MAKING THE REFUGEE CONVENTION GENDER SENSITIVE: THE CANADIAN GUIDELINES

A. Introduction

Human rights violations committed against women have become an increasingly high priority on the international agenda.[1] Rape, "honour killings", bride-burning, genital mutilation, forced sterilisation, forced abortion, domestic violence are all acts of violence regularly committed against women. What makes women the target of such acts is primarily if not exclusively their sex. Membership of the female sex is what creates the risk. Women have been afforded minimal redress in international fora and this has been particularly true within the context of refugee determination. Women and children make up the majority of the world's refugee population[2] yet, because of their comparative lack of mobility, the refugee jurisprudence which has evolved has been based primarily on the experiences of men. However, women often fear persecution for reasons different from men, and when they do fear persecution for the same reason as men they often experience the persecution differently. There is evidence that contemporary refugee law is becoming gender sensitive. In March 1993 the Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution were issued by the Chairperson of the Canadian Immigration and Refugee Board.[3] The Guidelines were novel in that their promulgation made Canada the first country to recognise formally that cognisance should be given to claims by refugee applicants of alleged gender-

1. "The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights ... Gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person, and must be eliminated." Vienna Declaration and Programme of Action, adopted following the UN World Conference on Human Rights, Vienna, June 1993. For full text of Action Programme see 14 H.R.L.J. 353. See also Arts.1 and 2 of GA Res.48/104 containing the Declaration on the Elimination of Violence Against Women (23 Feb. 1994) (1994) 33 I.L.M. 1049; see also Art.5(g) of the Statute of the International Tribunal for Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia (1993) 32 I.L.M. 1159 and Art.3 of the Statute of the International Tribunal for Rwanda (established by Security Council Res.955(1994) (1994) 33 I.L.M. 1598 in which rape is designated as a crime against humanity. For a regional instrument see Organisation of American States: Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994) 33 I.L.M. 1534. The Fourth World Conference on Women held in Beijing from 4–15 Sept., 1995 identified violence against women as a critical area of international concern.

2. It is estimated that women and children make up some 80% of the world's refugee population. Conservative estimates put that figure at 19 million and this figure does not include displaced persons made homeless within their own country, of whom it is estimated there are some 25–30 million.

3. Guidelines issued by the Chairperson pursuant to s.65(3) of the Immigration Act, Immigration and Refugee Board, Ottawa, Canada, 9 Mar. 1993. The Guidelines were the first issued pursuant to the Immigration Act (Bill C–86) as enacted by S.C. 1992, c.49—amending existing immigration legislation and granting the IRB Chairperson legislative authority to issue Guidelines to assist IRB members and adjudicators in carrying out their duties in respect of a particular issue or set of issues. The Gender Guidelines were the first to be issued by the IRB Chairperson, Mrs Mawani.

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related persecution. This short article will identify the *raison d'être* of the Guidelines, articulate their principal characteristics and assess their impact both within Canada and beyond.

B. International Refugee Law

The 1951 Geneva Convention and the 1967 Protocol[4] are the relevant international instruments governing the determination of refugee status but the assessment of who fulfils the criteria for recognition as a Convention refugee is the task of the contracting State in whose territory the claimant applies for refugee status. A refugee for the purposes of the Convention definition is a person who:[5]

> 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, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality, and being outside the country of his former habitual residence as a result of such events, is unable, or owing to such fear, is unwilling to return to it.

The Convention definition is gender neutral. It does not include gender as an independent enumerated ground for a well-founded fear of persecution meriting characterisation as a Convention refugee.

The Canadian Guidelines represent a move away from a position of gender neutrality to one of gender inclusiveness, and seek to ensure that gender-related claims are handled and analysed with greater sensitivity from both a procedural and a substantive perspective. The Guidelines were not a lone cry in the wilderness but were, rather, issued against a growing international recognition that a woman should not be denied refugee status merely because the nature of her persecution is different from that of a man.[6]

C. The Guidelines

The Guidelines essentially provide a framework of analysis for adjudicators in the handling of gender-related persecution claims. The Guidelines address "four criti-

4. 1951 Convention Relating to the Status of Refugees, 189 U.N.T.S. 150; Protocol Relating to the Status of Refugees, 606 U.N.T.S. 267.

