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Research Paper

SYRIAN WOMEN REFUGEES AND THEIR HUMAN RIGHTS' PROTECTION – RECENT EVENTS AND CHALLENGES

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ABSTRACT

The author in this research work is going to consider Syrian women refugee's Human Rights status and their effective protection through international Human Rights guidelines. In this regard, according to international Amnesty in 2016, about 60 percent of the populations on move are women and children and this means that more women and children risk and lose their lives in the Mediterranean Sea and on the land routes to Europe. It is regrettable to say that one- third of persons who died in the Mediterranean in January 2016, were women and children. As we know, female migration is not a new phenomenon but today it is increasing, in particular because of civil wars in Middle East. Among refugees, single women travelling alone, adolescent girls, pregnant and elderly women are particularly at risk and require a coordinated and effective protection response.

This is clear that women refugees still face common problem as other women refugees were suffered during previous decades like discrimination and Human Right violation in their countries of origin, during and after flight and even in different camp resettlements in countries of asylum. And the reason could be that the lack of legal autonomy under international dimension which make unable the Human Right Agencies and other related organization in creating a unified response to the women refugee crisis specially today for the Syrian women refugees. In this regard, there is need more steps to be taken to ensure that refugee women, especially those who are at risk to be identified and protected and special processes and services are put in place to ensure their basic rights, safety and security. In this regard, the 1951 Refugee Convention must be reformed through paying attentions more to women refugees and their special persecutions. Finally this research work will prove that Human rights of Syrian refugee women and girls need to be better protected.

KEYWORDS: Human Rights Conventions, Syrian Women Refugees, 1951 Refugee Convention, UNHCR.



INTRODUCTION

Women and children more likely become vulnerable to Human Rights abuses. Almost, most percent of women leave their home for the variety of reasons like wars and other forms of violence, political unrest and instability, Human Rights violation, severe forms of discrimination and they more likely become the victims of persecution due to religion, race and ethnic group and natural disaster in compare with men. In fact, over 80 percent of the worlds refugees are women and children. Unfortunately many of women refugees particularly during flight are vulnerable to rape and sexual torture and in some cases to domestic violence when they refuse to wear traditional dress or following their traditional customs. Despite these, gender does not appear at all in the main convention concerning refugees.

When we want to speak about the Human Rights of women apart from men, not only there is need to obtain sufficient information about the Human Rights conditions in their country of origin which provide them as refugees and to examine their Human Rights conditions in the refugee camps and settlements in the country of asylum but also there is need to speak about their Human Rights Status where they have begun a return journey home from country of asylum and during repatriation. But this is worth mentioning to say that, women refugees in compare with other types of immigrants and internal displaced people benefit from the several legal protections through international instrument and the 1951 Refugee Convention and also the special assistance of the UNHCR, only because they crossed the borders.

According to the international Human Rights conventions, women refugees must have the following Human Rights which are including; first; they must be able to reunite with their families who live in other countries and they must be able to continue to be independent persons with full legal capacity, for example a change in marital status should not result in a change in legal status and if a refugee woman divorces in her new country, her case for refugee status should continue to be judged independently and not linked to that of her husband, this case more being linked to those women who refuge individually. Secondly; they must have the right to safe return to their homes, but this must be particularly safeguarded in the case of refugee and displaced women, who are particularly vulnerable to rape, sexual assault and other forms of abuse. Thirdly; they must be protected from all forms of violence in

public and private life in flight and fourthly. In this regard, women must have women interviewers and interpreters, especially for those female asylum seekers who may have suffered sexual assault or violence and they must be given the opportunity for private and confidential interviews in asylum procedure. Fifthly; women refugee and displaced women likely face racism, discrimination and harassment, therefore, governments must adopt laws and implement measures to eradicate all forms of racism, xenophobia and homophobia, including institutionalized racism, and create channels for reporting, investigating, and prosecuting of violators and finally they must have access to full participation in the labour market and should be treated equally by law.¹

But as it mentioned above, women refugees' movement is not a new phenomenon but it is increasing recently, especially because of wars in Middle East since 2011, with this difference, women are the main target in this conflict in comparison to the past and single women, pregnant and nursing women, adolescent girls, and elderly women are still particularly at risk and require a coordinated and effective protection response. Therefore, there is need to study recent events in this regard and to speak about the operation of UNHCR and role of International Human Rights Conventions in effective protection of this vulnerable part of refugees who flee from Syria.

