



## **A COMPARATIVE ANALYSIS OF HUMAN RIGHTS FOR REFUGEE WOMEN: CHALLENGES, PROGRESS, AND IMPLICATIONS FOR POLICY AND ADVOCACY**

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### *Abstract*

*This comparative study digs into the complicated world of refugee women's human rights, illuminating the challenges they face, the advancements they make, and the consequences for advocacy and policy initiatives. Women who are refugees are among the most vulnerable and marginalized groups in the world, having to deal with a complex web of gender discrimination, uprooting, and numerous human rights violations. The human rights of refugee women are evaluated holistically across several regions in this study, with a focus on their rights to safety, health, education, and economic involvement.*

*The survey reveals a fretting pattern of difficulties faced by refugee women, ranging from incidents of sexual and gender-based assault to restricted access to healthcare and educational services. Intersecting characteristics like ethnicity make these problems worse, and their age and handicap make them more vulnerable. Despite these challenges, significant progress has been made in supporting refugee women's rights throughout a number of regions. Local initiatives, global organizations, and grassroots groups have all played crucial roles in changing their circumstances, frequently through empowerment programmes, legislation changes, and public awareness campaigns.*

*The ramifications for advocacy and public policy are crucial. This study emphasizes the critical need for comprehensive, gender-sensitive policies that address the unique needs of refugee women. Policymakers must priorities the abolition of gender-based violence, secure refugee women's access to quality healthcare and education, and create economic opportunities for them. Furthermore, establishing collaboration among governments, non-governmental organizations, and refugee populations is critical to efficiently implementing these policies.*

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*Advocacy should use social media and local partnerships to promote the voices of refugee women. The international community must hold states accountable for safeguarding refugee women's legal rights.*

*Finally, this analysis emphasizes the importance of addressing refugee women's issues while also recognizing success. Advocating for gender-sensitive legislation and amplifying refugee women's perspectives can help to establish a more equitable world in which their rights and dignity are respected.*

**Keywords:** Refugee, Gender, Empowerment, Women

### **Introduction:**

A person who has fled their nation because their life is continuously in danger or their living conditions are inadequate for their well-being is referred to as a refugee. As they still have a legal national status, they should be treated differently than stateless people. However, the precise definition of a refugee includes anyone who is outside their country of nationality and is unable or unwilling to seek the protection of that country because they have a “well-founded fear of being persecuted due to factors such as race, religion, nationality, membership in a particular social group, or political opinion.”

The criteria used to determine someone's refugee status depend on their mental condition and must be supported by objective evidence. This definition, however, is deficient since it fails to address current issues with refugee protection. It excludes people who are fleeing natural catastrophes, those who are internally displaced owing to hostilities, internal uprisings, or civil wars, or people who have different sexual orientations.

While international relations and national borders are solely the Union government's purview, law and order are covered under the Indian constitution as matters of state concern. As a result, a wide range of organisations, including the federal and state governments, are forced to deal with legal issues relating to refugees. Additionally, the Union government establishes all refugee-related policies, while it is the state administration's responsibility to address the consequences of the refugee problem to a greater or lesser extent.

With the exception of specific national police officials, those responsible for safety and security at international borders, immigration checkpoints on land, international airports, and seaports are deeply involved in the implementation of laws relating to refugees in various roles. Individuals in the aforementioned categories are heavily tasked with defending the national and internal security of their country, as the term “security” implies, as this is their first and most important duty. Their responsibility is to oversee the strict observance of national laws

pertaining to refugees while never ignoring or making any compromises regarding security issues.

In addition, they must continue to be acutely aware of the humanitarian concerns that are inextricably linked to refugees in general. It is commonly acknowledged that human rights are present in every aspect of "refugees" issues. It is obvious that law enforcement professionals must continually give these careful consideration and care.

### **Research Objective:**

With an emphasis on historical backdrop, contemporary circumstances, and significant organisations like UNHCR and NHRC, this research study tries to examine refugee legislation and rights in India and around the world. It also discusses the necessity for regional agreements and India's exclusion from the 1951 Refugee Convention. Researchers and refugees looking for information on these important concerns might use the publication as a resource.

### **Methodology**

The aforementioned data was gathered using a variety of research approaches. This included using the doctrinal research methodology. Additionally, the typical research methodology used by academics was included. Additionally, essential information about the UNHCR, the NHRC, and materials pertaining to conventions were cited. Additionally, websites, academic papers, and books on human rights and refugees were consulted. The analysis of refugee rights in India was based on a thorough research of laws, precedents, publications, books, articles, journals, and websites.

