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A Study of Gender-Based Violence and Resilience Among Female Refugees in South Asia: Navigating Identity Politics

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ABSTRACT:

Where History Meets Her Story

The story of female refugees in South Asia is one of resilience amid profound adversity. In this region, steeped in history and marred by conflict, the struggles of women are magnified by gender-based violence and statelessness. Refugee camps tell tales of unspoken sorrows, of women forced to navigate the perilous terrain of exclusion, with their identities fragmented by legal voids and societal rejection. South Asia's refusal to embrace the 1951 Refugee Convention's principles has compounded this rightlessness, leaving countless women without protection or recognition. Statelessness operates as a silent adversary, rendering women invisible to the legal and social systems meant to safeguard them.

In Bangladesh, the Rohingya women bear the weight of systemic inequities, divided into registered and unregistered categories—labels that dictate their access to survival essentials like food and healthcare. Across the border in India, the specter of the Foreigners Act of 1946 looms large, stripping refugees of hope and humanity. Meanwhile, in Pakistan, Afghan women's lives are a grim narrative of surveillance, displacement, and vulnerability, underscored by mass deportations that tear families apart. Myanmar's policies have systematically targeted Rohingya women, weaponizing rape and displacement to crush their spirit.

Refugee women are not merely victims; they are survivors and agents of change. They rise through education, community solidarity, and sheer determination to challenge patriarchal norms and reclaim their identities. This study delves into their journeys, unravelling the complex interplay of gender, statelessness, and identity politics. It chronicles their struggles and seeks to inspire actionable reforms, emphasizing the need for legal recognition, gender-sensitive policies, and regional collaboration to rewrite the narrative of displacement and exclusion in South Asia.

Keywords: Women, South Asia, Refugees, SAARC, ASEAN, COVID-19, Sexual Violence, Gender-based crimes.

1. INTRODUCTION:

South Asia, a region steeped in cultural richness and historical significance, is also a stage for some of modern history's most complex refugee crises. From the seismic events of the 1947 Partition to ongoing displacement triggered by conflict and persecution, this region has borne witness to human suffering on an unprecedented scale. Refugee women in South Asia occupy a uniquely vulnerable position, trapped at the crossroads of gender-based violence, socio-political exclusion, and identity politics. Their struggles are often compounded by entrenched patriarchal norms that limit their opportunities and undermine their autonomy.

Refugee protection in South Asia is shaped by complex registration systems and politicized asylum processes. Bangladesh hosts over 1.2 million stateless Rohingya, classified under the Foreigners Act of 1946 as “illegal migrants.” In 2015, Bangladesh and UNHCR began registering them as “forcibly displaced Myanmar nationals,” granting limited access to services. However, 250,000+ unregistered Rohingya in informal camps face severe hardships. Studies show unregistered children are ten times more likely to work, with food shortages reported at twice the rate of their registered counterparts.¹

India, hosting over 200,000 refugees, faces similar challenges. A majority (60%) are Rohingya, followed by Afghans and Sri Lankans. Classified as “illegal migrants” under the Indian Foreigners Act of 1946, these refugees are denied the core Refugee Convention principle of non-refoulement. Geopolitical considerations, rather than humanitarian norms, often dictate their treatment. For example, Tibetans fleeing the 1959 uprising were granted asylum and full refugee rights, while Sri Lankan Tamils escaping civil war were placed in heavily monitored camps. The denial of refugee status blocks access to education, employment, housing, and essential services, leaving refugee women especially vulnerable.²

Pakistan's 2.4 million Afghan refugees, 1.4 millions of whom are registered with UNHCR, experience similar precarity. Registered refugees possess Proof of Registration cards granting temporary legal status, but these cards often become tools of surveillance. Their expiration leaves refugees vulnerable to violence and extortion, as seen during mass deportations in 2016 and 2017, where over half a million Afghan refugees were forcibly repatriated. The COVID-19 pandemic exacerbated these vulnerabilities, with many fearing forced returns to Afghanistan amid ongoing conflict.³

This study seeks to shed light on the gendered dimensions of displacement and statelessness in South Asia. By examining the historical roots and contemporary manifestations of these issues, it

¹Source: **Good Practices Brochure: Stateless Women and Girls in Bangladesh**, UN OCHA.

