



# CANADA'S PERIODICAL ON REFUGEES REFUGE

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## SPECIAL ISSUE ON WOMEN REFUGEES — PART 1: ISSUES

### Voice and Empowerment: The Gender Relations of Forced Migration

Over the past few years the literature on refugees has begun to address how different the experiences of refugee women are from those of their male counterparts. The unequal treatment women confront in flight, exile, resettlement, and repatriation has become an important, though still understudied focus of refugee research. In a two-part issue of *Refuge*, we address resistance and social change among refugee women internationally.

The events described in the following articles occur in diverse cultural contexts and are addressed from sociological, policy, and grassroots perspectives. The most important theme addressed is that of women voicing their need to have control over their lives—to be regarded as having rights. Women are also described as using these rights to improve their situations and those of their families and communities. The literature on refugee women is beginning to “humanize” women—to describe them as not always empowered and powerful, nor always vulnerable and “victimized.” The papers in this issue (Part

One) take this approach and address some policy and theoretical issues. Part Two (in the next issue) focuses on specific case studies concerning women refugees.

We open Part One with several papers that provide a Canadian perspective on refugee issues. The first paper by Judith Ramirez discusses the Canadian Gender Persecution *Guidelines* that are the product of the Gender

Working Group of the Immigration and Refugee Board, as well as the lobbying efforts of many NGOs. Ramirez discusses how the *Guidelines* are a response to the privatization of issues affecting refugee women, a privatization that silences them and effectively removes their right to speak out. She also refers to the position of the *Guidelines* in the context of the current debate around issues of universal human

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rights versus more cultural relativist perspectives. Victoria Foote pursues research on the *Guidelines* to analyze how the classification of women as a "particular social group" arises out of what she refers to as a "masculinist framework." Her article brings feminist theory concerning issues of identity and difference to bear on the refugee literature and its construction of women as a "social group."

In the paper on Canada's response to the Women at Risk Program, the complicated process involving international and national women's networks, NGOs, and government, that resulted in Canada's formal participation in the Women at Risk Program, is described and critiqued by Noreen Spencer-Nimmons. While Spencer-Nimmons lauds Canada's involvement, she also challenges the government to recognize that refugee women do not solely draw on Canadian resources, but bring their own to resettlement.

Inger Agger's paper raises the issue of women's rights as human rights in a unique way. She describes how, as a therapist working with victims of torture, framing the experience of torture in the context of human rights has been and can be a consciousness-raising experience for both the women she has worked with and herself. She refers to the "ritual" space (both physical and metaphoric) where both the personal and the political are shared between the women and the researcher/therapist. She challenges the artificially created boundaries between the two roles/functions of the counsellor and the counselled by showing how they overlap and in fact intersect.

The final paper in this issue is Helene Moussa's bibliography. It provides an overview of research that she carried out on the gender relations of "citizenship," particularly as it pertains to Muslim women.

In Part Two (Vol. 14, No. 8), we focus on several regional case studies beginning with Kate Halvorsen's perspectives on Southeast Asia, where she questions the inequalities that are embedded in the refugee assistance

available to repatriating and repatriated women. Comparing the cases of Laos, Cambodia, and Vietnam, she argues that poorly informed and resourced women cannot be productively engaged in their own resettlement. Women need to be integrally involved in plans that determine their future. The theme of giving voice and control to women is echoed in the paper by Dodo Thandiwe Motsisi on elderly Mozambican women in a refugee camp in Zimbabwe. Her focus on elderly women is an understudied area in refugee research and is welcomed. She stresses the necessity of listening to elderly women in order to understand their needs and their skills. As well, she advocates giving women control over resources that can enable them to be more independent and productive.

Through an analysis of activist women's groups in the former Yugoslavia, Maja Korac's paper also addresses the importance of refugee women (re)establishing control over their lives. The "inclusive" politics of the women's groups that work "with" women rather than "for" them, challenges the paternalism of traditional approaches to refugee assistance. Her paper speaks to the efforts of women's groups to look beyond ethnic differences and see themselves as "sharing the identity of 'woman,'" as well as an opposition to the war.

