

Chapter 31

Gender and Forced Migration

Elena Fiddian-Qasmiyeh

Abstract

This chapter examines the role of gender in exile and displacement, focusing on women's and men's experiences and the different ways in which gender identities, roles, and relations are influenced by processes of and responses to forced migration. It begins with a brief historical overview of feminist and gendered analyses of forced migration. It then looks at gendered causes and experiences of forced migration by drawing on gendered evaluations of individualized persecution and gendered experiences of conflict-induced mass displacement. It also discusses the gendered nature of refugee status determination processes, highlighting emerging sensitivity to the interconnectedness between sexual orientation, gender identity, and asylum. Furthermore, it considers developments in responses to sexual and gender-based violence in mass displacement contexts, along with the paradoxical implications of policies aimed at promoting gender equality and empowerment in camp contexts. The chapter concludes by commenting on the gendered nature of the three durable solutions available to the international community: local integration, repatriation, and resettlement.

Keywords: gender, exile, displacement, forced migration, asylum, violence, sexuality, local integration, repatriation, resettlement

Introduction

This chapter analyses the development of academic and policy attention to 'women' and 'gender' in forced migration contexts,¹ highlighting the transition from documenting the particularities of female experiences, to a re-evaluation of the multiple ways in which processes of and responses to forced migration influence gender identities, roles, and

relations. The chapter is divided into three main sections. First, it offers a brief historical overview of feminist contributions to analyses of forced migration. The second section then addresses gendered causes and experiences of forced migration by engaging with two sets of debates: gendered evaluations of individualized persecution on the one hand, and gendered experiences of conflict-induced mass displacement on the other. The first subsection explores the gendered nature of refugee status determination processes, highlighting the biases underpinning ‘neutral’ legal definitions and policies, and documenting emerging sensitivity to the intersections between sexual orientation, gender identity, and asylum. The second subsection in turn traces developments in responses to sexual and gender-based violence in mass displacement contexts, and argues in favour of the continued incorporation of displaced men and boys into gender analysis and programming. In the third section, the chapter subsequently examines responses to displacement, again focusing on two sets of debates: the first regarding the paradoxical implications of policies designed to promote gender equality and empowerment in camp contexts, and the second on the nexus between gender and the three traditional durable solutions.

A Brief History of Feminist and Gendered Analyses of Forced Migration

From the 1970s, feminists challenged the processes which rendered women invisible across the social sciences. Even when women were recognized as members of the socio-political systems being analysed, a range of theoretical, conceptual, and methodological barriers to their meaningful inclusion in such studies were identified. For instance, feminist anthropologists argued that

a great deal of information on women exists, but it frequently comes from questions asked of men about their wives, daughters, and sisters, rather than from the women themselves. Men’s information is too often presented as a

group's reality, rather than only part of a cultural whole. Too often women and their roles are glossed over, under-analyzed, or absent from all but the edges of the description. (Reiter 1975: 12)

Feminists thus advocated 'placing women at the center, as subjects of inquiry and as active agents in the gathering of knowledge', in order to make 'women's experiences visible' and thereby reveal 'the sexist biases and tacitly male assumptions of traditional knowledge' (Stacey and Thorne 1985: 303).

Such approaches deeply influenced shifts within Development Studies, which have in turn been paralleled by gendered analyses of displacement from the 1980s to the present. The remainder of this section briefly illustrates the main feminist and gendered paradigms within Development Studies (known as WID, WAD, and GAD), and emphasizes their relevance to forced migration scholarship.

From WID, WAD, and GAD to WIFM and GAFM²

The first paradigm, known as Women In Development (WID), aimed to 'add women and stir' into the existing development framework. Largely associated with American liberal feminism, proponents of WID argued that 'women's experience of development and of societal change differed from that of men', making it 'legitimate for research to focus specifically on women's experiences and perceptions' (Rathgeber 1990: 491). This approach thus aimed to 'find' women in order to redress historical lacunae, and also to integrate them into socio-economic systems as a means of maximizing their productivity in future; these practical aims were prioritized rather than interrogating why women had been excluded from these systems, and to what effect.

