

70 YEARS OF REFUGEE CONVENTION: WHERE ARE THE WOMEN?

—Priya Anuragini*

Abstract—The 1951 Convention relating to the status of Refugees (Refugee Convention) recently completed 70 years.¹ Written after the cold war, today the Convention forms the most fundamental instrument for refugee protection. It's often lauded for its achievements and consistent attempt to secure permanent and durable solutions for persons fleeing persecution.² And yet, the Convention has not been able to overcome some of the deficiencies that it inherited during its birth itself. The most limiting among these deficiencies has been the non-recognition of women by the convention and its complete disregard of the issues faced by them. Drafted in the aftermath of the Second World War and during the cold war, the Convention was mostly shaped by politics and foreign policies of the time, particularly the need of the western capitalist world to score ideological victory over the rival communist regimes.³ Thus, the language of the Convention primarily responded to the problems faced by Male European Refugees.⁴ In fact, there was not a single woman to be found amongst those who met in Geneva in 1951 to draw up the Convention and the drafters hardly focused on achieving even formal equality between men and women.⁵

* Assistant Professor (Law), Dr. Ram Manohar Lohiya National Law University, Lucknow. <priyaanuragini2902@gmail.com>

¹ The Refugee Convention was adopted on 28th July 1951, and it entered into force on 22nd April 1954. The Convention was drafted by the United Nations Conference of Plenipotentiaries. And the conference was convened pursuant to a General Assembly Resolution.

² UN, “Cornerstone treaty of refugee protection turns 70”, 28th July, 2021 available at <https://news.un.org/en/story/2021/07/1096562> (last accessed 16th January, 2022).

³ B.S. Chimni, “Geopolitics of Refugee Studies: A View from the South”, *Journal of Refugee Studies*, Vol. 11. No. 4 (1998), pp.350-374.

⁴ The Convention neither mentions gender as the basis of persecution nor prohibits discrimination on the basis of sex.

⁵ Jane Freedman Taking Gender Seriously in Asylum and Refugee Policies, Book Chapter published 2012 in *Global Migration* on pages 45 to 64

70 years on, the Convention has made some progress and yet the defects inherited at the birth have not been cured completely. For instance, in the recent times, “gender mainstreaming” has assumed a lot of importance within the international legal regime for protection of refugees and is believed to have improved the status of women. However, even the gender mainstreaming agenda has been pursued through the interpretations of already existing texts rather than textual amendments which is the preferred mode in case of other human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR).⁶ In both of these, optional protocols were used to enlarge the scope of the Convention unlike the 1951 Convention. It is against this background that this paper argues that the international community has not made any serious attempt to reform the Convention and transform it into an empowering instrument for women. Consequently, Convention limits the chances of women to secure refugee status and perpetuates their marginalization.

Keywords: 1951 Convention, Women, War, Refugees, Gender, Asylum

I. INTRODUCTION

The 1951 Convention consolidated previous international instruments relating to refugees and provided the most comprehensive codification of the rights of refugees at the international level.⁷ For seventy years, the Convention has been the prime instrument for providing protection to refugees. The principles such as no discrimination, non-refoulement, non-penalization, incorporated

⁶ ICCPR was adopted in 1966. While the second optional protocol to ICCPR with the objective of enhancing the scope of Convention to end death penalty was adopted by the UN General Assembly in 1989.

⁷ Text of the 1951 Convention and 1967 Protocol relating to the status of Refugees with an introductory note by the Office of the UNHCR, available at <<https://cms.emergency.unhcr.org/documents/11982/55726/Convention+relating+to+the+Status+of+Refugees+%28signed+28+July+1951%2C+ntered+into+force+22+April+1954%29+189+UNTS+150+and+Protocol+relating+to+the+Status+of+Refugees+%28signed+31+January+1967%2C+entered+into+force+4+October+1967%29+606+UNTS+267/0bf3248a-cfa8-4a60-864d-65cdfec1d47>> (last accessed on 20th August 2018).