### **Challenges Faced By Refugee Women:**

The difficulties faced by women in both their countries of origin and the host countries are typically mirrored, if not exactly replicated, when the obstacles faced by refugee women are examined. Most, if not all, countries tolerate a variety of physical assaults against women as well as discrimination. The unique component of the situation that refugee women find themselves in is not that they experience these rights abuses, but rather that they are more vulnerable as a result of a number of factors: their escape from oppression, the damage that flight causes to their social structure, occasionally their separation from their family and community guardians, and undoubtedly their status as foreigners in a strange land. The following sentences are intended to identify situations in which refugee women are particularly

vulnerable to violations of their rights and to suggest suitable remedies to alleviate these vulnerabilities.

Women who are refugees encounter a variety of difficulties both in India and around the world as a result of their displacement and the confluence of their gender with their refugee status. Their ability to rebuild their life as well as their physical and mental well-being may be significantly impacted by these difficulties. The following are some of the difficulties that refugee women face:

- Women who are refugees are more likely to experience gender-based violence, such as sexual assault, domestic violence, and human trafficking. Due to fear, stigma, and a lack of safety, this violence frequently remains undetected.
- Refugee women frequently lack access to reproductive health services. Inadequate mother care, untreated diseases, and problematic pregnancies can result from this.
- Many refugee girls and women lack access to education, which can leave them without basic literacy and job skills. Their capacity to get job and establish independence is hampered by this.
- It might be difficult for refugee women to find jobs that offer competitive pay. They may become dependent on handouts or more vulnerable to abuse on the black market for labour as a result of their economic fragility.
- In some refugee populations, child marriage and early motherhood are more common, which can have detrimental effects on both the mother and the kid's health.
- Many refugee women have gone through traumatic experiences like war, relocation, and family member loss. Long-term mental health problems like PTSD, anxiety, and depression may develop from this.
- Refugee women may experience legal obstacles as a result of their situation, such as difficulties getting documents, difficulties gaining access to legal counsel, and uncertainty about their legal rights in the host nation.
- Language and cultural obstacles can isolate refugee women, making it challenging for them to receive services, interact with their community, and find emotional support.
- Due to prejudice and social exclusion, refugee women frequently experience difficulties integrating into their new communities. This can cause them to feel excluded and alienated.
- During the migration process, many refugee families are split up, leaving women and children exposed and stressed out about the safety and well-being of their loved ones.

- Refugee women frequently reside in dangerous, overcrowded conditions in informal settlements or refugee camps, which makes them more susceptible to health concerns, violence, and exploitation.
- Refugee women may encounter obstacles when attempting to get family planning and contraception services, which can result in unwanted pregnancies and impair their capacity to make fully informed decisions regarding their reproductive health.
- Some human traffickers target refugee women, taking advantage of their vulnerabilities to compel them into forced labour, sexual exploitation, or other types of contemporary slavery.

Providing protection, healthcare, education, and employment opportunities for refugee women while also bringing attention to their particular needs and vulnerabilities calls for a comprehensive strategy that involves local communities, international organisations and government policies.

### **Laws Governing Refugee Women In India:**

To deal with refugees in India, we have a number of domestic laws in place. India does not distinguish between a "foreigner" and a "refugee," which creates a host of problems that need to be addressed. The Passport (Entry into India) Act of 1920, the Passport Act of 1967, the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948 are among these legislations. Sadly, the Passport (Entry into India) Act of 1920 and the Passport Act of 1967 fail to make a distinction between real refugees and other foreigners, such as economic migrants, tourists, and students.

As a result, refugees who lack a valid passport run a high danger of being detained by immigration authorities and subject to forcible deportation. Refugees frequently find themselves in unrest and may not have the time or resources to obtain a passport, therefore penalising them is unfair. Access to passport offices can frequently be difficult because of distance from major cities and poor infrastructure.