The Women And Development (WAD) approach subsequently emerged in the 1970s, drawing on neo-Marxist feminism to argue that class structures, global inequalities, and exploitation were pivotal in the development system. Stressing the relationship *between*

women and development, those espousing the WAD framework argued that women had always played central roles in economic development, and yet were excluded and exploited through different means. While ultimately underdeveloped in WAD, the significance of the *intersections* of identity markers such as gender, class, and race, and of power structures including patriarchy, classism, and racism emerged. For instance, WAD noted that non-elite ‘Third World’ men were exploited alongside ‘Third World’ women, and that Western middle-class women often exploited Other women, rather than assuming universal sisterhood across time and space.

In turn, Gender And Development (GAD) developed in the late 1980s, informed by socialist feminism and post-colonial theory. While WAD recognized the experiences of non-elite men within the development industry, both WID and WAD explicitly placed ‘women at the centre’. In contrast, the GAD paradigm critiqued the social construction of gender—understood as being intrinsically *relational*, context specific, and changeable—and the processes through which gender roles, identities, and responsibilities come to be naturalized through socio-economic and political systems. GAD therefore laid the foundations to critique the invisibility of women and girls in earlier studies, programmes, and institutions, but also to interrogate the spaces and roles available for different groups of men and boys.

Since a gender analysis recognizes that the social attributes, expectations, and opportunities related to ‘being’ female or male can change over time and space, it is clear that these can be influenced by processes of accelerated social change, including conflict and displacement. Equally, by recognizing both females and males as active agents of social change, GAD demanded a commitment to structural change and the disruption of unequal social and institutional power relations to achieve gender equality and female empowerment.

Despite the centrality of *relational* dynamics in conceptualizations of gender and the recognition that gendered experiences must be analysed as ‘*part of the broader socio-cultural*

context . . . [as] other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age,³ the tendency to equate ‘gender’ with ‘women’ often remains in practice. Indeed, while ‘rapidly be[coming] outmoded in development discourse’, the WID model has ‘had great staying power in actual programming’ (Indra 1999: 11). Tellingly, the newly established UN Entity for Gender Equality and Empowerment of Women is officially named *UN Women*, and not UN Gender.

Evolving approaches to women and gender within development studies have broadly been paralleled by shifts in the study of forced migration, leading to the Women *In* Forced Migration (WIFM) and the Gender *And* Forced Migration (GAFM) paradigms (respectively analogous to WID and GAD; Indra 1999: 17). With the interdisciplinary field of Refugee and Forced Migration Studies emerging in the early 1980s, many forced migration scholars and practitioners were aware of over a decade of extensive feminist critiques of the social sciences and development programming. Nonetheless, Camus-Jacques argued in 1989 that refugee women remained “‘the forgotten majority’” on the international agenda’ (cited in Hajdukowski-Ahmed, Khanlou, and Moussa 2008: 2). In contrast, Indra argues that Women *In* Forced Migration gained relative prominence from the mid-1980s and 1990s, ‘becoming a fully legitimate, institutionalised element of forced migration discourse’ (1999: 17). This institutionalization is reflected, *inter alia*, by the United Nations High Commissioner for Refugees’ (UNHCR) 1990 *Position Paper on Gender-Related Persecution*, and its adoption of the *Guidelines on the Protection of Refugee Women* in 1991.

Nevertheless, forced migration academics and practitioners largely identified, depicted, and responded to ‘refugee women’ as apolitical and non-agentic victims, either as *madonnalike* figures (Malkki 1992: 33, 1996: 389), or as weakened, dependent, and vulnerable ‘womenandchildren’ (Enloe 1991). While increasingly recognizing that women’s experiences of displacement differed from men’s, these accounts often reduced such

experiences to women's vulnerability to sexual violence, rather than exploring how and why women were *victimized* and persecuted, or recognizing that displaced women could simultaneously be *victimized* and yet remain active agents deserving of respect, and not simply pity (Hajdukowski-Ahmed, Khanlou, and Moussa 2008: 6).