in the Convention continue to be the rudiments of the contemporary refugee regime. The Convention also laid down, somewhat comprehensively, the basic minimum rights that the receiving country was required to grant to the refugees.⁸ Administered by the UNHCR (United Nation High Commissioner For Refugees), an institution established right before the Convention, the Convention has been a ray of hope and mostly the only support to millions of individuals who are forced to flee their homes because of the threat of persecution. After all, the number of refugees is continuously increasing year after year with over 26.4 million refugees as per the latest data by the UNHCR. Thus an international convention mandating protection of refugees which enjoys support of 146 countries is, no doubt, an important instrument.⁹ This is precisely what the present UNHCR, Filippo Grandi, stated when he said that the “Convention has saved millions of lives and remains relevant in the present scenario”.¹⁰ To that end, the seventieth anniversary of the 1951 Convention is indeed an important milestone in international legal regime for the protection of refugees. However, the functioning of the Convention continues to be shaped by the limitations it inherited at its birth particularly what B. S Chimni refers to as “its euro centric character”.¹¹ The euro centrality of the 1951 Convention is evident from the fact that it was created primarily to resolve the refugee condition of the post war Europe and so was both temporally and geographically limited to persons who became refugees as a result of events in Europe before 1st January, 1951. Even though these limitations were removed by the 1967 Protocol relating to status of the refugees making the Convention a universally applicable international instrument on refugees, there was no express recognition of the limited nature of the Convention.¹² Thus, even though refugees were present across the globe much before 1967, it was only in 1967 the international legal regime predominantly created by the western developed capitalist world decided to recognize their existence by adding a protocol to an instrument that was not even drafted with all the refugees in mind. In fact many scholars see this extension as the ploy of western world during the cold war so as to score ideological victory over the rival communist regimes by being willing hosts to those fleeing communist ruled states.¹³ And this view has been reinforced by the fundamental shift in the western perception of the refugee issue in the post cold war period when the western world, free from the need of establishing its ideological superiority, once again started aggressively asserting their borders to deny, deter or detain the unwanted

⁸ Art. 3, Art. 31 and Art. 33 of the Convention.

⁹ Presently, Convention Relating to the Status of the Refugees has 146 State Parties. See <https://treaties.un.org/PAGES/ViewDetailsII.aspx?src=TREATY&mtdsg_no=V-2&chapter=5&Temp=mtdsg2&clang=_en> (last accessed 1st September 2021).

¹⁰ Eleanor Burnhill, “Millions Still Flee, 70 years after Refugee Convention”, RTE, 28th July 2021, available at <<https://www.rte.ie/news/2021/0727/1237641-refugee-convention-anniversary/>> (last accessed on 10th August 2021).

¹¹ B.S. Chimni, *The Law and Politics of the Regional Solution of the Refugee Problem: The Case of South Asia*, RCSS Policy Studies 4.

¹² Article 1, 1967 Protocol relating to the Status of the Refugees.

¹³ See generally, B.S. Chimni *International Refugee Law: A Reader*, Sage Publications, 2000.

from entering or seeking asylum and established what is usually referred as the non-entrée regime.¹⁴ And this attitude has been evident even during the COVID crisis when states showed tremendous urgency in closing their borders, without any exception for the asylum seekers, many of whom could be refugees.¹⁵

II. INTERNATIONAL LEGAL REGIME AND MISSING WOMEN

International legal regime for protection of refugees (ILRP) primarily consists of the 1951 Convention. However, International law particularly the international human rights regime not only provides the larger framework within which the Convention functions but is also invoked to offer complimentary protection to refugees.¹⁶ To that end, the article first discusses the position of women within the international legal regime.

Where are women? Cynthia Enloe asked this fundamental question in her book “Bananas, Beaches and Bases: Making Feminist Sense of International Politics.”¹⁷ The truth of the matter is that the international law has largely remained a male bastion. Hilary Charlesworth and Christine Chinkin in their book “The Boundaries of International Law: A Feminist Analysis” write that international law is silent on many of the issues faced by women.¹⁸ These silences are the result of the fundamental characteristics of the international law. For example, Rosa Ehrenreich Brooks in “Feminism and International Law: An opportunity for transformation” argues that international law is largely seen as regulating the relation between states.¹⁹ The states are rarely represented by women. Thus, in one stroke international law renders women and other powerless individuals invisible. While international human rights law does eventually diluted the rigid emphasis of international law on states, it

¹⁴ Non-Entrée Regime refers to countries introducing procedural and physical deterrence mechanisms to prevent refugees from entering their destination or accessing full asylum procedures. Western World also started encouraging the notion of ‘safe haven’ which means that prospective refugees should try to find safe territories within the country of origin. See generally, Daniel Ghezelbash and Nikolas Feith Tan, “The End of the Right to Seek Asylum? COVID 19 and the Future of Refugee Protection” EUI Working Paper RSCAS 2020/55, available at <https://cadmus.eui.eu/bitstream/handle/1814/68175/RSCAS%202020_55.pdf> (last accessed 1st September 2021).