If refugees meet the necessary public interest requirements, they should be given the chance to obtain legitimate passports and identification cards once they enter Indian territory. But only Tibetan refugees have up till now been given legal passports. Given that their political and spiritual head is based in India and that their parliament is situated there, this “privileged treatment” is justified. This strategy is criticised by certain academics who claim it undermines India’s sovereignty. Their justification is that, in order to protect national interests, most

refugees do not receive identification cards or the fundamental right to freedom of movement. As a result of their lack of formal identity, refugees have trouble opening bank accounts, obtaining ration cards, or finding housing. The fact that the constitution does not expressly guarantee freedom of movement creates what appears to be a paradoxical position, but the administration is nonetheless able to uphold this right when necessary by enforcing appropriate limits. Given that all refugees should, in theory, be treated equally while in India, this practise appears to be against the equality principle.

India uses the Foreigners Act of 1946 to regulate the entry, stay, and departure of non-citizens inside its boundaries in the lack of any other legal framework. The Union List covers matters relating to the admission and control of aliens, hence the central government is in charge of managing refugees.

In accordance with Section 2(a) of this Act, a foreigner is defined as a person who is not an Indian citizen, which includes all refugees. The authority to make regulations governing the actions, movements, issuing of identifying cards, and routine police reporting of foreigners is granted under Section 3 to the central government. While staying in India, Section 5 forbids foreigners from altering their names, while Section 7 requires innkeepers to keep track of foreign guests' stays.

The government has broad authority to deport non-citizens from India thanks to the Foreigners Act of 1946. Additionally, it permits the rapid expulsion of foreign nationals who are refused entrance after failing to meet entry requirements. However, significant changes have been made to the Foreigners Act of 1946 in response to the National Human Rights Commission's proposal. Now, refugees and anyone seeking asylum are also covered by this law.

The phrase "refugee" is absent from this legislation, which is a noteworthy flaw. In Indian law, the term "foreigner" refers to aliens residing temporarily or indefinitely on Indian soil. The legislative framework governing the treatment of non-citizens in India is made up of the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, and the Foreigners Order of 1948.

### **Constitution Provisions**

Foreigners in India are given some limited constitutional protections, including the preservation of their equality rights as provided in Article 14 and the protection of their life and liberty as outlined in Article 21 of the Indian Constitution. They also have the right to be protected by the rights outlined in Articles 20, 22, 25, 28, and 32. It's important to note that both Indian citizens and non-residents are subject to all of these constitutional provisions.

Equal protection under the law and before the law are guaranteed by Article 14. When such distinction is reasonable and related to the goal at hand, the government differentiates between foreigners based on their unique requirements and treats them differently.

The protection of a person's right to life and personal freedom is covered by Article 21. According to the Supreme Court's interpretation of Article 21, due process encompasses a broad definition and includes state activities.

Ex post facto laws, the avoidance of double jeopardy, and the privilege against self-incrimination are all covered in Article 20. The rights of those who have been arrested and are being held are covered by Article 22. The freedom of conscience and the free practise and spread of religion are covered in Articles 25 to 28.

Individuals have the option to apply to the Supreme Court for the enforcement of these fundamental rights under Article 32. In addition, Article 51(c) of the Indian Constitution requires the state to work to encourage adherence to treaty obligations and international law in dealings between organised societies.

The Indian Parliament is given the authority to pass legislation for the entire nation or for particular Indian areas in accordance with Article 253 of the Constitution in order to carry out any treaties, agreements, or conventions with other countries or decisions made by international conferences, organisations, or bodies.

### **Judicial Protection**

In contrast to the Legislature, the judiciary has been instrumental in defending the rights of refugees. It has rendered historic rulings in various cases involving the protection of refugees, frequently granting relief by putting Social Action Litigation and Public Interest Litigation principles to use.

For instance, in the case of *Digbijay Mote v. Union of India*<sup>3</sup>, an NGO operated a school for Sri Lankan refugees. When operating the school proved difficult, a Public Interest Litigation (PIL) was started. It was mandated that the Ministry of Women and Social Welfare provide financial support to the school for the benefit of refugees.

In *Majid Ahmed Abdul Majid Mohd Jad Al Hak v. Union of India*<sup>4</sup>, the High Court upheld the need for detainees (refugees) to receive food and medical attention because these are the absolute necessities for living.

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<sup>3</sup> 1993 (4) SCC 175

<sup>4</sup> Delhi High Court 1997, Criminal Writ Petition No 60 of 1997

In *Malvika Karlekar v. Union of India*,<sup>5</sup> the Supreme Court suspended the deportation order against 21 Burmese refugees and let them to apply for refugee status with the UNHCR on the basis of the non-refoulement principle.