Gendered Causes and Experiences of Forced Migration

With this development of feminist and gendered analyses of forced migration in mind two bodies of literature are particularly pertinent when considering the gendered causes and experiences of forced migration: one pertaining to gender and refugee status determination, and the other with reference to mass conflict-induced displacement.

Gender and Refugee Status Determination

Since the 1980s, feminist critiques of the 1951 Geneva Convention refugee definition have included denunciations that 'By portraying as universal that which is in fact a male paradigm . . . women refugees face rejection of their claims because their experiences of persecution go unrecognized' (Greatbatch 1989: 518). Pittaway and Bartolomei (1991: 26) refer to 'a classic case, cited by international human rights lawyers in their fight to change the legal recognition of the experience of refugee women', which is summarized as follows:

A man was tied to a chair and forced at gunpoint to watch his common-law wife being raped by soldiers. In determining the case for refugee status, he was deemed to have been tortured. His partner was not.

Critics have therefore argued that the Convention itself is both androcentric and heteronormative, demanding, for instance, that the refugee definition be rewritten to include gender as a basis (of fear) of persecution, and that 'persecution' itself be redefined in order to recognize the political nature of female resistance to systems of oppression and violence within both the public and private spheres (Indra 1987).

UNHCR currently recognizes that ‘historically, the refugee definition has been interpreted through a framework of male experiences, which has meant that many claims of women and of homosexuals have gone unrecognised’ (UNHCR 2002: n. 1).⁴ However, rather than advocating to include gender as an enumerated ground of persecution to redress a historical absence, the mainstream policy position maintains that gender bias in RSD can be adequately addressed through gender-sensitive *interpretations* of the existing framework. This has led to the development of numerous international and national guidelines, the first of which were UNHCR’s 1991 *Guidelines on the Protection of Refugee Women*, closely followed by the first state-produced guidelines: the Canadian Immigration and Refugee Board’s 1993 *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* and the United States Immigration and Naturalization Service’s 1995 *Considerations for Asylum Officers Adjudicating Asylum Claims from Women*.

Subsequent state and international advice on gender-sensitive interpretations has often drawn on ground-breaking legal cases: for instance, *Attorney-General of Canada and Ward* (1993) established that persecutory actors did not have to be state actors, granting the precedent of offering asylum to women who have experienced persecution at the hands of non-state actors (including family members); *Kasinga, 211 and N. Dec 357* (BIA 1996) was the first US decision to recognize female genital mutilation as a form of gender-based persecution; and the UK’s *Islam v Secretary of State for the Home Department* offered asylum to two Pakistani women who had suffered domestic violence and were at risk of being accused of adultery if returned to Pakistan.

Whilst highlighting the limitations of earlier interpretations of the 1951 Convention by focusing on women, these and other documents have reproduced a prevailing view that ‘refugee women and girls have *special* protection needs that reflect their gender’ and ‘*special* efforts may be needed to resolve problems faced specifically by refugee women’ (UNHCR

1991). While women were ‘added to’ existing frameworks, they were effectively included on the implicit understanding that they were exceptions to the norm: they required ‘special’ guidelines precisely because they were conceptualized as a ‘particularly vulnerable social group’ which was distinctly unlike the ‘normal’ refugee.