¹⁵ <<https://www.unhcr.org/en-us/news/press/2020/4/5ea035ba4/beware-long-term-damage-human-rights-refugee-rights-coronavirus-pandemic.html>> (last accessed 1st September 2021).

¹⁶ Guy S. Goodwin Gill, “Refugees: Challenge to Protection, IMR Vol. 35, 2001

¹⁷ Enloe, Cynthia, *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*, 2nd edn., University of California Press, 2014. JSTOR, <www.jstor.org/stable/10.1525/j.ctt6wqbn6> (last accessed 27th July 2021)

¹⁸ Hilary Charlesworth and Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis*, Manchester University Press, 2000.

¹⁹ Brooks, Rosa Ehrenreich, “Feminism and International Law: An Opportunity for Transformation” (2002). Georgetown Law Faculty Publications and Other Works. <<https://scholarship.law.georgetown.edu/facpub/1132>>.

also indirectly insisted on state centrality.²⁰ Thus if women are facing violence within the state, the international human rights law would be concerned only if this violence is the result of state action or caused by state agents. If not, it's merely a sad state of affairs but not the concern of the international human rights law. Thus international human rights law by distinguishing between the national and international replicates the distinction between the personal and political.²¹ As international legal order has always been dominated by men, the traditional human rights formulations were based on a normative male model and applied to women only as an afterthought.²² The dominant definitions of human rights and the mechanisms to enforce them in the today's world are those that pertain primarily to the violations that men who first articulated the concept most feared.²³ What is done to women is either too specific to be seen as human or too generic to human beings so to be seen as women specific.²⁴ When women are subjected to same standards as men in de jure terms, then in de facto terms it imposes additional burdens on women. This is primarily because in order to be seen by international human rights bodies women either have to establish that the harm suffered by them is equivalent to harm caused to men and thus fall within the scope of the legal provisions written for men or they have to justify their experience as exception to the rule and thus prove that they deserve to be recognized. Both the approaches are problematic as the first "reinforces sexual hierarchies" and the second "exceptionalises" the experiences of women. And yet the human rights discourse has been rather slow in recognizing this.²⁵ Thus till 1990s, the violence suffered by women as a result of war "was seen as an unfortunate consequence of war or personal rather than political" and thus was not the subject matter of international law. In fact, till date there is no "comprehensive multilateral legally binding international instrument dealing with violence against women."²⁶ Though there are international instruments for women such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). However, CEDAW "does not explicitly mention violence against women or require reporting by the state parties at the necessary level of specificity."²⁷ Its Optional Protocol

²⁰ *Ibid.*

²¹ See Carol Hanisch, "The Personal is Political", available at <<https://webhome.cs.uvic.ca/~mserra/AttachedFiles/PersonalPolitical.pdf>> (last accessed 27th July 2021) In this paper written in 1970s Carol Hanisch famously said "Women are messed over, not messed up". Thus, the problems of women that are seen as personal or individual to women are the result of power imbalance between women and men and benefit men.

²² Myrna S. Feliciano "Gender Issues in International Law" World Bulletin, Vol. 28, 2002

²³ *Ibid*

²⁴ Myrana S. Feliciano writes "when what happens to a woman also happens to a man, a woman's suffering has the dignity and her death the honour of a crime against humanity because she is violated in a way comparable and comprehensible to a man. But when a woman suffers as a woman- when what was done to her smells of sex, humanity is not violated".

²⁵ See generally, Alice Edwards, "*Violence Against Women under International Human Rights Law*", Cambridge University Press, 2011

²⁶ *Ibid.*, 1.

²⁷ Helen Rubenstein, Its time for an International Treaty on Violence against Women, The Gender Policy Report, November 28, 2018

applies to all forms of discrimination and, according to a report published by NGO- Global Rights Women- its accessibility for victims of violence has been extremely limited.”²⁸ The 1993 Declaration on the Elimination of Violence Against Women did explicitly address violence against women but it is non binding.²⁹ Interestingly, the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention was the first legally binding international instrument to address violence against women but it remains a regional Convention with limited membership.