HUMAN RIGHTS LAW AND REFUGEE LAW

In fact, Human Rights are interdependent and equal and in certain situation from Refugee Law, and the violation of one particular right can lead to a whole series of other Human Rights violations. In general terms, the following Human Rights must be of particular concern towards refugees which are including:

- The rights to freedom of movement in or outside of the camp which will be very essential for them in accruing to cultivated fields, water sources and employment.
- Right to name and nationality through providing documentation paper which may become more important particularly when refugees want to return and they may need any proof of identity for the journey home.
- To provide economic, social and cultural rights.
- And access to education on which this right will have permanent affecting on the child's entire future adult life.

In practical situations, the conditions of refugees who are residing in camps near to border and

IDPs in camp environment in many ways are very similar particularly related to their Human Rights identical. In fact, International Refugee Law is part of a larger area of International Human Rights Law and also Human Rights Law constitutes the broad framework within which Refugee Law provisions should be seen. Refugees are entitled to two partially overlapping sets of rights: those rights accorded to them as individuals and guaranteed under International Human Rights standards and national laws of each country, and specific rights related to their status as refugees under International Refugee Law. This issue can be very clear related to protection of refugee from refoulment² which has stated in International Covenant on Civil and Political Rights, the Convention against Torture and in the Convention on the Rights of the Child frequently.³

In case of women refugees, it is regrettable to say that, many of women refugees before reaching the camp are already people who have suffered from serious Human Rights violation. In this regard; this is the responsibility of camps to represent an improvement upon the situation which they have fled. Therefore, in this context, the camps along with offering basic requirements of their life, like food, water, shelter, care and affection in respect of human rights, must provide some sort of security against the further Human Rights violation particularly for women refugees. Related to this issue, the Beijing Platform for Action and Refugee Women calls international attention to four realities about refugee women such as;

- 1- The increased burden of responsibility that women refugees face as a result of conflict, in paragraph 133.⁴
- 2- The particular vulnerability of women to gender specific violations of Human Rights while fleeing in paragraph 135.⁵
- 3- And women often experienced difficulty in some countries of asylum in being recognized as refugees when their claim is based on gender based related persecution in paragraph 136.⁶
- 4- And there is need to represent the women voice in policy making that affect them, including in process to prevent conflicts before they need for communities to flee in paragraph 137.⁷

Under the ICERD the government is obliged to prohibit discrimination based on "race, color, descent or national or ethnic origin"; however, it provides for the possibility of distinguishing between citizens and non-citizens. Therefore, this is very clear that non-discrimination on grounds of sex, gender, race, religion,

ethnicity and nationality is a core provision in all International Human Rights Instruments especially about those women who are not citizen. Moreover, The UNHCR guidelines and other documents devote sufficient space to addressing sexual and gender based violence. Although SGBV plagues all societies, but refugee women and girls are particularly at risk and they have little power where they are under Human Rights violation and rape, domestic violence, female genital mutilation, forced marriage, abduction, and sexual coercion. Hence the UNHCR has recognized the need to address these forms of abuse systematically.⁸

In 1995, UNHCR issued Sexual Violence Against Refugees: Guidelines on Prevention and Response (*Sexual Violence Guidelines*), affirming the responsibility of staff to prevent and provide protection to, and the obligation of governments to diligently prosecute, cases of sexual violence. The Sexual Violence Guidelines address these problems with specific recommendations for prevention, action, and survivor support. They offer basic, practical advice to field workers in the areas of medical treatment, psychological support, and legal intervention. This is noteworthy to say that the UNHCR also recognized that most incidents of sexual violence go unreported for reasons including shame, social stigma, and fear of reprisal which makes it difficult to investigate and fix the problem. The Sexual Violence Guidelines underscore the need for education, training, and information campaigns among refugee and host or other local populations, and emphasize that women have a particular need for training in legal awareness, leadership, and other skills.⁹