Women, and subsequently ‘other social groups’ for whom similar guidelines have been developed—such as children (UNHCR 1994) and lesbian, gay, bisexual, transsexual and intersex (LGBTI) asylum seekers (UNHCR 2012)—have thus been identified as fleeing ‘different’, ‘extraordinary’, and ‘unconventional’ forms of persecution requiring ‘special efforts’ to offer them protection. This thereby suggests that the so-called ‘gender neutral’ Convention was developed with adult male, heterosexual asylum applicants in mind, raising questions as to whether ‘adding and stirring’ women, children, and LGBTI applicants via ‘exceptional’ guidelines adequately addresses the conceptual biases and protection gaps emerging when assessing the causes of forced migration. The tendency to situate these ‘exceptional’ cases in the scope of the 1951 Convention through the grounds of ‘membership of a particular social group’ rather than recognizing these forms of persecution through the nexus of political opinion, nationality, or religious identity has received scrutiny for over a decade (Crawley 2000).

Sexual Orientation and Gender Identity

Indeed, although feminist critiques laid the foundations for more nuanced assessments of asylum applications submitted by LGBTI individuals on the basis of sexual orientation and/or gender identity, this issue remains a relatively new area of academic inquiry and policy implementation (see Jansen and Spijkerboer 2011; Forced Migration Review’s 2013 special issue). The *Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity* were only drafted in 2007, and Jansen and Spijkerboer note that ‘In light of the recent nature of these developments, it can scarcely

be surprising that LGBTI asylum issues have only recently begun to receive attention' (2011: 14). Such attention has started to highlight the challenges experienced by LGBTI asylum seekers and refugees in their countries of origin, asylum, and resettlement: these include homophobia, transphobia, and the criminalization of same-sex relationships, and gender-specific forms of persecution such as the 'corrective rape' of lesbian asylum seekers, forced sterilization and forced marriage of LGBTI individuals, and 'corrective surgery' of intersex individuals.

UNHCR published its *Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity* in 2008, followed by its 2011 *Need to Know Guidance* on working with LGBTI persons and the aforementioned revised 2012 Guidelines. In the European Union, Article 10(1)(d) of the Qualification Directive was amended in 2011 to explicitly recognize that sexual orientation *and* gender identity may fall under the ground 'membership of a particular social group'. The EU Directive is limited not only because only a small number of EU member states offer protection on this basis either through offering asylum, subsidiary protection, or another form of protection (Jansen and Spijkerboer 2011: 7), but also because it continues to associate LGBTI cases with membership of a particular social group. In effect, UNHCR's 2012 Guidelines clearly stress that 'other grounds may . . . also be relevant depending on the political, religious and cultural context of the claim; for example advocacy by LGBTI activists may be seen as going against prevailing political or religious views and/or practices' (Gray and McDowall 2013: 22). Transcending the equation between women and gender on the one hand, and between women's and LGBTI asylum applications and membership of a particular social group on the other, remains a major challenge within academia and policy alike.

Gender and Conflict-Induced Displacement

In addition to feminist and gendered contributions to understandings of individual persecution, studies of gender and armed conflict have, *inter alia*, examined how conflict is itself founded upon gendered aims and institutions and how conflict is implemented through gendered tactics and protection narratives (i.e. Abu-Lughod 2002). Initially, feminist investigations aimed to render women and girls *visible* as social groups affected by war, and to document female-specific experiences of conflict. In particular, female experiences of sexual violence were recognized as prompting and accompanying processes of forced migration.

Such research influenced ground-breaking changes in international responses to sexual violence against women in the ‘new wars’ of the early 1990s, especially following the widespread rape of women in former Yugoslavia, and subsequently in Rwanda: rape and sexual slavery in conflict were recognized for the first time as crimes against humanity by the International Criminal Tribunal for the Former Yugoslavia (1993)⁵ and the International Criminal Tribunal for Rwanda (1994). Article 7(1g) of the Rome Statute of the International Criminal Court, in force since 2002, includes ‘Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity’ as crimes against humanity when they are committed in a widespread or systematic way.

By identifying women’s roles as human rights and peace advocates, this literature also implicitly recognized that women might be persecuted due to their political activism. More explicitly, this work influenced the international community’s commitment to women’s increased participation in the ‘prevention and resolution of conflicts’ and in the ‘maintenance and promotion of peace and security’ as asserted in UN Security Council Resolution 1325 on Women, Peace, and Security (2000).