²*Refugee Women in India: Abuses and Rights*, "Law Audience,

³*Fault Lines of Refugee Exclusion: Statelessness, Gender, and COVID in South Asia*, "Health and Human Rights Journal,

aims to unravel the complex interplay of factors that perpetuate gender-based violence among refugee women. The narrative also highlights the strength and determination of these women, offering a hopeful lens through which to envision meaningful change. Ultimately, it calls for a comprehensive, gender-sensitive approach to policy reform, underscoring the importance of addressing both the structural and cultural barriers that impede progress.

2. History of Gender-Based Violence Among Refugees in South Asia:

The Partition of India in 1947 marked a turning point in South Asian history, setting off the largest mass migration the region had ever seen.⁴ Women's bodies became battlegrounds, bearing the brunt of communal hatred. Abductions, rapes, and forced conversions were rampant, with gendered violence weaponized as a tool for asserting power and vengeance. This period left indelible scars, highlighting how identity politics and violence against women are deeply intertwined. These patterns of gendered violence continued to surface in subsequent refugee crises across the region.

In India, the legacy of Partition remains evident in ongoing challenges faced by refugee women, such as the influx of Rohingya Muslims. Women in these communities often endure systemic exclusion, lack of access to healthcare, and limited opportunities for education and employment. In neighboring Pakistan, [Niloufar Pourzand](#) in his research paper [A tapestry of resistance](#) talked about how Afghan refugee women face additional burdens, including child marriages and trafficking, exacerbated by socio-religious constraints that limit their agency. Meanwhile, Bangladesh's Rohingya crisis starkly illustrates the intersection of ethnic and gendered violence. In overcrowded camps, women are particularly vulnerable to exploitation and abuse.

Afghanistan's tumultuous history has left countless women refugees displaced and vulnerable to patriarchal customs.⁵ Forced migrations and socio-economic hardships compound their struggles. Similarly, in Myanmar, the disenfranchisement of the Rohingya population has taken a devastating toll on women. The Rakhine riots and systemic disenfranchisement reveal the extent of state-sponsored gendered violence, leaving women to navigate a precarious existence.

In contemporary South Asia, the challenges faced by refugee women have evolved but remain deeply entrenched. Issues such as illegal migration, human trafficking, and exclusionary policies like India's Citizenship Amendment Act (CAA) and the National Register of Citizens (NRC) have further marginalized women. These measures exacerbate statelessness, leaving women without legal recourse or basic rights, trapped in cycles of vulnerability and despair.

Nowhere to Belong: The Stateless Women of South Asia:

Statelessness in South Asia significantly impacts women, leading to their exclusion from

⁴The Story of the Birth of a Nation and the Recovery of its Women

⁵<https://www.ajrh.info/index.php/ajrh/article/view/4504#:~:text=The%20research%20highlights%20challenges%20from,causing%20a%20holistic%20crisis%20for>

essential services and rights. Without legal recognition, stateless women often cannot access education, healthcare, or employment opportunities, leaving them vulnerable to exploitation and abuse. This marginalization is further exacerbated by deeply entrenched patriarchal norms and socio-political marginalization.

In India, implementing the National Register of Citizens (NRC) in Assam has heightened concerns about statelessness. The NRC process led to the exclusion of approximately 1.9 million people, many of whom are women unable to provide the necessary documentation to prove their citizenship. This exclusion places them at risk of detention and further marginalization.

The COVID-19 pandemic has further exacerbated the vulnerabilities of stateless women in South Asia. Without legal recognition, many were excluded from government relief programs, lacked access to healthcare, and faced increased risks of gender-based violence during lockdowns. The pandemic highlighted the critical need for inclusive policies that address the unique challenges faced by stateless women.