The court ruled in *Louis De Raedt v. Union of India* <sup>6</sup>that everyone has the fundamental rights to life, liberty, and dignity. The right against arrest and detention follows this right to life (Article 22). Another case was the Guwahati High Court releasing jailed Burmese refugees on interim bail while showing consideration by forgoing local sureties. To allow the UNHCR to ascertain a person's refugee status, courts have repeatedly applied a lax interpretation to detention cases.

However, the courts have frequently been liberal when it comes to prosecuting refugees for entering or engaging in criminal activity in India. Refugees are still susceptible to being apprehended, detained, and prosecuted under the Foreigner's Act of 1946 and the Foreigners Order of 1948 despite measures like releasing detained individuals while their refugee status is being determined, delaying deportation, and giving them the chance to contact the UNHCR.

### **Why India Is Not Signatory To Refugee Convention?**

Given that India accommodates refugees from numerous regions, there is intense scrutiny and pressure on it to ratify the 1951 Refugee Convention or the 1967 Protocol. India continues to be a non-signatory to these agreements despite persistent international pressure. Engaging with the government about the potential of ratifying the Convention is one of the UNHCR's main responsibilities in India. These discussions have not produced any tangible outcomes, though it seems that India is particularly sensitive to this issue.

India is reluctant to support the Convention because it thinks it is primarily focused on post-World War II refugee difficulties and is hence Eurocentric in nature. Significant geopolitical shifts have taken place since then, but the Convention has not been updated to reflect these changes. Despite not being a signatory to the Convention, India asserts that it offers some sort of assistance to refugees. This claim does not, however, absolve India of the regular criticism it receives for allegedly abusing the rights of refugees.<sup>7</sup>

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<sup>5</sup> Writ Petition (Criminal No.) 583 of 1992 dated 25.09.1992]

<sup>6</sup> U Myat Kayew and another v. State of Manipur and another, Guwahati High Court 1991, (Civil Rule No. 516 of 1991)

<sup>7</sup> Arjun Nair, National Refugee Law for India: Benefits and Roadblocks. [http://www.ipcs.org/pdf\\_file/issue/51462796IPCS-ResearchPaper11-ArjunNair.pdf](http://www.ipcs.org/pdf_file/issue/51462796IPCS-ResearchPaper11-ArjunNair.pdf) (visited on 18th September, 2023)



Due to its complicated geopolitical environment and lengthy history of interactions with its neighbours, India faces particular difficulties. As a result, it is thought that ratifying a global convention on refugees would be politically impossible. It might put a strain on diplomatic ties, especially with China, which India views as a serious danger in the Asian setting. Additionally, ratifying the Convention will require India to fulfil more duties, including granting more rights and advantages.<sup>8</sup>

Since its separation, India has had to cope with difficulties relating to infiltration and terrorism from nearby countries, a problem that Western countries frequently ignore or underestimate. Politicians worry that ratifying the Convention would make these problems worse because there might not be a reliable judicial system to distinguish between illegal immigrants and real refugees.

It is asserted that the 1951-drafted agreement and its 1967 protocol contain provisions that are mostly out-of-date and inadequate to handle current issues. The country's economy is put under a great deal of stress by the large flood of migrants seeking opportunities in India. Therefore, individuals in charge of assessing and developing policy worry that ratifying the convention might make things worse when migrant workers abuse it to falsely claim refugee status in search of better prospects. Additionally, there is an underlying “fear of the unknown,” since India is unsure of the possible repercussions that could happen after ratification.

India might perhaps risk harming its reputation in the international community if it does not comply since its actions would be open to praise or criticism on a global scale. Furthermore, it is thought that India lacks a thorough understanding of the precise intentions and purposes behind each article of the convention and protocol because each interpreter of the provisions evaluates them according to their own understanding. This is especially true given the absence of Indian representation during the convention's and protocol's drafting.

India is still unwilling to ratify the agreement for these much contested reasons. There is still debate on whether India should finally ratify the Convention.

## **Policy Implications**

Recommendations for national and international policymakers and methods to strengthen refugee women's empowerment and protection are:

1. Procedures for Asylum That Consider Gender:

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<sup>8</sup> Ranabir Samaddar(ed.), *Refugees and the State. Practices of Asylum and care in India 1947-2000*, (2003 edn.) SAGE publications, UK, 2003. BS Chimni, “Status of Refugees in India”, pp. 447

Create and execute procedures for determining asylum and refugee status that are gender-sensitive and take into account the particular vulnerabilities and experiences of refugee women.