Whilst enhancing understandings of women's multiple positions within conflict and displacement situations, and recognizing female agency rather than depicting women as non-agentic victims, these studies often reproduced representations of women's 'natural' propensity to 'care for' populations affected by violence. Extensive critiques have now deconstructed the naturalization of women's roles as 'victims', 'carers', or inherent 'peacemakers', and the corresponding depiction of men's 'innate' violence within a broader oppressive patriarchal system. In particular, investigations have explored not only the experiences of women, but how women *and* men, girls *and* boys, are differentially involved in, and affected by, conflict situations which lead to mass displacement.

For instance, it has been acknowledged that women may themselves directly participate in or incite acts of violence, transcending long-standing binary depictions of women as victims and men as perpetrators (Moser and Clarke 2001). With reference to the latter, studies are increasingly documenting certain men and boys' vulnerabilities to gender-specific violence and persecution, including boys and men being targeted for forced recruitment, summary execution, and sex-specific massacres (as was the case, for instance, of Muslim boys and men killed en masse in Srebrenica). More broadly, male experiences of sexual violence in displacement situations are increasingly being documented, with the rape and sexual mutilation of men and boys being committed by both male and female perpetrators around the world (Dolan 2003; Carpenter 2006).

Such studies challenge mainstream understandings of sexual and gender-based violence as "Any act or threat *by men or male-dominated* institutions that inflicts physical, sexual, or psychological harm *on a woman or girl because of their gender* (Reeves and Baden 2000: 2, emphasis added). It also pushes international organizations to transcend their policies of focusing on men and boys 'as agents of change for gender equality and bringing an end to violence [against women]' (UNHCR EXCOM 2012: 5), in order to recognize men

and boys as potentially *subjected to* sexual and gender-based violence (SGBV), rather than as either *perpetrators of* SGBV against, or *protectors of*, women. Recognizing male experiences of gender-based violence has been welcomed by many gender analysts, whilst others argue that addressing this issue detracts academic and policy attention from, and limited financial resources for, women and girls.

Gender and Responses to Forced Migration

A third major set of debates pertains to responses to different stages of forced migration, including with reference to gender and camps on the one hand, and gender and durable solutions on the other.

Gender and Encampment

Numerous studies have highlighted the vulnerability of ‘womenandchildren’ in refugee and IDP camps, often based upon the premiss that camps are criminalized spaces where political and power structures reinforce and strengthen patriarchal tendencies of the displaced community (see Callamard 1999: 198; Fiddian-Qasmiyeh 2014). Indeed, camps and host cities alike often do not provide a ‘sanctuary’ for displaced persons; instead, they may be subjected to a repetition or re-initiation of cycles of violence and abuse experienced in their countries of origin, or may experience physical and sexual abuse for the first time in exile (Fiddian 2006). The dangers encountered in such spaces often arise due to the disruption of social systems and safety nets such as family protection and socio-religious authority mechanisms, although, as noted, it is now simultaneously recognized that the domestic sphere may itself have been a space of persecution rather than safety in the context of origin.

Importantly, however, UNHCR’s *Age, Gender and Diversity Mainstreaming* (AGDM, now AGD) strategy has prompted a shift away from UNHCR’s earlier reliance on essentialist categorizations of ‘pre-identified groups of “vulnerable” or “extremely vulnerable persons,”’ towards ‘the broader concepts of age, gender and diversity’ (UNHCR EXCOM 2010). Rather

than ‘simply label[ing] individuals as “vulnerable”’, UNHCR staff and partners are now encouraged ‘to analyse the protection context of persons of concern and identify the different vulnerabilities and capacities of all age and gender groups’ (UNHCR EXCOM 2010). This has resulted in the development and implementation of diverse policies to identify *risk* factors which can be addressed to maximize the *prevention of SGBV* in camp situations (UNHCR 2004, 2008), rather than merely *responding to SGBV post facto*.

