

## Chapter 2

# Breathing Under Water: Gendering the Violence Against Refugee Women

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### ABSTRACT

*The current chapter will allow a better understanding of refugee women's situation in global-forced migration. It also offers a comprehensive account of the ways in which refugee women's experiences of violence are shaped by gendered relations and structures. Furthermore, the chapter will analyze the interactions between the gender identity formation of men and women, the context of escape, displacement and asylum seeking, and the experience or manifestation of gender-based violence against refugee women. Finally, it also intends to illustrate how structural and symbolic violence and power relations cooperate to shape experiences of violence for refugee women and how it can influence and perpetuate interpersonal violence. In this sense, several studies are presented that demonstrate, on one hand, how gender relations are affected by escape, displacement, and asylum, and how they can create different practices of structural and symbolic violence; and, on the other hand, draw attention to the current lack of gender-specific analysis of the problem of asylum and refugees.*

### FROM TRADITIONAL TO CONTEMPORARY APPROACHES OF REFUGEES, BASED ON A GENDER PERSPECTIVE

According to the 1951 *Convention Relating to the Status of Refugees* and its 1967 *Protocol*, in legal terms, a refugee is a person who ‘(...) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear is unwilling to, avail himself of the protection of that country’. Therefore, the traditional refugee approach largely encompasses a person

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who had to leave their home for one or more reasons (e.g. environmental disasters, war, economic crises, prosecution, etc.) (Daddario et al., 2018). However, in the era of the global movement of people, from territory to territory, not only refugees, but also several other groups of people are framed within a larger spectrum called “*forced migrants*”. In addition to refugees, the category of “*forced migrants*” often includes “*internally displaced people*” (IDP) who seek refuge in their home country, victims of trafficking, as well as asylum-seeking people (Daddario et al., 2018). Although from a more traditional point of view these categories may seem neutral, with each one of them based on a specific legal definition as stipulated in a convention, or in the “*Guiding Principles on Internal Displacement*” in the case of the IDP, these categories fit into a broader context of dynamically fluctuating universal norms, and therefore, are exceedingly politicized (Daddario et al., 2018; Castles, 2007).

There seems to be an imposed traditional and almost historical distinction between those who voluntarily migrate and those who are forced to do so, that is, between those considered to be ‘good’ migrants, and therefore worthy of protection, and the ‘bad’ migrants or ‘economic’ migrants, and consequently, not worthy of help (Daddario et al., 2018). In this sense, it can be stated that the distinctions between forced and voluntary migrants are often based on “pull and push” factors (Brubaker, 2012; Castles, 2007). “Pull” factors refers to people migrating from a place because of unsustainable conditions such as insecurity or unemployment and comprehensive factors such the “(...) *demand for labour, availability of land, good economic opportunities and political freedoms*”; “Push” factors refer to factors which attract people to live in a particular environment and encompass “(...) *demographic growth, low living standards, lack of economic opportunities and political repression*” (Castells et al., 2009, p. 22). Political discourses usually use the term “forced migrants” instead of the legal definition of “refugee”. One of the reasons for the choice of “forced migrants” is in order to show that people do not leave their homes only for the reasons stated in the *1951 Refugee Convention*. In fact, people sometimes are forced to migrate in order to escape war, persecution, crises, violence or natural disasters (Boano et al., 2008). Nevertheless, it is concerning that the same political forces that chose the term “forced migrants” over “refugees” are the same ones that are reluctant to provide in the field, help for these “forced displacement people”.

In order to produce significant scientific knowledge, it is important to understand, in the first place, who refugees are, to better understand who the person is behind the ‘refugee label’, behind the political, financial and social exclusion. As such, it is also necessary to understand the identity constructions of gender in relation to refugees (Krause, 2016a; Ludwig, 2013; Pittaway & Pittaway, 2004). The *1951 Refugee Convention* with its *1967 Protocol*, defined, in legal terms, who possesses the characteristics necessary to qualify as a refugee and consequently should be granted access to rights and shelter. However, the mentioned legal definition does not seem to take into account fundamental gender issues, namely the fact that men and women experience refugee status in their own way, with diverse constraints and consequences (Fiddian-Qasmiyeh, 2014). The *1951 Convention* and its *1967 Protocol* when considering the male experiences as the experiences of all human beings, regarded as a universal norm for both men and women, is blindly adopting a traditional masculine and patriarchal paradigm that invalidates and rejects the knowledge and experience of refugee women, especially regarding the experience of displacement and asylum-seeking (Edwards, 2010). However, over the years, this negligence has not gone unnoticed by several feminist studies (Freeman, 2015; Erel, 2010) which in more contemporary years, have pinpointed the lack of inclusion of female’s perspective in refugee politics, with particular focus on the various forms of violence that refugee women are more vulnerable to.

In relation to the contemporary approaches, at the beginning of the 1990s there were some changes in the existing policies, in order to integrate the protection of women as a fundamental element of refugee

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