5. Art.1.A(2), 1951 Convention as amended by Art.1.2, 1967 Protocol.

6. The UN High Commission for Refugees (UNHCR) has recognised the plight of female refugees and "strongly condemns persecution through sexual violence, which ... is also a particularly serious offense to human dignity" and "supports the recognition as refugees of persons whose claim to refugee status is based upon a well-founded fear of persecution, through sexual violence, for reasons of race, religion, nationality, membership of a particular social group or political opinion"; and accordingly recommended the development by States of appropriate guidelines on women asylum-seekers, "in recognition of the fact that women refugees often experience persecution differently from refugee men" and the importance of initiating procedures for the "determination of refugee status whereby asylum-seekers who may have suffered sexual violence are treated with particular sensitivity": UNHCR Executive Committee Conclusion (EXCOM) No.73 (XLIV)(1993). See also Guidelines on the Protection of Refugee Women and in particular para.54 (UNHCR, July 1991). Platform of Action (Beijing 1995) Strategic Objective D.1., para.128 calls upon governments, international organisations and non-governmental organisations to encourage the dissemination and implementation of relevant UNHCR Guidelines and Recommendations on the Protection of Refugee Women.

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cal issues" which are identified as being characteristic of most gender-related claims, viz. the nature and the grounds of the alleged persecution; assessment of the harm feared; the key evidentiary issues; and the special problems encountered at determination hearings.

1. Determining the nature and the grounds of the persecution

The first task confronting adjudicators is to identify the nature of the persecution feared by the claimant. The Guidelines identify four broad categories of persecution generally experienced by women, although these are neither mutually exclusive nor exhaustive.[7] Women refugee applicants may experience persecution on the same Convention grounds, and in similar circumstances, as men;[8] on the basis of kinship;[9] severe discrimination on grounds of gender or acts of violence either by public authorities or at the hands of private citizens from whose actions the State is either unwilling or unable to afford adequate protection; for failure to conform to, or for transgressing, certain gender-related discriminating religious or customary laws and practices in their country of origin.[10] The Guidelines differentiate between persecution feared on grounds other than membership of a particular social group, and persecution feared by virtue of membership of a particular social group. Accordingly, the Guidelines address an issue which has been a problem of considerable complexity for women refugee applicants—establishing membership of a "particular social group". The Refugee Convention is silent on what constitutes a "particular social group".[11] The term has, however, been the focus of some judicial consideration,[12] and with regard to gender-related persecution the 1993 decision of the Canadian Supreme Court in the case of *Ward*[13] is

7. Guidelines, p.2.

8. The risk factor is not sexual status *per se* but, rather, the woman's particular identity (i.e. racial, national or social) or what she believes in or is perceived to believe in (i.e. religion or political opinion).

9. Because of the status, activities or views of their spouses, parents, siblings or other family members.

10. Such laws and practices, by singling out women and placing them in a more vulnerable position than men, may create conditions precedent to a gender-defined social group.

11. The term was included without discussion on the initiative of the Swedish delegate. The *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status* (Jan. 1992), para.77 characterises a "particular social group" as one normally comprising "persons of similar background, habits or social status. A claim to persecution under this heading may frequently overlap with a claim to fear of persecution on other grounds, i.e. race, religion or nationality."

12. An analysis of the existing jurisprudence of the interpretation of "particular social group" is outside the scope of this article. For a brief overview of some relevant decisions, UK and foreign, see Michael Haran, "Social Group for the Purposes of Asylum Claims" (1995) 9 Imm. and Nat.L and P. 64. For a comprehensive analysis of the term see the decision of Justice Sackville in *Minister for Immigration and Ethnic Affairs* v. *Respondent A and Ors* Federal Court of Australia New South Wales District Registry General Division, No.NG 327 of 1994.

13. *Ward* v. *Canada (Minister of Employment and Immigration)* [1993] 2 S.C.R. 689.

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worthy of mention.[14] In that case the Court held[15] that the meaning assigned to "particular social group" should take into account "the general underlying themes of the defence of human rights and anti-discrimination that form the basis for the international refugee protection initiative" and accordingly identified three possible categories of "particular social group", viz.:

(1) groups defined by an innate or unchangeable characteristic;
(2) groups whose members voluntarily associate for reasons so fundamental to their human dignity that they should not be forced to forsake the association; and
(3) groups associated by former voluntary status, unalterable due to its historical permanence.