In effective protection of women and operation of UNHCR, there are many examples of good practices like Protecting Women's Health and offering Local Legal Assistance in Pakistan, protection officer systematically used national laws and human rights principles to benefit refugee cases in laws regarding divorce and child custody as well as sanctions against rape and domestic violence proved helpful for refugee women and children in Turkey, offering workshops on Human Rights, including Women's Rights devoted to rights discussions, including women's, children's, and refugee rights, within the framework of Universal Human Rights in different countries and offering the Joint Training and Workshops which can be found to be beneficial especially for NGO staff, government officials, police officers and immigration staff among others are receiving this kind of training and finally involving men in Women's Protection and other countless efforts.¹⁰

In case of Syria, there is noteworthy to say that, this country has ratified four of international instruments which apply to events on the civil wars and known as HR conventions, which are including, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of Child and UN Convention Against Torture. But despite ratifying all these conventions, the civilian and in between particularly women have suffered hardly because of Human Rights violation during the war and armed conflict. Syria is not the party to the Rome Statute of the International Criminal Court, despite all this brutality and inhumanity that has happened in Syria, the ICC has no jurisdiction in this country.

UN Reports stated that, “the war has been characterized by a complete lack of adherence to the norms of international law” and HRs violation have been committed by both the governments and the rebels.

WOMEN’S EXPERIENCES AS REFUGEES

Some of the concerns of refugee and displaced women include Depression and feelings of hopelessness and a few have social services or counseling to help them. In refugee status many of them might know where some of their friends and family members are but are unable to contact them due to practical or financial reasons or they might be the victims of hostility, violence, and discrimination in host country and host region as well. This may take the form of racism, economic discrimination, sexual harassment or sexual violence and other forms of abuse. Further, Uprooted women are particularly vulnerable to intimidation, sexual abuse and other forms of physical exploitation at all stages, in flight, in their country of refuge, and upon return to their home country. Unfortunately, unaccompanied women refugees are particularly at risk for sexual assault, in most cases from the forces which are supposed to protect them. And in some countries do not allow refugees to work legally, and women often do not have legal papers and in some countries disappoint employment or provide opportunities that do not fully apply on women’s skills. Consequently, women refugees often work in low-paid, exploitative jobs and in many cases, employers take advantage of their illegal status.¹¹ And in some cases changes in male and female roles lead men to alcoholism and domestic violence. Parent and child relationships may also change. Because children often possess better language skills in the new country, they may take on adult roles, such as

negotiating with government agencies, humanitarian aid groups and asylum officials, at this moment, parents may feel a loss of control and inadequacy when this happens and they have very low access to basic items needed for daily life; many of women usually have the burden of feeding and clothing their families. Women refugees often are not satisfied with humanitarian aid packages which do not provide their needs, such as gynecological care, stockings, and cosmetics.¹² In most refugee camps access to reproductive health care and contraception which is crucial to a woman’s well-being is not exist. And in many cases, those Women who are persecuted because of their gender may have difficulty proving refugee status. In addition, those women who are victims of military attack may face difficulties in proving they are victims of persecution rather than random violence. And lastly because of Lack of recognition as independent after family break up, the woman could face deportation. This policy may be refrained battered women in seeking help from law enforcement officials for fear of being deported or because of language or other cultural barriers.¹³

EXPERIENCE OF SYRIAN WOMEN REFUGEES

Violence against women in Syria did not begin with the armed conflicts. They had experience violence and discrimination in law and practice for decades. In this regard, the UNDP Gender Inequality Index that measures the discrepancy between men and women in terms of reproductive health, empowerment and access to employment. In Syria, there are a number of discriminatory laws in the Nationality Law, in the Panel Code and legalize and legitimize the Gender Based Violence in different articles under different pretexts.¹⁴ After conflict, the UN based HR Monitoring Group estimated that at least 310,000 till December 2016 deaths, while a Think- Tank estimated in February 2016, the conflict had caused 470,000 deaths.