Continuing a focus on the former Yugoslavia, Cacic-Kumpes considers the effect that war-rapes will have in the refugee and post-refugee period in that region. The violence perpetrated against women (including fear of rape) is one of the many layers of a strategy of genocide with which women constantly struggle. Surviving rape leaves women to confront feelings of degradation and trauma, as well as shame related to prejudices derived from their religious/patriarchal socialization. Cacic-Kumpes also raises a rhetorical question: will the surviving men, who have themselves been humiliated by torture and sexual abuse, spend their lives in revengeful activity?

In the final paper, Marlinda Freire argues that the Latin American refugee

women she has interviewed in Toronto are generally better able and equipped to restructure (re-invent themselves as bicultural-bilingual) new selves as compared to Latin American men. While women are able to establish a continuity of tasks related to their past lives in Latin America, as well as to secure new and meaningful tasks in the Canadian context, men's core identity/masculinity is challenged by the refugee ordeal. Men experience severe losses due to changes in their work status, and in effective parental and financial-provider roles. In effect, Freire's research demonstrates that traditional Latin American gender relations can contribute to women's empowerment and men's disempowerment in the new country of resettlement.

All of these papers challenge the traditional view of refugee women as solely and always passive "victims," and demonstrate the need to give "voice" to women as well as the ways in which women have proactively taken "voice." They describe a feminist approach to refugee issues that is based on a more interactive relationship between refugee women and "others" than traditional, paternalistic approaches.

The preparation of this issue was carried out with Andrea Love, whose insight and skills were an invaluable part of the entire process of selection and editing. Finally, while a special issue on the gender relations of refugee migration is important, so is the mainstreaming of research on gender. Since gender relations involve both men and women, we hope to see more papers that address gender relations in every issue of this journal and encourage your submissions.

Wenona Giles, Guest Editor.

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# The Canadian Guidelines On Women Refugee Claimants Fearing Gender-Related Persecution<sup>1</sup>

Judith Ramirez

## Introduction

The vast majority of refugee claimants who reach the borders of industrialized countries are men, even though 80 percent of refugees worldwide are women.<sup>2</sup> This fact alone would indicate the need to ensure that our determination systems are equipped to recognize forms of persecution suffered primarily, if not exclusively, by women. Otherwise, we perpetuate a system which doubly disadvantages women refugees. First, their lesser mobility and fewer resources limit their access to countries like the United States and Canada. And second, once they arrive (in disproportionately low numbers), their experiences of persecution and lack of state protection are less readily recognized.

There is a growing awareness that women often fear persecution for different reasons than men. Even when their fear has the same basis as men's—race, religion, nationality, political opinion, and membership in a particular social group—women often experience persecution differently. This has led the international community to begin to re-interpret the meaning of persecution, a concept which developed primarily in response to the experience of male refugees.<sup>3</sup>

In 1985, the Executive Committee of the United Nations High Commissioner for Refugees (UNHCR) recognized that women who face harsh or inhumane treatment for transgressing the social mores of their societies may be considered a "particular social group" within the UN definition of a Convention Refugee (UNHCR 1985). The UNHCR has also issued "Guide-

lines on the Protection of Refugee Women" (UNHCR 1991), and in 1993 the UN Commission on Human Rights adopted a resolution acknowledging that women are susceptible to particular sorts of human rights abuses.

## Development of the Gender Guidelines

The Immigration and Refugee Board (IRB)<sup>4</sup> Chairperson, Nurjehan Mawani, issued *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* on March 9, 1993. The purpose of the *Guidelines* is to provide substantive legal and procedural guidance in analysing gender-related issues in refugee claims submitted by women. The legislative authority to issue the guidelines was given to the IRB Chairperson when amendments to the *Immigration Act* were enacted in February 1993. Canada is the first refugee-receiving country to establish formal guidelines for the adjudication of refugee claims made by women.<sup>5</sup> The *Guidelines* now serve as the model for countries considering similar initiatives, including the United States and Australia.

The *Guidelines* are the culmination of a long process of vigorous discussion within the IRB. In 1990, the first Working Group on Women Refugee Claimants was established in Toronto. Co-chaired by Flora Liebich and myself, and the Group's principal objective was to train all the key participants in the determination process to deal with gender-based refugee claims. To that end, we organized a number of professional development workshops featuring a wide range of speakers, including UNHCR specialized staff, legal and human rights experts, medical practitioners assisting torture victims, and refugee women themselves.

The workshops addressed issues such as gender-based patterns of per-

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