Category (1) is the pertinent one for women alleging gender-related persecution as it was held to "embrace individuals fearing persecution on such bases as gender, linguistic and sexual orientation".[16] What is the role of gender in the creation of a particular social group?[17] In seeking to establish a "particular social group" the Guidelines provide that what is relevant is that the group "suffers or fears to suffer severe discrimination or harsh and inhuman treatment that is distinguished from the situation of the general population, or from other women". A sub-group of women can be identified by reference to the fact of their exposure or vulnerability—for physical or other reasons—to violence, including domestic violence, in an environment that denies them protection. These women face violence amounting to persecution because of their particular vulnerability as women in their societies and because they are so unprotected. It is irrelevant that "the particular social group consists of large numbers of the female population in the country".[18] Notwithstanding membership of a social group, a claimant requires to demonstrate that she has a genuine fear of harm; that her gender is the reason for the feared harm; that the harm is sufficiently serious to amount to persecution; that

14. See also dissenting opinion of La Forest J (who set forth the general guidelines for determining "particular social group" in *Ward*, *ibid*) in the decision of *Chan* v. *Minister of Employment and Immigration* Supreme Court of Canada decision of 19 Oct. 1995 at para.83: "only a working rule was enunciated in *Ward*, not an unyielding deterministic approach to resolving whether a refugee claimant could be classified within a particular social group. The 'general underlying themes of the defence of human rights and non-discrimination' were to remain the paramount consideration in determining a claimant's membership in any particular social group."

15. *Ward*, *idem*, para.77.

16. *Ibid*.

17. The issue of women who fear persecution because they have violated the social mores of the society in which they live has been addressed by the European Parliament and the Executive Committee of the UNHCR. Both call for such women to be recognised as a "particular social group": see Resolution of the European Parliament, 13 Apr. 1984 (1984) O.J. C127/137 (14 May) and UNHCR EXCOM Conclusions No.39 (XXXVI)(1985).

18. Religion, nationality and political opinion are also characteristics that are shared by large numbers of people.

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there is a reasonable possibility of the feared persecution occurring if she is returned to her country of origin; and, finally, that she has no reasonable expectation of adequate national protection.

2. *Assessing the feared harm*

The jurisprudence on "persecution" has been formulated in relation to male experience, and persecution as jurisprudentially understood has not traditionally taken account of female-specific experiences. Thus, women refugee applicants encounter difficulties in establishing whether the various forms of prejudicial treatment or sanctions imposed on women fall within the scope of "persecution". The Guidelines emphasise that it is important to establish that the violence—real or feared—is a serious violation of a fundamental human right so as to constitute a Convention ground and that there is an absence of State protection. The test for establishing persecution should be determined by reference to international instruments such as the Universal Declaration of Human Rights,[19] the International Covenant on Civil and Political Rights,[20] the International Covenant on Economic, Social and Cultural Rights,[21] the Convention on the Elimination of All Forms of Discrimination Against Women,[22] the Convention on the Political Rights of Women[23] and the Convention on the Nationality of Married Women.[24] The burden on the claimant is to establish that the policy or law complained of is inherently persecutory; is used as a means of persecution for one of the enumerated reasons; is administered through persecutory means albeit having legitimate goals; or the penalty for non-compliance is disproportionately severe. The Guidelines do not open the door to claims based exclusively on a woman's objection to national policy or law.

3. *Evidentiary matters*

The evidence advanced supporting a claim of gender-related persecution must demonstrate a genuine fear based on a Convention reason as distinguished from a fear of random violence or criminal activity perpetrated against the woman as an individual. The weight and credibility of the claimant's evidence should be evaluated in the light of a number of salient considerations, including, *inter alia*, the following: gender-related claims should not be rejected simply because within the country of origin women face generalised oppression and violence and the claimant is unable to establish fear of persecution on the basis of an individualised set of facts; a gender-related claim involving threats of or actual sexual violence at the hands of authorities (or private citizens not susceptible to State control) may be difficult to prove due to the lack of any "substantial data" on the incidence of

19. GA Res.217(111).
20. U.K.T.S. 6 (1977) Cmnd.6702.
21. *Ibid.*
22. GA Res.34/180, GAOR 34th Sess., Supp.46, p.193.
23. U.K.T.S. 101 (1967) Cmnd.3449.
24. U.K.T.S. 59 (1958) Cmnd.601.