Unfortunately, women in Syria during armed conflict are the victims of violence which are committed by all groups who are involved in civil war. In this regard, non- state armed group in opposing the government and ISIS and another groups carried out serious abuses like, attacking civilians, using child solders, kidnapping and execution people in public. ISIS has imposed strict and discriminatory rules on women and girls, and sexually enslaves and abuse Yezidi women and girls and generally on religious minorities in Syria. According to HR Watch a systematic and organized rape and sexual assault, slavery and forced marriage by ISIS forces

carried out against them or they sold those women or given them as “gift” to ISIS fighters.¹⁵ In contrast, the Syrian Government killed more than 6,000 civilian by attacking through barrel bombs from air. Furthermore, the Syrian Government continue to detain not only many civilian men, women and children but also many HR defenders, civil society activism and humanitarian workers and lawyers. In this context, there are many cases of deaths or disappearance because detention facilities. According to Amnesty International in February 2017, the Syrian regime has executed up to 13,000 people in secret mass hangings in the basement of a military prison near Damascus, while they are never told when their executions will be carried out.¹⁶

Against women, different forms of gender based violence and Human Rights Violation carried out. The IRC described rape as a “prominent and disturbing feature” in the Syrian war. In this case sexual abuses against women in public or in front of their relatives carried out by both parties which force women to unwanted pregnancy resulting from rape. HRW documented the use of sexual violence by the Syrian Governments forces to torture detainees. Another type of violence against women were arresting women knowing that this will bring shame to the entire family especially in a patriarchal society that confines honor to the bodies of women by Syrian Government. This has prompted many families to push their wife and daughters to emigrate.¹⁷

More than 4.8 million people mostly women and children have fled from Syria and in between 10 per cent have sought safety in Europe and further 6.3 million are IDPs inside Syria. According to the UNHCR, “women alone’ Report; a quarter of women refugees head families alone, and 78 per cent of those registered with UNHCR to receive aid and seek asylum are women. Furthermore, in urban, peri-urban and rural area, approximately 48.5 percent of refugees are female.¹⁸ Syrian women refugees were subject to persecution and sexual and gender-based violence, including war-related violence, once uprooted, they hope to find safety and protection in neighboring countries, although, in some of those countries they continue to experience discrimination and human rights violations. Different studies on Syrian women refugees concluded that they all had primary responsibility for their families, and most became the head of their household by losing male member of their family in the war or during flights.

Approximately, most of them faced a daily struggle to find enough money to pay the rent, buy

food and basic items, or access services such as healthcare. In many cases, mothers having no choice but they have to let their children work, or leaving their children alone to go find a way to make money. In this regard, one in five of the women had found paid work and a quarter received cash assistance from aid agencies.¹⁹ According to UNHCR, besides poverty, the Syrian refugees are suffering from limited livelihoods, declining aid, scarce educational opportunities and insecurity especially in Iraq and difficulties in renewing residency permits especially in Lebanon.²⁰

In Turkey camps, according to the report which provides by UNHCR and United Nations Refugee Agency on an overview of Syrian migration to Turkey since March 2011, 182.621 Syrian refugees were living in Turkey in mid-February 2013²¹. In line with the “geographical limitation” Syrians who have fled to Turkey are recognized as “guests” and not as “refugees;” and the camps where Syrians reside are officially “guest-camps. However, Syrians in Turkey are not treated like asylum seekers coming from other non-European countries; either they cannot register with UNHCR in order to apply for asylum in a third country. Some Syrians who reached Turkey in May 2011 have interview and registered by UNHCR in order to start processing their files. But, later, due to a change of the policy by the Turkish state, UNHCR stopped registering Syrians. One of the interpretations of the change of policy by the Turkish government is that technically it is very difficult to process asylum applications for such a huge number of asylum seekers. Another commonly made comment by experts and journalists is that through such a policy, the Turkish government aims to prevent the interference of UNHCR or other international bodies in Turkish control over the Syrian migrant situation.²²

The study which has conducted by Amnesty International noted that many of Syrian women refugees are harassing in their work place by their employers and the employers take advantage of the vulnerability of those female Syrian who need to work. In this regard many of Syrian girls because of lack of sufficient physical security especially in the camps and work place are facing with early marriage and are forcing to marry older Turkish for money and mostly this happen between families where there is not father or older brother to support family financially. There is also many reported on regular verbal harassment and about those women who are integrated to the country of asylum, there are many reported on sexual harassment by landlords.