Furthermore, displacement has also been identified as potentially providing a space for ‘positive’ change and gender empowerment precisely because of the disruption of traditional social systems and the reconfiguration of the gendered division of labour arising from displacement. Indeed, UNHCR has the *responsibility* to promote gender equality as part of its protection mandate (UNHCR 2008: 23), and its aims include facilitating ‘Empowerment and enhancement of productive capacities and self-reliance of refugees, particularly of women, pending durable solutions’ (UNHCR EXCOM 2003: D/33).

Paradoxical Impacts of Gender Equality and Empowerment Policies in Camps

Despite the rationale underpinning UNHCR’s gender equality and empowerment policies (where ‘gender’ generally continues to be synonymous with ‘women’), studies have increasingly examined their paradoxical impacts. For instance, Turner’s research with Burundian refugees in camps in Tanzania (2010) argues that UNHCR’s gender equality policy has led to refugees’ common perceptions that ‘UNHCR is a better husband,’ which ‘illustrates very aptly this feeling that masculinity was being taken away from the male refugees and appropriated by the UNHCR’ (Turner 2012: 72). Rather than reconfiguring relations between women and men, Turner’s research reveals both a continuation of male authority over female refugees, and the ways in which the gender equality policy

unexpectedly provided opportunities for young men to outmanoeuvre the old patriarchal order by replacing the older generation of men as the ‘new big men’ in the camp.

While Turner’s interviewees rejected gender equality as undesirable, and male refugees struggled to ‘rehabilitate’ their masculinity and their positions within their families and broader camp community, the international discourse regarding gender equality and female empowerment has officially been embraced by refugees in other contexts, often with equally paradoxical effects. With reference to the protracted Sahrawi refugee situation, for instance, UNHCR’s Refugee Women and Gender Equality Unit has declared that Sahrawi refugee women’s empowerment in the Algeria-based Sahrawi refugee camps is ‘unique’, identifying the camp-based National Union of Sahrawi Women (NUSW) as an ‘ideal partner’, and explicitly presenting the camps as an example of ‘good practice on gender mainstreaming’ (Fiddian-Qasmiyeh 2010, 2014). Without dismissing the significance of women’s contributions throughout social, political, and administrative sectors and spaces within the camps, Fiddian-Qasmiyeh (2014) argues that Sahrawi refugees’ political representatives have formally adopted international donors’ rhetoric vis-à-vis gender equality and female empowerment to ensure a continuation of political and humanitarian support. Her research reveals that official affirmations (by Sahrawi refugees and UNHCR alike) that the camps are characterized by gender equality and that Sahrawi women have an ‘ideal’ and ‘unique’ position within the camps, have reinforced the marginalization not only of ‘non-ideal’ women, but also of girls, boys, and young men (Fiddian-Qasmiyeh 2014).

As such, although Turner’s study argues that young men became the new ‘big men’ in the Tanzanian camps, the Sahrawi case illustrates that the position of the older generation of elite Sahrawi women over both younger females *and* males in the camps has been reinforced through a range of policies and programmes ostensibly designed to maximize ‘gender equality’ and ‘female empowerment’. In the Sahrawi context, the older generation of elite

Sahrawi women *and* men have ultimately monopolized the camps' political, economic, and social spheres, despite the younger generation having been educated to higher levels in numerous locations around the world (Fiddian-Qasmiyeh 2009, 2014). The significance of gender, age, and political status in these studies therefore reinforces the value of intersectionalist analyses of displacement situations; it also illustrates the diverse ways in which displaced populations respond to international policies and discourses, and the multifaceted impacts of policies on relations between men and women, and also between different groups of men, and different groups of women. Indeed, Fiddian-Qasmiyeh's research also confirms the importance of transcending mainstream Western feminist definitions of patriarchy 'as the power of men over women' to recognize a plurality of patriarchal systems, including Joseph's conceptualization of 'patriarchy in the Arab context as the prioritising of the rights of males and elders (*including elder women*)' (1996: 14, emphasis added). Further research remains to be conducted regarding LGBTI experiences of encampment and different structures of oppression and control including patriarchy, homophobia, and transphobia, and the impacts of recent policies designed or amended to uphold the rights of LGBTI displaced persons in such contexts.