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sexual violence in the country concerned; cognisance should also be given to the lack of protection afforded by the State either through an unwillingness or an inability on its part.

4. Special problems at determination hearings

Women may face problems not encountered by men regarding the credibility and trustworthiness of their evidence—a fact that is acknowledged in the Guidelines. Such difficulties may arise because of cross-cultural misunderstanding, for example women may be reluctant to talk of sexual violence because it is seen as shameful and dishonouring the family as a whole; men may not necessarily share details of their political, military or even social activities with their spouses, daughters or mothers and, consequently, such women may find themselves in a difficult situation when questioned about the activities of their male relatives. The Guidelines stress that sensitivity is required in dealing with women claimants due to the nature of their alleged persecution, and suggest the introduction of procedures such as evidence by affidavit or by videotape and, where possible, specifically trained hearing officers to deal with violence against women.[25]

The Guidelines provide immigration adjudicators with a six-point framework of analysis for handling gender-related claims. Claims must be assessed with regard to:

(1) the particular circumstances which have given rise to the fear of persecution (is the form of harm feared one that is directed at or experienced predominantly by women?);
(2) the general conditions in the claimant's country of origin;
(3) the seriousness of the treatment which the claimant fears;
(4) whether the fear of persecution is for a Convention reason;
(5) the availability of State protection; and
(6) whether the fear of persecution is well founded.

D. Impact of the Guidelines

The Guidelines have not altered the law for the determination of refugee status under Canadian law.[26] Indeed this was not their aim. Their aim was to raise awareness of the problems peculiar to and the special needs of women refugee applicants. The Guidelines have not altered the standard that must be satisfied for Convention refugee status but have, rather, enabled the existing law, viz. the Convention, to be interpreted in such a way as to afford protection to women applicants who previously would have been excluded from the ambit of the Convention. This has been achieved through a widening of the interpretation of "persecution" and "particular social group", and an endorsement that the perpetrator of the persecution may be a private person.[27] Persecution has been inter-

25. Members should also be familiar with the UNHCR Executive Committee Guidelines on the Protection of Refugee Women.

26. The Canadian Immigration Act R.S.C. 1985 incorporates the Convention definition of "refugee".

27. This is in line with *UNHCR Handbook*, *op. cit. supra* n.11, at para.65; see also *Ward*, *supra* n.13.

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preted to encompass "wife abuse",[28] "forced sterilisation",[29] "female genital mutilation"[30] and "forced prostitution".[31] In these cases the "particular social group" has been defined, respectively, as "unprotected Ecuadoran women subject to wife abuse", "women who have more than one child and are faced with forced sterilisation", "women" and "new citizens of Israel who are women recently arrived from elements of the former Soviet Union and who are not yet well integrated into Israeli society, despite the generous support offered by the Israeli government, who are lured into prostitution and threatened and exploited by individuals not connected to government, and who can demonstrate indifference to their plight by front line authorities to whom they would normally be expected to turn for protection". The inclusion of domestic violence represents a first[32] in refugee law. The Guidelines have been employed by the Canadian authorities to afford State protection against conduct which had previously been characterised as "personal and private".[33] Inclusion of domestic violence as a form of persecution may raise alarm as it may be perceived as a "dangerously" extensive widening of "persecution". Such alarm is unfounded. Women alleging that they are the victims of spousal violence are still required to demonstrate that their country of origin is either unwilling or unable to afford protection.[34] The decision characterising female genital mutilation as persecution represents a landmark, it being the first occasion that a national determination body had designated female circumcision as persecution. The panel members are to be commended for their stance—however, their characterisation of "women" *per se* as a particular social group was unfortunate and unnecessarily wide. The social group could have been more restrictively defined as "women from Somalia".[35] Jurisprudentially this would have been more acceptable and more in the spirit of the Guidelines. The characterisation of a particular social group will depend on the prevailing circumstances, and each case will be decided on its own merits.