Unfortunately there are many cases also, the father or brothers selling their daughters or sisters to Turkish men for money. A study by UN concluded that 44 percent of Syrian refugees identified the normal age of marriage for girls between 15 and 17 years but there are many cases of marriage even below 15 years old and further because of lack of room inside refugee houses and tents, the rate of domestic violence and different type of sexual violence still is raising.²³

In Lebanon; according to Amnesty International, more than 1 million people from Syria have sought refuge and it can be placing a heavy strain on the country's resources, infrastructure, services, including housing, education and health care and security. In this regard, the international communities were unsuccessful to provide adequate funds to support refugees from Syria in the main asylum countries. The UN estimates that 10 percent of refugees from Syria living in the main host countries meet their criteria of "vulnerable" and need to be resettled to a third state.

Lebanon has not ratified the 1951 Convention Relating to the Status of Refugees and its related Protocol, However, Lebanon is bound by Customary International Law and by other International Human Rights Instruments that apply to refugees and non-refugees, for example, Lebanon has ratified a number of the main UN Human Rights instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the International Convention on the Elimination of all forms of Racial Discrimination (ICERD).

Under the ICESCR, Lebanon is obliged to ensure that everyone in the state has at least minimum essential levels of each right, including food, shelter, education and health. Where states do not have the resources to meet these requirements, they are obliged to seek assistance from the international community.²⁴ According to Amnesty International study, in April 2015 the government of Lebanon instructed UNHCR to deregister all refugees who had entered Lebanon after 5 January 2015, the date when new government regulations that restricted the number of Syrians entering Lebanon came into force. On 4 May 2015 the government of Lebanon instructed UNHCR to stop all new registrations of Syrian refugees. This means that 2,626 individuals whose registration UNHCR was forced to suspend, and all those who have arrived since, are not included in the

total figure of refugees in Lebanon as recognized by UNHCR. As it mentioned above, without UNHCR registration, most refugees are unable to access financial and other support.²⁵ Furthermore, the government of Lebanon through a long-established policy on preventing new formal refugee camps in its territory proves that Lebanon cannot be a country of permanent settlement and a lack of data, disaggregated by gender, and the confidential nature of resettlement programmes, means that it is difficult to assess many aspects of resettlement of refugee women particularly towards those part of women refugees who are known as a head of household²⁶ but must sadly said that Syrian and Palestinian refugee women from Syria still face risks of serious Human Rights violations and abuses, including gender-based violence and exploitation. For example in many cases, Palestinians refused entry or forcing deported from Jordan and some Palestinian Jordanian who had been living in Syria had their Jordanians citizenship Withdrawn.²⁷

Women refugees without a valid residency permit from Syria are considered to be in breach of Lebanese law. This exposes them to the risk of a range of Human Rights violations, including arbitrary arrest, detention and deportation, inability to seek redress from the authorities if they are a victim of crime due to fear of arrest, limitations on movement, inability to register births and marriages and difficulties in accessing services such as education or health because of fear of crossing checkpoints. Amnesty International has stated such fear of checkpoints was common among refugee women. Furthermore, Syrian women refugees face with following problems in Lebanon such as sexual harassment in work place, and under payment and wage discrimination, financial problem in paying the rent, sexual harassment in public place, sexual harassment by police officers and government office employees in charge of renewing residence permits, employers, neighbors, bus and taxi drivers and strangers in the street.

In case of Palestinian refugees who flee from Syria in Lebanon, the government of Lebanon imposes such restrictions relating to employment, housing and health, in contrast with international law. Recently CEDAW²⁸ expressed concern about this issues and on the right to work for Palestinian refugee women and recommended that the government "review and amend its labour laws to ensure Palestinian refugee women's right to work, namely by providing them with access to the labour market". Therefore as it is visible, they are

facing with more restriction from Lebanon government and much time they lack of valid residential permit which many time because of financial problems could not renew it and they drown in poverty, approximately all of them are living below the poverty line of Lebanon, and there is no adequate support for them.²⁹