Engendering Durable Solutions

Although they are presented as gender neutral, the three durable solutions available to the international community—local integration, repatriation, and resettlement—are also gendered in terms of access, experiences, and implications. One key question is whether a given durable solution can ever be appropriate for all members of a displaced community. With reference to local integration, for example, certain individuals and social groups may be able to access the legal, political, social, and economic rights necessary for both *de facto* and *de jure* integration to take place; however, an individual's gender, sexual orientation, and gender identity, age, personal status, religion, and health/disability status may influence their ability

to safely ‘integrate’ in their host environment. Amongst other experiences, the continuation or instigation of violence and persecution against particular individuals and groups in host cities indicates that third-country resettlement might be the only *viable* source of meaningful protection, even if it might not be *available* for the vast majority of refugees.

Importantly, although women and girls have historically been perceived to be particularly ‘vulnerable’ to different forms of abuse and violence throughout all phases and spaces of displacement, both access to and decisions in the asylum process, and submissions for resettlement have largely remained androcentric (Boyd 1999). Since being recognized as a refugee is a main requirement for inclusion on resettlement states’ ‘guest lists’,⁶ the former has major implications for the latter (Fiddian 2006).

The gender bias in global resettlement processes was officially recognized in 2006 by UNHCR EXCOM Conclusion 105, since only 5.7 per cent of all resettlement cases submitted to UNHCR in 2005 were women-at-risk. EXCOM Conclusion 105 declared that at least 10 per cent of all cases submitted to UNHCR for resettlement should correspond to ‘women-and-girls-at-risk’.⁷ The UNHCR’s Heightened Risk Identification Tool (HRIT) was developed in 2008 as a means of recognizing that ‘While many persons in a displaced community may find themselves at risk, the challenge is to identify those individuals who are at heightened risk, requiring early intervention’ (2010: 3). Although the HRIT is used in conjunction with the Age, Gender, and Diversity strategy to identify high-risk cases in camp contexts, its main use is not to assess who may need particular support in a *host* environment, but more specifically to identify priority cases for resettlement.

A more recent policy development is the expansion of the ‘at-risk’ category to include LGBTI individuals, as reflected for the first time in the latest version of the HRIT published by UNHCR in 2010 (Turk 2013: 8). As in the case of ‘women-at-risk’, however, LGBTI individuals’ access to resettlement is typically contingent upon being recognized as a refugee,

which is itself a major challenge in countries of first asylum due to limited understandings of the nature of LGBTI experiences of persecution in private and public spheres (as indicated earlier). A further difficulty emerges when policy (and political) decisions to promote repatriation as the preferred durable solution for a given refugee community has the potential to place LGBTI survivors of persecution at particular risk in their countries of origin. For instance, in 2004 the peace-deal being brokered in Sudan meant that UNHCR ceased interviewing (non-Darfuri) Sudanese asylum applicants in Cairo, thereby preventing ‘exceptional’ LGBTI asylum seekers from informing refugee status decision makers that they had been persecuted in Sudan, and in Egypt, due to their sexual orientation and gender identity, and that the nature of their claim therefore remained unchanged by the peace-deal (see Fiddian 2006).

Indeed, while Gruber notes that repatriation ‘cannot presuppose a return to the *status quo ante*’ and that ‘negotiation of what may be profoundly altered ways of life and familial and communal structures should be recognised as intrinsic to any repatriation initiative’ (1999: 9), certain elements of the *status quo ante* may indeed remain or be strengthened in the country of origin. These include patriarchal, xenophobic, and homophobic structures and attitudes which may have underpinned the causes of persecution before seeking asylum, and may continue doing so upon ‘return’.