28. C.R.D.D. No.U92-08714, *Maraj and Shuter*, 4 June 1993.

29. *Cheung* v. *Canada (Minister of Employment and Immigration)* (1993) 19 Imm.L.R. (2d) 81.

30. T93-12197/12198/12199—*Ramirez, McCaffrey* 13 July 1994.

31. *Litvinov* v. *Secretary of State of Canada* Decision of Federal Court of Canada, 30 June 1994.

32. Immigration Judge Nejelski in Arlington, Virginia granted political asylum to a Jordanian woman on the grounds that her government failed to protect her from her husband's physical assault, reported in *New York Times*, 27 May 1995.

33. For further discussion of State responsibility to victims see Ariel Sallows Lecture 1994, "Men, Their Rights and Nothing More; Women, Their Rights and Nothing Less", delivered by the author at the University of Saskatchewan, 14 Mar. 1994 and printed in (1994) 58(1) Sask.L.Rev. 217; also R. M. M. Wallace, "*Ward* v. *Canada*: A Glimmer of Hope for Victims of Domestic Violence" (1995) 4 Juridical Rev. of Scotland 390.

34. Note e.g. [1993] C.R.D.D. No.145 *Howson and Griffith*, 30 Aug. 1993 in which the applicant was denied Convention refugee status on the ground that although Israel previously had not afforded protection against spousal abuse this was no longer the case and consequently the applicant was unable to demonstrate an ongoing fear of persecution.

35. Estimates are that 98% of Somali women have undergone FGM: *Somalia, Women's Human Rights*, Human Rights Internet (HRI) Occasional Paper Series, Apr. 1994.

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The status of the Guidelines is such that, if the Immigration and Refugee Board fails to address specifically in its reasons the gender-based persecution allegedly suffered by the applicant, it will be deemed to have "committed an error of law".[36]

As to the impact of the Guidelines, in terms of the number of gender-based claims received, the forecast of opponents that Canada would be confronted with queues of women refugee applicants has not been realised. Statistics released by the Immigration and Refugee Board for 1994 show that 328 gender-related claims were decided and 210 of them were decided in the affirmative.

There was a 100 per cent acceptance level for women applicants from Somalia and Bangladesh, and for women from Iran, from where the majority of women applicants came, an acceptance rate of 85 per cent.

The Guidelines represent a tool at the disposal of immigration adjudicators and provide a degree of flexibility in the interpretation of the Convention. The *raison d'être* of the Guidelines is to facilitate a gender-sensitive interpretation of existing refugee law while remaining within the parameters of the Convention.

E. Impact of the Guidelines Beyond Canada

The most tangible evidence of the impact of the Guidelines is the introduction by the United States Immigration and Naturalisation Service (INS) of Asylum Gender-Based Guidelines. The guidelines, issued on 26 May 1995, are specifically designed to assist asylum officers in the evaluation of asylum claims by women alleging gender-based persecution. The INS acknowledges that the "new guidance is an outgrowth of guidelines issued by Canada in 1993", and highlights that, "more than two years after their release, the Canadian guidelines remain a model for gender-based asylum adjudicators".[37] The American Guidelines are immediately effective and, like their Canadian counterpart, seek to "educate asylum officers about gender-based discrimination and provide them with procedures and methods for evaluating whether individual claims meet the refugee standard".[38] The adoption of the Guidelines by the INS is a further indication that US immigration law is becoming gender sensitive; the Violence Against Women Act[39] enacted by Congress in September 1994 allows immigrant women living in the United States to leave an abusive husband without risking deportation; the Organisation of American States designated rape as torture, and its "widespread, open

36. *Mohamed* v. *Secretary of State of Canada* Decision of Federal Court of Canada, 14 Feb. 1994.

37. "INS Distributes New Asylum Gender-Based Guidelines", News Release, US Department of Justice (INS), 26 May 1995. See also R. M. M. Wallace, "Considerations for Asylum Officers Adjudicating Asylum Claims from Women: American Guidelines" (1995) 9 Imm. and Nat.L. and P. 116.