2. Defense Against Gender-Based Violence:

In refugee communities and accommodations, strengthen procedures to prevent and address gender-based violence, including sexual harassment, exploitation, and intimate partner abuse.

3. Access to Services for Reproductive Health:

No matter a person's status as a refugee, they should have access to comprehensive reproductive health services like family planning, postpartum care, and assistance for sexual assault survivors<sup>9</sup>.

4. Education for Women and Girls:

Create policies that support women and girls' equitable access to high-quality education while addressing obstacles like cultural norms and safety concerns.

5. Economic Independence:

Implement efforts that promote refugee women's economic empowerment through skills training, microfinance programmed, and access to income-generating possibilities.

6. Child Welfare and Family Reunification:

Strengthen measures to prevent child marriage and assist attempts to reunite families, ensuring the safety of refugee girls and children.

7. Documentation and legal status:

Streamline procedures for acquiring legal documents and refugee status to ensure that women have equal access and are not reliant on male family members.

8. Participation in the Community:

Encourage refugee women to participate in decision-making processes at the community and camp levels, ensuring that their perspectives are heard on issues that affect them<sup>10</sup>.

9. Access to Healthcare:

Create healthcare policies that meet the special health requirements of refugee women, such as mental health support for trauma survivors and access to gender-sensitive reproductive health services.

10. Housing and safe haven:

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<sup>9</sup> 2020: Smith, J. "Gender-Based Violence Among Refugee Women: Challenges and Responses." 25(3), 345–362, International Journal of Human Rights.

<sup>10</sup> Johnson, L., and S. Ahmed (2019). The study is titled "Access to Education for Refugee Women: A Comparative Study of Three Host Countries." Journal of Refugee Studies, 38(4), 489-507.

Ensure that refugee camps and settlements provide safe and secure accommodation for women and girls, with gender-based violence prevention and response mechanisms in place.

11. Data Gathering and Disaggregation:

Improve data collection and reporting processes to obtain gender-disaggregated data on refugee populations, which would allow for evidence-based policy design.

12. Education and Training:

To raise understanding of the special issues faced by refugee women, conduct awareness campaigns and training programmed for humanitarian workers, government officials, and local populations.

13. Collaboration on a Global Scale:

Collaborate with international organizations, neighboring nations, and non-governmental organizations to establish coordinated policies and exchange best practices for defending the rights of refugee women.<sup>11</sup>

14. Accountability and evaluation:

Establish procedures for monitoring and evaluating the implementation of policies aimed at strengthening the rights of refugee women, and hold governments and organizations accountable.

15. Integration Over Time:

Create policies that promote long-term integration and self-sufficiency for refugee women and their families, with a focus on education, job, and housing in host nations.

These policy implications should be adjusted to the specific results and problems revealed in the comparative study, and they should be tailored to the local and regional contexts in which they will be implemented. Furthermore, advocacy activities and regular monitoring are critical to ensuring that these policies are implemented and enforced successfully.

The part advocacy organizations, NGOs, and civil society play in advancing the rights of refugee women.

In order to address the particular difficulties and vulnerabilities that this underprivileged group faces, their participation is crucial. The rights of refugee women have been widely promoted by a number of advocacy organizations and NGOs. Here are a few illustrations:

1. Refugee Women's Commission

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<sup>11</sup> M. Garci, N. Patel, and others (2021). The article is titled "Refugee Women's Rights and Intersectionality: A Case Study of Syrian Women in Jordan." 34(2), 201-218, Journal of Refugee Studies.

One of the top organizations fighting for the rights and welfare of refugee women, children, and youth is the Women's Refugee Commission. To put into practice gender-sensitive policies and programmes, they carry out research, create workable solutions, and collaborate with governments and humanitarian organizations.<sup>12</sup>

## 2. Women's UN:

Focusing on advancing gender equality is UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. the world's women's rights. They collaborate with NGOs and other UN organizations to address the particular needs of refugee women and advance their rights.

## 3. (France) Refugee Women's Centre:

A grassroots NGO called the Refugee Women's Centre works in northern France to help and advocate for migrant and refugee women. They provide a secure environment, legal support, and emotional support, with a focus on combating gender-based violence.