In December 2014 the Lebanese government introduced restrictions which prohibited Syrians from working in occupations other than “agriculture, hygiene and construction”. The International Labour Organization (ILO) reported that 70 per cent of Syrian refugee women who are employed work in agriculture or as domestic workers. This can be led them to work in occupations which have low pay and little job security. The ILO also reported that the legal restrictions on Palestinian refugees’ right to work mean that 90 per cent of Palestinian refugees from Syria are unemployed and that, of those who are employed, only 10 per cent are Palestinian women and this irregular status can increase the risk of exploitation from employers.³⁰ The ILO also reported that refugees from Syria often work in unsafe or unhealthy conditions with 75 per cent of working refugee women often forced to accept unfair working conditions including low income, long working hours, working without breaks, and late payment of wages.³¹

In the same study by Amnesty International, it has reported on sexual violence and the exploitation of Syrian refugee women in Lebanon. It noted those refugee women who were the heads of their households and without an adult male relative were particularly at risk and had little or no protection or access to justice. In this regard, UNHCR, the United Nations Population Fund (UNFPA) established that women and girls, especially those travelling alone, face particularly high risks of certain forms of violence, including sexual violence by smugglers, criminal groups and individuals in countries along the route and the reasons were expressed about the lack of awareness on the part of the authorities and humanitarian actors of the occurrence of sexual and gender-based violence affecting this group and due to the lack of data and update information towards these crimes and the victims’ reluctance to speak out about their experiences.

In the way of fleeing to Europe, in 2015, more than 440,000 Syrian attempt to reach Europe by sea, but aftermath of the November 13, Paris attacks, barriers were increasingly enacted to prevent entry of all migrants. In this regard, Hungary enacted fence and imposed high penalties for irregular entry, from Bulgaria and Greece, many Syrian were push backed violently at

their borders or from their territorial waters and many of west countries only accepted a small numbers of refugees for resettlements.³² According to the report by UNHCR, malnutrition is one of the Syrian refugee’s serious problems. The rate of depression, stress and fear about their new circumstances and responsibilities is very high. There are many especial women health problem cases during their flights to Europe who suffer from urinary tract infections because they drink too little, the toilets are not clean and they’re not used to the cold and a lots of pregnant women who suffer from bleeding, some have miscarriages.³³ Despite, Governments and aid agencies are failing to provide even basic protections to women refugees traveling from Syria and Iraq. The research on Syrian and Iraqi refugees during their journey to Europe, by Amnesty International shows that women and girl refugees face violence, assault, exploitation and sexual harassment at every stage of their journey, including on European soil, also the report noted that, all the women described feeling threatened and unsafe during the journey. Moreover, the detention of migrant women, including pregnant women, is also of serious concern which recently has increased in Europe and often women refugees are held in detention alongside with men who are not members of their family.³⁴

At a minimum, according to the report by Amnesty International, there is needed to set up single sex, well-lit toilet facilities and separate safe sleeping areas. In these issues cannot be silent or indifferent when these women and their children have fled some of the world’s most dangerous areas and it is really shameful that in the twenty- first century they are still suffer of these many problems and at risk security staff or other refugees and they are exploited because of lacked the financial resources to pay for their journey through exchange for sex. They sometime also are hit and attack by police.³⁵

In the case of Syrian refugees, the international community must increase financial contributions to the UN Regional Refugee and Resilience Plan and to avoid the damaging cuts to refugee support that occurred in previous years. These particular States must increase the number of resettlement and humanitarian admission places for refugees from Syria who are currently hosted in Lebanon and other neighboring countries and must ensure that resettlement programmes are in line with UNHCR criteria.

The government of Lebanon and Turkey must ensure all refugees from Syria to renew their residency

and must remove obstacles to residency renewal, including the fee of US\$200 that can be the huge money in refugee status for women refugees especially those women who are living as a head of household. Furthermore, all asylum countries must ensure that refugee women and girls are protected from gender-based violence and other human right violations and abuses.