The Impact of Historical and Contemporary Displacement on Identity and Citizenship:

Samira Faizi is a 41-year-old Afghan woman who moved to India right before the Taliban takeover of Afghanistan in 2021⁶. Oblivious she moved to India for better conditions for her and her son. She faced legal uncertainty, her family's inability to obtain legal refugee status or work permits restricted their education, employment, and healthcare access. The Citizenship Amendment Act 2019 (CAA) excluded Muslim refugees like Samira leaving her in a state of perpetual limbo. Partition refugees despite their initial struggles, eventually integrated into Indian society, whereas contemporary refugees such as Afghans remain stateless due to restricted immigration policies. The CAA's selective inclusion of non-Muslim refugees underscores the intersection of politics and migration policy.

The case of Samira Faizi illustrates the enduring impact of forced migration on individuals and their descendants, which led to them facing structural barriers preventing their integration. By providing a legal framework for refugees granting them education, employment, and healthcare, and expanding the scope of CAA. By acknowledging their challenges India can move towards more of a more inclusive refugee.

Challenges faced by Rohingya women refugees during COVID-19.

The COVID-19 pandemic posed unprecedented challenges worldwide, but its impact was particularly severe on the displaced population. Among the most affected were the Rohingya refugees in Cox's Bazar Bangladesh. Mobina Khatun, a 45-years-old Rohingya woman volunteer in the Ukhiya sector of Cox's Bazar Bangladesh says "We are afraid because we have nothing as we live in a very congested area, if there is limited access to medical treatment and the virus comes here, we

⁶<https://pulitzercenter.org/stories/seeking-refuge-story-two-women-i-know>

will all die. So, we need sufficient hygienic materials like soaps and masks along with doctors and nurses".⁷

As social norms and gender role in Rohingya communities limits women and girls' access to information, leaving them more vulnerable to the virus. Mobina and more than 20 other women volunteered and formed networks to raise awareness on COVID-19 across all campuses.

Rohingya women despite being the most marginalized, displaced resilience and leadership in protecting their communities. Their efforts underline the importance of empowering refugee women as key agents of change in crises. Moving forward it is essential to integrate gender-sensitive approaches in humanitarian aid, ensuring access to healthcare, information, and legal protection for stateless refugees.

Gender and Discriminatory impact of NRC and statelessness person in Assam.

The NRC was introduced to document legitimate Indian citizens in Assam and identify undocumented immigrants. The final list, released on August 31, 2019, excluded approximately 1.9 million people of Assam far-fetching consequences particularly for women and marginalized communities. The policy intended to establish Citizenship status had instead led to widespread exclusion forcing individuals into statelessness and refugee-like conditions.

One of the most glaring issues with the NRC process is its inherent gender bias. Historically, patriarchal structures have prevented women from possessing land deeds, birth certificates, or educational records. Many women, particularly those married before turning 18, lack documentation linking them to their families. The NRC's reliance on patrilineal legacy further exacerbates their exclusion, as women who identified their in-laws' family as their own were unable to retrieve necessary documents from their parental homes. Legacy data once submitted was frozen, making corrections impossible. Women faced discrimination at hearing centers, where officials primarily addressed male relatives. The mobility restrictions on women further hindered their ability to attend hearings held far from their homes.

1951 Refugee Convention resulted in significant rightlessness for refugees:

Women in South Asia, barriers to justice are omnipresent. Patriarchal legal systems, combined with limited access to representation and societal stigmas, ensure that their struggles remain invisible. The reluctance of South Asian nations to adopt the 1951 Refugee Convention and its 1967 Protocol leaves these women without legal safeguards, deepening their vulnerability to human rights violations.

The absence of a comprehensive Refugee Charter in the region has far-reaching consequences. Refugee women are often denied asylum, subject to systemic sexual exploitation, and excluded from formal justice mechanisms. Their voices are systematically silenced, perpetuating

⁷<https://asiapacific.unwomen.org/en/news-and-events/stories/2020/06/compilation-women-refugees-and-covid-19>

cycles of violence and exclusion. Yet, despite these adversities, refugee women have demonstrated remarkable resilience. Through education and community engagement, many have challenged patriarchal norms and asserted their identities, carving spaces of empowerment and hope.