The lack of understanding of “women’s rights as human rights at the international level is also reflected in the fact that few countries are committed in domestic or foreign policy to women equality as a basic human right”.³⁰ No government determines its policies towards other countries on the basis of the treatment of women even if trade decisions are said to be based on the country’s human rights record. So the struggle for recognition of women’s rights as human rights is still ongoing. In the last three decades women have found some success in putting the rights of women on the international human rights agenda, however, as Professor Alice Edwards points out “women continue to navigate the house of international human rights regime as visitors rather than owners.”³¹

III. RECOGNITION OF GENDER IN ILRP: FROM INDIFFERENCE TO INTERPRETATIVE INCLUSION

The 1951 Convention completely omitted gender as a category. Thus the definition of refugee in the Convention has no reference to gender in the grounds of persecution.³² The UNHCR has reiterated that “refugee definition, properly interpreted, covers gender related claims and there is no need to add an additional ground in the 1951 Convention definition”.³³ While the UNHCR has acknowledged that “refugee definition has been interpreted through the framework of male experiences and many claims of women have gone unrecognized in the past”, it still claimed that advancement in the understanding of

²⁸ Global Rights for Women, “Time for Change: The Need for an International Treaty on Violence Against Women”, 2018 available at <<https://genderpolicyreport.umn.edu/it-is-time-for-an-international-treaty-on-violence-against-women/>> (last accessed 1st September 2021).

²⁹ UN Women, “Global Norms and Standards: Ending Violence against Women”, 2021, available at <<https://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>> (last accessed 1st September 2021).

³⁰ Brooks, Rosa Ehrenreich, “Feminism and International Law: An Opportunity for Transformation” (2002). Georgetown Law Faculty Publications and Other Works

³¹ *Ibid.*, 15

³² Art. 1(A) 2, 1951 Convention. There are five grounds of persecution listed in the Convention- race, religion, nationality, membership of a particular social group, political opinion.

³³ Gender Related Persecution Guidelines, UNHCR (2002) <https://www.unhcr.org/3d58ddef4.pdf?__cf_chl_captcha_tk__=pmd_c5cc2ba2e6b24d9e19a3f1d92ea-98bad587157b-1627482399-0-gqNtZGzNArjcnBszQoi>.

sex and gender in the context of refugees left no need for inclusion of gender as a separate ground of persecution.³⁴ In the guidelines, the UN body has stated that gender related persecution claims can be evaluated under any of the five grounds of the Convention but emphasis has been given to membership of a particular social group for evaluating claims of women for refugee status.³⁵ However it has been pointed that this assertion of UNHCR is rather premature when the actual interpretation of the Convention by the nation states is considered and no matter what is said in theory, in practice, women's claims for refugee status are rejected in domestic refugee status determination processes by national immigration officers or judges.³⁶ Also as the UNHCR itself has acknowledged that women are not automatically entitled to refugee status and have to establish well-founded fear of persecution resulting from the five grounds stated in the Convention. But persecution has not been defined in the Geneva Convention. The UNHCR Handbook on procedures and criteria for determining Refugee Status provides that

“a threat to life or freedom on account of race, religion, nationality, political opinion or membership of a particular social group is always persecution. Other serious violations of human rights – for the same reasons – would also constitute persecution”. Whether or not other prejudicial actions or threats would amount to persecution depends on the circumstances and involve subjective element.³⁷

There are two issues with this definition that disregard women. First, the understanding of persecution is dependent on international human rights regime. However feminist critiques of international human rights regime have comprehensively demonstrated that “the ways in which human rights have historically been defined is from a male perspective, which ignores the experiences of women”. In fact, for a long time the understanding of persecution was confined to torture and inhuman treatment carried out against political dissidents by the state.³⁸ And “it is men who have been considered the principal agents of political resistance and therefore the legitimate beneficiaries of protection from resulting persecution”.³⁹ In as much as the violation of civil and political rights is considered as the most serious basis for claiming refugee

³⁴ *Ibid.*, 2

³⁵ *Ibid.*, 7

³⁶ Jane Freedman, *Gendering the International Asylum and Refugee Debate: Second Edition*, Palgrave Macmillan UK, 2007

³⁷ UNHCR, *Handbook on Procedures and Criteria for determining Refugee Status under the 1951 Convention and 1967 Protocol relating to the Status of Refugees*, 1992, para 51, available at <<https://www.unhcr.org/publications/legal/5ddfcdc47/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html>>.