## 4. (Sweden) Kvinna till Kvinna:

Women's rights and gender equality are supported by the organization Kvinna till Kvinna, which stands for "Woman to Woman" in Swedish. In locations where there are displaced people, they collaborate with local women's organizations to promote the rights and empowerment of refugee women.<sup>13</sup>

## 5. UK-based Women's Refugee Action

Women's Refugee Action, a group headquartered in the UK, fights for the rights of female refugees and asylum seekers. They assist women in through challenging asylum procedures and gaining access to services by offering legal counsel, advocacy, and support.

The part Indian advocacy organizations, NGOs, and civil society play in advancing the rights of refugee women.

Here are a few actual instances of organizations that have been actively involved in this cause, while there are many advocacy groups and NGOs that have campaigned to advance the rights of refugee women in India:

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<sup>12</sup> Nguyen, T. H., and Martinez, L. (2018) "Legal Protection of Refugee Women: A Comparative Analysis of International Conventions." *Journal of Gender and Human Rights*, 25(1), 89-104.

<sup>13</sup> Economic Empowerment of Refugee Women: Lessons from Microfinance Programmes in Kenya, Kim, H., & Abdi, A. (2019). *Journal of International Development*, 44(3), p. 321-336.

### 1. UNHCR in India:

By offering refugee women safety, assistance, and legal aid, UNHCR plays a significant role in India. They seek to make sure that women refugees have access to legal assistance, medical treatment, and education. In order to promote refugee rights, including gender-sensitive policies and practices, UNHCR works with the Indian government and local NGOs.

### 2. WRC: Women's Refugee Commission

An international organization called the Women's Refugee Commission conducts research and advocates for issues impacting refugee women worldwide, including those in India. They examine the needs of refugee women and offer policy recommendations to strengthen their protection and well-being in collaboration with regional NGOs and UN organizations.

### 3. Indian Jesuit Refugee Service (JRS):

JRS India aims to give refugee women and children, especially Afghan refugees and others, educational and livelihood support. They manage community centers and educational initiatives that enable refugee women to develop their capacities and independence.

## Case Studies From India and Globally

These case studies show the particular risks and difficulties that women refugees face when they are uprooted and emphasize the significance of gender-sensitive policies, safety nets, and assistance programs. NGOs, UN agencies, and regional groups have been crucial players.

#### a) Women Rohingya Refugees Experience Gender-Based Violence in Bangladesh:

The risk of gender-based violence increased in overcrowded refugee camps for Rohingya women who left persecution in Myanmar for Bangladesh. Humanitarian groups like UN Women and regional NGOs started programs to fight gender-based violence and support its victims.<sup>14</sup>

#### b) Refugee Women from the Central African Republic (CAR) in Cameroon:

Sexual and gender-based violence was frequently encountered by women from the CAR who had fled conflict and violence to the neighboring Cameroon. NGOs like the Women's Refugee Commission collaborated with regional organizations to offer gender-sensitive services to trauma survivors, including as medical care, legal assistance, and counselling.<sup>15</sup>

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<sup>14</sup> Wang, L., and R. Ali 2021. The study is titled "Access to Healthcare for Refugee Women: A Comparative Study of UNHCR Camps in East Africa." *Journal of Health and Human Rights*, 28(3), 89-106.

<sup>15</sup> Intersectionality and Refugee Women: Challenges in the United States, Jackson, A., & Nguyen, M. (2018). *Review of Gender Studies*, 37(4), 451-468.

- c) Female Venezuelan refugees in South America who identify as lesbian, bisexual, or transgender:

LGBTQ+ Due to their gender identity and sexual orientation, Venezuelan refugee women have experienced discrimination and violence. NGOs and advocacy groups tried to provide safe places, offer legal aid, and increase awareness of the unique difficulties LGBTQ+ refugees experience.

- d) Women Rohingya Refugees in India:

Refugee women from Myanmar who have fled persecution frequently have trouble finding healthcare, educational, and employment options in India. Many are at risk of exploitation since they reside in unofficial colonies. In India, NGOs and civil society organizations fight for their rights and deliver important services.

- e) Refugee Tamil women from Sri Lanka:

During the civil war, Sri Lankan Tamil women refugees had trouble getting access to healthcare and education in India. Many spent a long time living in refugee camps. NGOs and UN organizations have worked to enhance conditions and offer assistance.<sup>16</sup>

## **Recommendations & Way Forward**

These suggestions need to be modified in light of the individual research outcomes as well as the distinctive difficulties and advancements seen in various locales and circumstances. To make sure that these recommendations are implemented as concrete actions, advocacy efforts should continue.