The solutions to these challenges lie in policy reform and community-driven initiatives. South Asian nations must ratify the 1951 Refugee Convention and develop gender-sensitive refugee policies. International collaborations should be strengthened to combat trafficking and exploitation. Providing educational and economic opportunities tailored to refugee women's needs is imperative, as is establishing legal aid and mental health support systems within refugee camps.

Regional cooperation and adherence to international norms are imperative for creating a protective framework. By amplifying the voices of refugee women and implementing comprehensive reforms, South Asia can pave the way for a more equitable and humane future. Empowering refugee women not only upholds their rights but also strengthens the social fabric of the region, fostering a legacy of resilience and hope.

Comparative Analysis of Refugee Policies: Lessons for SAARC from ASEAN:

In Southeast Asia, a Rohingya refugee arriving in Malaysia might receive a UNHCR card, granting limited access to work and healthcare. In the Philippines, national laws provide formal protection. While ASEAN lacks a regional refugee convention, its countries have adopted practical measures, influenced by human rights frameworks like the **ASEAN Human Rights Declaration (2012)** and cooperation platforms like the **Bali Process (2002)**.

In contrast, South Asia presents a harsher reality. Refugees in India, Pakistan, and Bangladesh are often labeled as illegal migrants, with no legal status or protection. SAARC lacks a unified approach to refugees, and its member states prioritize security concerns over humanitarian needs⁸. Unlike ASEAN, SAARC offers no regional dialogue or cooperation on displacement, leaving refugee policies restrictive and fragmented.

What can SAARC learn? ASEAN's flexible, cooperative approach—through informal protections, non-refoulment principles, and limited refugee work rights—has led to better refugee conditions.⁹ If SAARC creates a regional dialogue platform, adopts a human rights-based approach, and allows basic rights like work and education, it can turn the page toward a more humane refugee policy.

⁸South East Asia

⁹[ds/2023/11/ASEAN_Declaration_on_the_Protection_of_Migrant_Workers_Family_Members-in-Crisis-Situation-and-its-Guidelines.pdf](https://www.asean.org/wp-content/uploads/2023/11/ASEAN_Declaration_on_the_Protection_of_Migrant_Workers_Family_Members-in-Crisis-Situation-and-its-Guidelines.pdf)

TABLE

Aspect	Southeast Asia (ASEAN)	South Asia (SAARC)
Legal Framework for Refugees	No regional refugee convention, but the ASEAN Human Rights Declaration (2012) upholds basic human rights. Some states (e.g., the Philippines) provide legal protections under national law.	No regional refugee convention; SAARC lacks a unified refugee policy, relying instead on national laws, many of which classify refugees as "illegal migrants" (e.g., India's Foreigners Act, 1946).
Ratification of the 1951 Refugee Convention & 1967 Protocol	Only a few ASEAN countries (e.g., Cambodia, the Philippines) have ratified, but non-signatories (e.g., Thailand, Malaysia) offer some protections through ad hoc policies.	No SAARC country has ratified the 1951 Refugee Convention, and policies remain highly restrictive, often criminalizing refugees.
Recognition of Stateless Persons	Some progress through the ASEAN Convention Against Trafficking in Persons (2015), addressing statelessness, especially among Rohingya and other displaced groups.	No SAARC-wide effort to address statelessness. Countries like India, Bangladesh, and Pakistan do not have comprehensive legal frameworks for stateless persons.
Refugee Registration & Documentation	Countries like Malaysia provide UNHCR refugee cards, allowing limited access to work and healthcare. The Philippines has the 2012 Refugee and Stateless Persons Protection Act, ensuring legal protection.	Registration varies by country. Bangladesh registers Rohingya as "forcibly displaced Myanmar nationals" (2015), while India and Pakistan classify most refugees as "illegal migrants," restricting rights.
Access to Employment & Livelihoods	Some ASEAN countries, such as Indonesia and Malaysia, permit informal work for refugees with UNHCR documentation. The Philippines allows legal employment under national law.	Most South Asian countries deny work rights to refugees. In India, Pakistan, and Bangladesh, refugees often work informally with no legal protections.

