hajdukowski- Ahmed, Khanlou, N. and Moussa, H, Editor. 2008, Oxford: New York. p. 180-195.
- [19] Sjoberg, L. *Gendered realities of the immunity principle: why gender analysis needs feminism*. International studies quarterly 2006. 50, 889-910.
- [20] Sadoway, G., *The gender factor in refugee determination and the effect of "Gender Guidelines"*, in *Not born a refugee woman: Contesting identities, rethinking practices*, M. Hajdukowski- Ahmed, Khanlou, N. and Moussa, H, Editor. 2008, Oxford: New York. p. 244-253.
- [21] Freedman, J., *Gendering the international asylum and refugee debate*. 2007: Palgrave Macmillan.
- [22] UN-OCHA/IRIN, *The shame of war: sexual violence against women and girls in armed conflict* 2007, OCHA/IRIN: Nairobi.
- [23] Thornton, E. and T. Whiteman, *Gender and peacebuilding*, in *Integrated peacebuilding: innovative approaches to transforming conflict*, C. Zelizer, Editor. 2013, Westview Press: USA. p. 104-125.
- [24] ACORD-Uganda. *Protection and restitution for survivors of sexual and gender based violence in Uganda: the legal peculiarities, the possibilities and the options* [online] 2010; Available from: <http://www.acordinternational.org/silo/files/uganda-protection-and-restitution-for-survivors-of-sexual-and-gender-based-violence.pdf>.
- [25] Anderlini, S. and J. El-Bushara, *The conceptual framework: security, peace, accountability and rights*, in *A toolkit for advocacy and action*. 2004, Hunt Alternatives Fund and International Alert: Washington, DC. p. 5-14.
- [26] Goldstein, J., S. *War and gender: how gender shapes the war system and vice versa*. (online) 2001; Available from: <http://catdir.loc.gov/catdir/samples/cam031/2001277554.pdf>
- [27] Krause, U. *Analysis of empowerment of refugee women in camps and settlements*. Journal of internal displacement 2014. 4, 29-52.
- [28] General-Assembly, *Secretary General's study on violence against women*. 2006.
- [29] United-States-Institute-of-Peace. *Gender War and Peacebuilding*. (online) 2012; Available from: <http://www.usip.org/sites/default/files/files/NPECSG12.pdf>.
- [30] Freire, P., *Pedagogy of the Oppressed* 1984, New York: Continuum.
- [31] Hovil, L. *Gender, Transitional Justice, and Displacement: challenges in Africa's Great Lakes Region*. (online) 2012; Available from: <http://www.brookings.edu/~media/Projects/idp/tj%20case%20studies/Hovil%20Gender%20Great%20Lakes.pdf>.
- [32] Parashar, A., *Human rights of refugees*, in *An introduction to international refugee law*, R. Islam and J.H. Bhuiyan, Editors. 2013, Martinus Nijhoff Publishers: Leiden, Boston. p. 357-378.
- [33] Haliso, O.Y., *Women, camps and (in) security*. Africa peace and conflict journal, 2009. 2(2): p. 98-103.
- [34] Arief, A. *Sexual violence in African conflicts: CRS report for Congress* (online) 2010; Available from: http://digital.library.unt.edu/ark:/67531/metadc491381/m1/1/high_res_d/R40956_2010Nov30.pdf.
- [35] Crawley, H. *Gender-related persecution and women's claims to asylum*. (online) 2012; Available from: <http://www.refugeelaidinformation.org/gender-related-persecution-and-women%E2%80%99s-claims-asylum>.
- [36] UNHCR, *Guidelines on international protection: gender related persecution within the context of Article 1(A)2 of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees* 2002, UNHCR: Geneva.
- [37] Pillay, A., *Gender, peace and peacekeeping lessons from Southern Africa*. 2006.
- [38] United-Nations and Interparliamentary-Union, *The Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol: handbook for Parliamentarians*. 2003, United Nations: Switzerland.
- [39] Raj, S., *The gender element in international refugee law: Its impact on agency programming and the north-south debate*. Yearbook of International Humanitarian and Refugee Law, 2001. 1: p. 164-182.
- [40] UN-Women, *Women's participation in peace negotiations: connections between presence and influence*. 2012.

- [41] Johnson, S.E. and E. Rehn, *Women, war, and peace: The independent experts' assessment of the impact of armed conflict on women and women's role in peacebuilding*. 2002, UNIFEM: New York.
- [42] Sonneveld, S. *Through the lense of civil society: summary report of the public submissions to the global study on women and peace and security*. (online) 2015; Available from: http://www.peacewomen.org/sites/default/files/ExecutiveSummary_Through%20the%20Lens%20of%20Civil%20Society.pdf.
- [43] Schirch, L., *Strategic peacebuilding: a vision and framework for peace with justice*. 2004, United States: Good Books.
- [44] Hajdukowski-Ahmed, M., *A dialogical approach to identity: implications for refugee women in Not born a refugee woman: Contesting identities, rethinking practices* M. Hajdukowski- Ahmed, N. Khanlou, and H. Moussa, Editors. 2008, Oxford: New York. p. 26-66.
- [45] Schafer, L.H. *True Survivors: East African refugee women*. Africa today, 2003. 49, 29-46.
- [46] Kumin, J., *Protecting refugee women: UNHCR and the gender equity challenge*, in *Not born a refugee woman: Contesting identities, rethinking practices.*, M. Hajdukowski- Ahmed, Khanlou, N. and Moussa, H., Editor. 2008, Oxford: New York. p. 219-227.
- [47] Manuh, T. *Confronting violence against women: what has worked well and why* (online) 2010; Available from: <http://unchronicle.un.org/article/confronting-violence-against-women-what-has-worked-well-and-why/>

Pearl KaruhangaAtuhaire is currently a PHD candidate of the Peacebuilding Programme at the School of Public Management at Durban University of Technology. She is currently undertaking a research entitled Reflection in action: reducing sexual and gender based violence against women in refugee settings, with a case study on Kyaka II refugee settlement of Uganda. Pearl has a five-year experience working on issues to do with women in peace processes and gender issues. Pearl has previously written various articles in line with this field of work.

Dr. Sylvia Kaye is a deputy head of department and senior lecturer in the Peacebuilding Programme, Durban University of Technology. Dr. Sylvia has a vast experience as a lecturer and also as a supervisor for postgraduate students in this field of study. She also has a plethora of experience teaching gender studies and peace studies, areas in which she has taught and researched previously. She is also a feminist who believes that gender equality is not just a dream but a reality if both men and women engage in promoting it.