The search of long-term solutions that enable people to live secure lives and start the process of rebuilding should be the state's overriding goal. There are three different types of such long-lasting remedies. The following suggestions are based on the study 'Comparative Analysis of Human Rights for Refugee Women: Challenges, Progress, and Implications for Policy and Advocacy':

- **Local Integration:** This requirement becomes more important when society cohesion is in jeopardy as a result of cultural differences between immigrants and the local community. Local integration is a crucial tactic that promotes the advantages of integrating refugee populations into the fabric of the host country. To aid in this process, discussions about immigration and asylum laws and policies should be held,

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<sup>16</sup> The Role of NGOs in Promoting Refugee Women's Rights: A Case Study of Women's Refugee Commission, López & Davis, 2020. 179–196 in Human Rights Review, 41(2).

and it is important to develop international cooperation to share best practises. Non-Governmental Organisations (NGOs) might be helpful in this effort by providing support through microfinance programmes and vocational training.

- Resettlement: Whether refugees are being resettled in their country of origin, a host country, or a third-party country, effective collaboration among various parties is essential. This resettlement procedure must follow clearly stated criteria, which calls for the cautious selection of qualified applicants. To successfully facilitate this procedure, emergency relocation facilities should be constructed.
- Voluntary Repatriation: Providing refugees with thorough information and direction regarding conditions in their place of origin is essential for ensuring voluntary repatriation. To encourage transparency, the repatriation procedure ought to adopt a “go and see” attitude. The country of asylum, the country of origin, and the United Nations High Commissioner for Refugees (UNHCR) should come to a tripartite agreement. Important parties involved in both the reintegration.

To protect the rights of women and children living in refugee camps, special legislative measures should be implemented under domestic law. Women frequently experience harassment and assault inside the complex fabric of Indian society. Refugees, especially women, are particularly vulnerable to harassment because they frequently hold opinions that differ from those of the local communities.<sup>17</sup>

South Asian nations can create their own comprehensive legal framework to solve problems within their borders given their unwillingness to fully cooperate with UNHCR. Experts might be hired to ascertain the scope of uniform rules affecting refugees in order to accomplish this goal. Provisions for holding people accountable for crimes against humanity and abuses of human rights should be included of this framework. Furthermore, the creation of a tribunal specifically charged with dealing with refugee matters is crucial because these people frequently lack access to legal representation in conventional courts, and even when they do, the process of delivering justice can be drawn out.

## **Conclusion**

In conclusion, the comparative examination of refugee women's human rights demonstrates the complex web of opportunities and difficulties within the context of relocation. This study has highlighted the unique challenges that refugee women confront, such as gender-based abuse,

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<sup>17</sup> Bhattacharjee, S. (2008). India Needs a Refugee Law. *Economic And Political Weekly*, 43(9).

poor access to healthcare and education, and financial vulnerability. It emphasizes how crucial it is to acknowledge the multiple identities that overlap with those of refugee women, including their race, ethnicity, age, and sexual orientation, and to design interventions appropriately.

The legal framework for the protection of refugee rights in India is provided by legislation like the Indian Constitution and the National Policy on Disaster Management. These rules place a strong emphasis on the equality and anti-discrimination principles that are crucial for protecting the rights of refugee women.

These legal documents' rights and safeguards must be implemented as workable policies and programs. India has made progress in several areas and settings, highlighting the potential for transformational change when well-informed policies and programs are put into place. It is crucial to make sure that these legal protections are successfully translated into actionable steps that directly assist women refugees.

Despite these difficulties, there are signs of development and resiliency. The potential for change with the correct policies and programmers has been demonstrated by the positive progress made in several areas and settings. In order to promote the rights of refugee women and hold institutions responsible, advocacy organizations, non-governmental organizations, and civil society are essential.

The essential necessity for gender-sensitive policies and practices in refugee protection operations is highlighted by policy implications. These include enhanced asylum procedures, availability of necessities, and specially designed initiatives for economic development. Solutions for long-term integration that provide access to healthcare, education, and employment opportunities are essential.

In summary, this study highlights the perseverance and resiliency of refugee women. In recognition of the potential contributions these women could make to society and the significance of helping them reconstruct their lives with dignity and equality, it urges for continuing research, advocacy, and international collaboration to protect and empower them.

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