While rendering ongoing experiences of violence and persecution visible, the development of gender-sensitive protection tools like the original and revised Heightened Risk Identification Tool continue to focus on ‘exceptional’ refugees, rather than interrogating the foundations of, and challenging mainstream assumptions which led to women’s, children’s and LGBTI refugees and asylum-seekers’ being excluded to begin with. By typically highlighting a particular form of risk (primarily sexual and gender-based violence) refugee status determination systems and such protection tools embody a form of institutional

violence which 'privileges forms of life or humanity not constituted as right-bearing individuals, but as corporeal victims of sexual violence, innocent, non-agentive, and apolitical' (Ticktin 2005: 367).

As suggested above, all three 'solutions' are characterized by ongoing processes of social integration which are both intrinsically gendered and potentially violent. On the one hand, multiple individual, familial, and collective challenges exist when negotiating gendered experiences and expectations for the present and future. On the other hand, integrating into a host state, resettlement state, or country of origin may equally lead to new or repeated forms of exclusion and marginalization. For instance, given the prevalence of homophobia and transphobia across the global North and global South, LGBTI refugees will likely continue to encounter stigmatization and perhaps even criminalization if same-sex relationships are illegal in their resettlement state. In turn, Muslim refugee women, whose religious identity may be particularly visible if they are veiled, may experience new forms of discrimination such as Islamophobia and racism, in addition to a continuation of patriarchal structures of oppression in countries of asylum or resettlement alike (Fiddian-Qasmiyeh and Qasmiyeh 2010).

Conclusion

Refugees' and asylum seekers' experiences of seeking a secure and dignified life through asylum and any one of the three durable solutions (and, indeed, protracted encampment), are framed by overlapping identity markers such as gender, age, religion, and sexual orientation, and structures such as patriarchy, xenophobia, and homophobia. Major conceptual, theoretical, and practical challenges remain to recognize and uphold the agency of displaced individuals and groups, whilst simultaneously ensuring that all individuals' experiences of persecution are 'legible' to decision makers, and that policies to offer meaningful protection are neither paternalistic nor patriarchal in and of themselves (Pittaway and Bartolomei 1991).

Indeed, this chapter has suggested the extent to which power imbalances and systems of control are potentially reproduced, rather than being challenged, through programmes designed to promote ‘gender equality’ and ‘female empowerment’. Future research must therefore continue to critique the assumption that ‘gender’ has been successfully ‘mainstreamed’ into academia, policy, and practice by recognizing both who and what has been rendered visible, but also who and what has been rendered invisible throughout feminist and gender studies of forced migration to date. That sensitivity to the intersections between masculinity and forced migration on the one hand, and sexual orientation, gender identity, and asylum on the other should be so recent, and contested, demonstrates precisely how urgent this ongoing research agenda is.

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¹ This chapter can usefully be read alongside Anderson's discussion of gendered discourses of trafficking and smuggling; Edwards and Van Waas's analysis of gender and statelessness; and Stepputat and Sørensen on micro-level sociological studies of familial and individual experiences of forced migration (all in this volume).

² This section draws in particular on Rathgeber (1990) and Indra (1999).

³ <<http://www.un.org/womenwatch/osagi/conceptsanddefinitions.html>>, emphasis added.

⁴ As noted by Chloe Lewis, by failing to specify 'heterosexual male experiences' in this context, UNHCR 'seems to reify the emasculation of gay men' (personal communication, 22 June 2013).

⁵ Pittaway and Bartolomei (1991) argue that the development of this legal framework as a response to the mass rape of *Caucasian* women in the former Yugoslavia must be examined through an intersectional lens of race and gender.

⁶ On Australian and Canadian humanitarian resettlement programmes for women-at-risk who may not have been recognized as refugees per se, see Manderson et al. (1998) and Boyd (1999) respectively.

⁷ Importantly, this category in turn risks perpetuating patriarchal systems by assuming that 'a woman without a man is a woman at risk'—see Manderson et al. (1998).