38. INS Commissioner Doris Meissener, *Washington Post*, 27 May 1995. Note however decision of 25 Aug., 1995 in which INS Judge Ferlise (Philadelphia, Penn.) denied that the imminent threat of genital mutilation constituted "persecution" for the purposes of Convention refugee status. The case was appealed to the Board of Immigration Appeals and a decision is anticipated in the summer. Case of *Fauziya Kasinga* reported in the Independent, 6 May, 1996. Cf Decision of INS Judge Nejelski, (Arlington, Virginia) in August 1995 who when granted political asylum to a woman from Sirra Leone held that "Forced female genital mutilation clearly merits being recognised as a form of persecution." Reported in ASIL, Human Rights Interest Group Newsletter, Vol.6, No.1 at p.7.

39. 1993 H.R. 1133.

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and routine" use as a crime against humanity under customary international law;[40] in May 1995 the Board of Immigration Appeals designated as binding precedent a 1993 case recognising rape as persecution.[41]

The Guidelines have not received such a favourable reception in Britain, as is illustrated in a decision of the Immigration Appeal Tribunal of June 1994.[42] The Tribunal unequivocally denied the relevance of evidence such as the Canadian Guidelines and Canadian decisions defining "particular social group" in gender terms:[43]

> None of those foreign conclusions or comments is binding on us. Moreover they indicate that the social groups there identified are on the very boundaries of the guidance by UNHCR. It is open clearly to any country, of its own motion, to extend the limits within which it will recognise individuals as refugees, but that does not mean that such enlargements become precedents elsewhere.

The case came before the Tribunal on appeal by the Home Office against the decision of a Special Adjudicator granting the respondent refugee status on the ground that she feared persecution from her father by virtue of her being a member of a particular social group: "those who are subject to physical attack as the result in particular of being female children of a person who expresses his institutionalised attitude to women in the form of physical attacks which fall within the category of inhuman or degrading treatment".[44] The Tribunal finding for the Home Office denied that ill-treatment within a particular family could lead to the creation of a social group. The Tribunal also maintained that no evidence had been advanced to the effect that the Iranian authorities would not have offered protection to members of a family at risk of extreme violence. With respect to gender, one of the grounds of appeal submitted by the Home Office was that "gender alone is too broad a category to apply: 'persecution' cannot be on the basis of gender alone but must relate to the applicant's race, religion, nationality or political opinion". The issue of gender-related persecution was not addressed by the Tribunal as the respondent's representative conceded that gender *per se* was not a basis for the claim. The Special Adjudicator demonstrated a receptiveness to gender-based claims and a willingness to give consideration to developments in other jurisdictions which were not shared by either the Home Office or the Appeal Tribunal.

F. Conclusion

Although the interpretation of the Refugee Convention remains the prerogative of contracting parties, it is important that the law evolves to ensure protection to all applicants (irrespective of their sex) experiencing a genuine fear of per-

40. "Communication Respecting the Violations of Human Rights of Haitian Women", Organisation of American States Inter-American Commission on Human Rights.

41. *Case of Re:* ——, *Krome* (B.I.A., 25 May 1993).

42. *The Secretary of State for the Home Department (Appellant)* v. *Fatemah F. Ranjbar (Respondent)* Immigration Appeal Tribunal, Chairman R. E. Maddison. Determination notified 28 June 1994 (unrep.).

43. *Ibid.*

44. The respondent's representative did not support the definition of the social group adopted by the adjudicator and advanced the relevant social group as "Those who due to their socially weak position are without the opportunity to apply for protection of the authorities."

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secution. This is essential if the principle of *non-refoulement*[45] is to be upheld. A gender-sensitive approach to refugee applicants does not involve a lowering of standards regarding refugee determination. The same stringent tests must be satisfied, and the burden of proof on the applicant remains high. The Canadian Guidelines have demonstrated, and continue to demonstrate, that the Convention can be interpreted to include all deserving of protection and that women need not be discriminated against merely because the persecution they experience is different from that of men.

It is to be hoped that the Canadian Guidelines will help change attitudes towards women refugee applicants, that the Guidelines will be the model they were for the United States and that other countries will follow the American example and issue national guidelines recognising the gender-specific requirements of refugee claimants.

REBECCA M. M. WALLACE*

45. "No Contracting State shall expel or return ('*refouler*') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion": Art.33, Geneva Convention Relating to the Status of Refugees.

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