³⁸ Alice Edwards, *Violence against women under International Human Rights Law*, Cambridge University Press, 2011

³⁹ Jane Freedman, *Gendering the International Asylum and Refugee Debate: Second Edition*, Palgrave Macmillan UK, 2007.

status, it disadvantages women claiming refugee status who are more likely to be facing economic and social deprivations.⁴⁰

Second, in the last 30 years, the UNHCR through its guidelines has made numerous attempts to ensure the recognition and protection of women refugees.⁴¹ However, without any textual change in the Refugee Convention, there is absolutely no guarantee that these changes have been implemented at the national level. After all, UNHCR has “little or no control over the way in which the Convention is implemented at the national level”.⁴² Thus women may fail to secure protection because the discretionary national regime may be biased against them.⁴³

Further and more importantly, despite the interpretative changes made by UNHCR, not providing for gender in the Convention trivializes the claims of women and further perpetuates “invisibilisation” of women even though it is possible to admit their claims for refugee status under another convention category.⁴⁴ Apart from the definition of refugee in the convention which invisibilises women, sex or gender is conspicuously missing from Article 3 of the Convention as well which prohibits discrimination on grounds of “race, religion or country of origin”.⁴⁵ The *travaux préparatoires* of the Convention indicates that inclusion of sex as a ground was suggested by Yugoslav representative during the discussion on the Convention.⁴⁶ However the suggestion was rejected with the remark that “equality of sexes was a matter of national legislation”. In fact, the then UNHCR is said to have responded to the proposal by expressing doubt that “whether there would be any cases of persecution on account of sex”.⁴⁷ Thus, women and their experiences were completely omitted from the 1951 Convention, an omission which was not even rectified by the 1967 Protocol to the Convention. In fact for almost first three decades since the drafting of the Convention, the entire ILRP displayed scant regard for women, gender and issues of sexual inequality.⁴⁸ In an article, Alice Edwards,

⁴⁰ Jane Freedman, “Taking Gender Seriously in Asylum and Refugee Policies” in K.R. Khory (eds.) *Global Migration: Challenges in the Twenty-First Century*, Palgrave Macmillan, 2012

⁴¹ Edwards, A. (2010), “Transitioning Gender: Feminist Engagement with International Refugee Law and Policy” 1950–2010. *Refugee Survey Quarterly*, 29, 21–45.

⁴² Jane Freedman, *Gendering the International Asylum and Refugee Debate: Second Edition*.

⁴³ Usually there is lot of discretion available to the nation states in the refugee status determination processes. And feminist scholars have argued that this discretion is exercised through gendered lens. For a detailed analysis see Jane Freedman, *Gendering the International Asylum and Refugee Debate: Second Edition*, Palgrave Macmillan UK, 2007.

⁴⁴ Jane Freedman, *Gendering the International Asylum and Refugee Debate: Second Edition*, Palgrave Macmillan UK, 2007.

⁴⁵ Art. 3, 1951 Refugee Convention.

⁴⁶ *Travaux Repertoires*, available at <<https://www.refworld.org/docid/53e1dd114.html>> (last accessed 27th July 2021).

⁴⁷ Jane Freedman, “Taking Gender Seriously in Asylum and Refugee Policies” in: K.R. Khory (eds.) *Global Migration: Challenges in the Twenty-First Century*, Palgrave Macmillan, 2012.

⁴⁸ Alice Edwards, “Transitioning Gender: Feminist Engagement with International Refugee Law and Policy”, *Refugee Survey Quarterly*, Vol 29 No. 2, 2010.

while tracing the history of feminist engagement with ILRP, classifies the engagement into five historical periods based on varying degrees of emphasis on inclusion of gender.⁴⁹ The first period, running from 1950-85, according to her, represented complete blindness to women, gender and issues of sexual inequality. The second period recognized “women as a special group with specific needs” The third phase beginning from 1997 introduced “gender mainstreaming”. Both the fourth phase and fifth phase which are currently underway are variations of the idea of gender mainstreaming. It may be said that over the years, emphasis on gender mainstreaming has made women more visible which is a definite improvement from the era of complete disregard and non-inclusion. However, according to Alice Edwards, “advances when it came to engagement of women with international refugee regime were still nascent, contingent, and fragile”.⁵⁰ For instance, a 2017 Report of the UN women recognizes that while women constitute almost half of the world’s total refugee population, only one third are able to access refugee status determination procedures.⁵¹ This clearly suggests that women continue to face barriers as far as international refugee regime is concerned. And gender mainstreaming has not been of much help for it simply addressed the gender question by integrating it into frameworks already created by men and for men whereas true equality may involve reworking the core concept of right so that women enjoy the right fully.