Aspect	Southeast Asia (ASEAN)	South Asia (SAARC)
Protection for Refugee Women	ASEAN Human Rights Declaration (2012) and ASEAN Commission on Women and Children (ACWC) promote women's rights, though enforcement varies by country. Some states address gender-based violence through national laws.	No SAARC-wide framework addressing refugee women's rights. Refugee women face heightened risks of trafficking, forced marriage, and gender-based violence, with limited legal protection.
Right to Education	Varies by country; Malaysia and Thailand have policies allowing refugee children to attend public schools, though implementation is inconsistent. The Philippines grants education rights to refugees.	Limited access; in Bangladesh, Rohingya children lack formal schooling. In India and Pakistan, refugee children face bureaucratic hurdles in accessing education.
Non-Refoulement Protections	Some ASEAN states, like Indonesia and Thailand, follow non-refoulement principles de facto, despite not ratifying the 1951 Refugee Convention.	No legal commitment to non-refoulement. India has deported Rohingya refugees, and Pakistan has forcibly repatriated Afghan refugees, violating international norms.
Regional Cooperation	ASEAN promotes diplomatic engagement, but responses to refugee crises remain state-driven. The Bali Process (2002) provides a cooperative platform for migration and trafficking.	SAARC has no structured mechanism for refugee cooperation. Member states prioritize national security over refugee rights, lacking a unified response.

CONCLUSION:

The plight of female refugees in South Asia is a complex journey one of a silent endurance, of navigating a world that refuses to see her. From the blood-soaked memories of the 1947 partition to the mass displacement of today, history has rarely been kind to her. She carries the weight of war, political turmoil, and statelessness, all while battling the deeply entrenched patriarchy that limits her voice and choices. Whether she is a Rohingyawoman in Bangladesh, an Afghan refugee in Pakistan, or a displaced Tamil in India, her struggle remainseerily similar – fighting for recognition, safety,

and dignity in a land that often considered her an outsider.

The absence of legal protection only amplifies her vulnerability. South Asia has never embraced the **1959 REFUGEECONVENTION**, leaving millions of refugees in a state of legal limbo. Instead of offering sanctuary from the government across the region has classified refugees as **illegal migrants**, stripping them of rights and exposing them to exploitation. India's **Foreigners Act of 1946** criminalizes their very existence, while Pakistan's proof of registration cards. Served as tools of service rather than protection. In Bangladesh, over 250,000 unregistered Rohingya women and children are left without access to food and medical care, their lives dedicated by bureaucratic labels. statelessness is not just the legal term for them – it is an everyday reality, robbing them of opportunities and silencing their cries for justice.

The dangers refugee women face extend far beyond legal exclusion. their body has often been turned into battlegrounds – whether through the mass race of partition or the weaponization of sexual violence in Myanmar. Even within a refugee camp, where safety should be granted, they remain at risk of trafficking, domestic abuse, and post marriages, the COVID-19 pandemic made their plight even worse, with lockdown increasing their vulnerability with gender-based violence delimiting their access to basic healthcare. Yet, despite these hardships, stories of resistance emerged. **Mobina Khaton**, a 45-year-old Rohingya refugee in Bangladesh, refuses to remain silent. along with other women, she formed an awareness, network to educate her community on covid 19 safety majors. Her story is a testament to the strength and leadership of refugee women, who, even in the face of unimaginable hardship, refuse to surrender to despair.

Identity politics further complicates their struggles. Governments across South Asia used citizenship as a tool of inclusion and exclusion. **India's Citizenship Amendment Act (CAA)** selectively grants asylum to certain indigenous groups while deliberately excluding Muslims like Sameera Faizi, an Afghan refugee who sought safety in India, only to find herself in legal limbo. meanwhile, in Assam **the National Register of Citizens (NRC)** has left nearly 1.9 million people stateless with women bearing the brunt of this exclusion due to patriarchal norms that deny them independent legal documentation while **ASEAN** nations in Southeast Asia have made some progress in offering refugees limited work rights and legal protection, **SAARC** countries in south Asia continues to criminalize and deport displaced populations. the path forward is clear. South Asia must ratify the 1951 refugee convention and establish a legal framework that recognizes and protects displaced women. Refugee women's resilience is a reminder that they are not just victims of displacement – they are survivors