IV. CONCLUSION

The definition of refugee recognises individuals fleeing persecution who are outside the country of origin. However, individuals fleeing persecution are not automatically recognised as refugees. Rather their status has to be declared by the receiving country or the UNHCR. Once the receiving state or the UNHCR confirms the refugee status, refugees are eligible to have access to the rights provided by the 1951 Refugee Convention.⁵² The onus of making the journey and getting the status recognised is the responsibility of the refugee herself. There is absolutely no help to the refugee in making the journey. In fact, as earlier stated states pursue non-entrée policies to ensure that onus of refugees do not fall on them as seen during COVID-19 blanket border closures. Thus, there is very high onus placed on the refugees in general for affording the protection offered by the 1951 Convention which remains a major problem. The problem affects women more for in many of the cases of persecution it may be very hard for the women to leave. Or women may not have the financial

⁴⁹ *Ibid.*, p.22

⁵⁰ *Ibid.*, p.30

⁵¹ UN Women, Report on the Legal Rights of Women and Girl Asylum Seekers, 2017 available at <<https://www.refworld.org/pdfid/59201c884.pdf>> (last accessed 1st September 2021).

⁵² Individuals fleeing their state and seeking refuge in another state apply for asylum. While their asylum claims are being assessed, they are referred to as asylum seekers. If asylum claims are assessed successfully, they are known as refugee, a term which has been defined in the United Nations Convention relating to the status of Refugees.

resources to make the journey owing to economic dependence. As a Saudi Arabian Woman, seeking refuge in Canada explains

“It’s not easy for the woman to do things by herself. Women are raised to be incapable of doing anything. One pays a big price to come here and the woman who is willing to do that is rare.”⁵³

This highlights the inequality and exclusion women face on a daily basis as a result of gender identity. Mere availability of protection does not mean that women can access that for social, economic and cultural obstacles come in their way. From the perils of making the journey while threatened with persecution, to getting the refugee status in the refugee status determination processes, women, at each step, are required to negotiate with a patriarchal world – a fact completely missed by the Refugee Convention.

Thus, to ensure that the Refugee Convention becomes an empowering instrument for millions of women facing persecution, mere interpretation devices are no longer sufficient. The Convention first needs to make women visible and include them expressly within the ambit of its provisions. This inclusion cannot be done in the piecemeal manner employed till now and certainly not in a manner in which the 1967 Protocol did by expanding the 1951 Convention to the entire globe. Nor the inclusion of women can be achieved by mere UNHCR guidelines. This requires a complete overhaul in the underlying philosophy of the Convention which was premised on the notion of men as “political beings and women as personal and cultural beings”.⁵⁴ Thus, mere inclusion of the term women, gender or sex would not be sufficient. Since the Convention’s core is male centric and enacted by men, it requires transformation led by women to be inclusive of women. Thus, a feminist redrafting of the 70-year-old document is necessary for ensuring its accessibility for women. Otherwise, despite UNHCR reiterating that Convention is inclusive of women, the Convention will continue to marginalize and exclude women and keep them away from seeking the protection without being dependent on anyone. The UNHCR is the primary agency tasked with implementing the 1951 Convention. In the absence of any other institution, UNHCR not only has to collaborate with countries in implementing the Convention, but it also supervises the implementation of the Convention by the countries. It is important that these two functions be differentiated, and the task of supervision be given to another international institution. This would ensure constant monitoring of the implementation of the Convention and may prove to be more gender sensitive than the current arrangement.

⁵³ Jane Freedman, *Gendering the International Asylum and Refugee Debate: Second Edition*, Palgrave Macmillan UK, 2007

⁵⁴ Zeigler, Sara L., and Kendra B. Stewart. “Positioning Women’s Rights within Asylum Policy: A Feminist Analysis of Political Persecution” *Frontiers: A Journal of Women Studies*, Vol. 30, No. 2, 2009, pp. 115–142. <www.jstor.org/stable/40388735> (last accessed 12 August 2021).