References:

1. Academic Article:

- Health and Human Rights Journal. **Fault Lines of Refugee Exclusion: Statelessness, Gender, and COVID-19 in South Asia**. Retrieved from

<https://www.hhrjournal.org/2021/05/16/fault-lines-of-refugee-exclusion-statelessness-gender-and-covid-in-south-asia>

2. Report

- UN OCHA. **Good Practices Brochure: Stateless Women and Girls**. Retrieved from <https://www.unocha.org/publications/report/bangladesh/good-practices-brochure-stateless-women-and-girls>

3. Legal Review

- Law Audience. **Refugee Women in India: Abuses and Rights**. Retrieved from <https://www.lawaudience.com/refugee-women-in-india-abuses-and-rights>

4. Research Paper

- Institute for Global Governance. **Women and Peacebuilding Narratives from South Asia**. Retrieved from <https://igg-geo.org/en/2022/02/07/women-and-peacebuilding-narratives-from-south-asia>

5. Blog Article

- University of Melbourne. **Risks of Stigmatizing Stateless People through Association and Conflation**. Retrieved from <https://law.unimelb.edu.au/centres/statelessness/research/critical-statelessness-studies-blog/risks-of-stigmatising-stateless-people-through-association-and-conflation-noxious-nexus-with-sexual-violence-and-terrorism>

6. Historical Article

- Graduate Institute Geneva. **The Partition of British India (1947)**. Retrieved from <https://www.graduateinstitute.ch/communications/news/partition-british-india-1947>

7. News Article

- Pulitzer Center. **Seeking Refuge: A Story of Two Women**. Retrieved from <https://pulitzercenter.org/stories/seeking-refuge-story-two-women-i-know>

8. UN Report

- UN Women. **Compilation of Women, Refugees, and COVID-19**. Retrieved from <https://asiapacific.unwomen.org/en/news-and-events/stories/2020/06/compilation-women-refugees-and-covid-19>

9. Policy Paper

- ASEAN. **Comparative Refugee Policies: ASEAN and SAARC**. Retrieved from https://asean.org/wp-content/uploads/2023/11/ASEAN_Declaration_on_the_Protection_of_Migrant_Workers_Family_Members-in-Crisis-Situation-and-its-Guidelines.pdf

10. Amnesty International Report

- Amnesty International. **Rohingya Women in Myanmar: Human Rights Violations**. <https://www.amnesty.org/en/latest/news/2024/10/myanmar-bangladesh-rohingya-community-facing-gravest-threats-since-2017/>

11. World Economic Forum

- World Economic Forum. **The Impact of Statelessness on Women and Children**. <http://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEA%20Asia/Docs/Publications/2021/05/ap-GiHA-Brochure-Stateless-Women.pdf>

12. UNICEF Report

- UNICEF. **The Plight of Stateless Children in South Asia.**<https://www.unicef.org/rosa/media/17711/file/Children%20on%20the%20Move%20in%20South%20Asia:%20Regional%20Brief.pdf>

13. The Diplomat

- The Diplomat. **India's Citizenship Amendment Act (CAA) and the NRC: Impact on Refugees.**<https://thediplomat.com/tag/citizenship-amendment-act/>

14. Foreign Policy Analysis

- Migration Policy Institute. **Statelessness and the Lack of Legal Protection for Refugees.**<https://www.statelessness.eu/issues/stateless-refugees-and-migrants>

15. Human Rights Watch Report

- Human Rights Watch. **Discrimination Against Refugee Women in India, Pakistan, and Bangladesh.**<https://www.hrw.org/topic/refugees-and-migrants>

16. UNHCR Gender Report

- UNHCR. **Gender and Displacement: Women's Rights in Refugee Camps.**<https://www.unhcr.org/what-we-do/protect-human-rights/safeguarding-individuals/women>

17. The Conversation

- The Conversation. **How South Asia's Refugee Policies Fail Women.**

<https://documents1.worldbank.org/curated/en/447911643215960323/pdf/Key-Challenges-for-Refugee-Policies-and-Programs-A-Gender-Perspective.pdf>