Related to economic, social and cultural rights of refugees, Lebanon As a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), is obliged to ensure that everyone enjoys the rights contained in the Covenant “including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation”. While Article 2.3 of the ICESCR permits developing countries to “determine to what extent they would guarantee the economic rights recognized... to non-nationals”, this does not mean that states are free to leave refugees and other non-citizens destitute. The ICERD requires states to eliminate racial discrimination in the enjoyment of all rights and the ICESCR provides that states must “take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively” the rights in the Covenant.

The CESCR holds that any state who uses a lack of resources to justify its failure to provide the minimum core elements of rights to their population must demonstrate that it has made every effort using all resources available to meet its minimum core obligations. Even where resources are clearly inadequate, states must “strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances” and that “vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes”

In this regard, furthermore Members of the international community have obligations to provide humanitarian assistance and co-operation in accordance with Articles 55 and 56 of the UN Charter and relevant resolutions of international bodies relating to times of emergency. A fundamental emphasis of refugee protection is international responsibility sharing to reduce the impact of mass refugee influxes on host countries and there is need, each state contributes to the maximum of its capacity.³⁶

And most importantly towards women rights, the Gender-based violence as a form of discrimination against women must be prohibited under international law and must also take all appropriate measures to prevent acts of gender-based violence committed by private persons, including family members, neighbors, employers, landlords and strangers on the street.

States parties to CEDAW are also required to ensure non-discrimination between men and women in all matters associated with marriage and family relations, including rights and responsibilities within marriage and the end of marriage and equality with respect to matters relating to their children and to guardianship or trusteeship of children.³⁷

In the last few years, hundreds and thousands of newspaper articles and NGO reports have been written highlighting what is perceived to be the “problem” of Syrian women refugees. These reports condemn such practices as they confront with these problems. But still the same problems, Syrian women refugees are suffered. Therefore this is clear that the lack of legal autonomy particularly towards women refugees and their particular problems can be lead to make unable the Human Right Agencies and other related organization in creating a unified response to the women refugee crisis specially today for the Syrian women refugees.

CONCLUSION

Towards United States president’s indefinite ban on the entry of refugees fleeing from Syria and other six countries will definitely affect children and women primarily. The federal data show that nearly three quarters of the Syrian refugees who were settled in the United States last year were either children or women. From the 15,479 Syrian refugees admitted to the United States during 2016, about 48 percent were boys and girls under the age of 14, while another 25 percent were girls over the age of 14 or women. Therefore, this entry ban first of all can affect children and women especially those women refugees who are waiting during these years to finally resettle in United States from war torn areas. In this regard, there is need, all the institution such as governmental and nongovernmental, agencies and refugees’ advocates react to this ban and to remind refugees’ rights and their protection to United States Government as a member of 1951 Refugee Convention and different Human Rights Guidelines. In the international case, in the first step, one of the most important tasks needed is the acknowledgement of women’s specific reasons for flight, and to define it as legally binding. Estimating that the current response to

refugee women and children's needs by governments, humanitarian actors and EU institutions towards Syrian refugees has been insufficient, human rights organizations, including the United Nations High Commissioner for Refugees (UNHCR) and women's rights organizations, must be called for immediate action.

In fact, refugee women in an irregular situation who are victims of violence and different types of abuse are in a particularly difficult situation as they may be reluctant to lodge a complaint. One important aspect towards protection of Human Rights of refugee women, notably women victims of violence, is ensuring that they have effective access to justice. It is also definitive to reach out to those victims in need who are not in a position to report the crimes. Refugee women from Syria without valid residence permits and reasonable registration in Turkey and Lebanon cannot be able to report gender-based violence and other human rights violations or abuses to the police without fear of detention, harassment or other adverse repercussions and to oblige state to investigate, effectively and impartially, all instances of gender-based violence and other serious human rights violations or abuses reported to them. Furthermore, asylum procedures must be more gender sensitive through engaging more female interviewers and interpreters for asylum procedures. The related countries for useful practical guidance for national authorities and humanitarian workers in this field can be referred more to the UNHCR Handbook for the Protection of Women and Girls (2008) as well as in the IASC Gender Handbook. Regarding to domestic violence, the Council of Europe Convention on preventing and combating violence against women and domestic violence in the Istanbul Convention, expressly provides for the protection of refugee women against violence. It requires that the parties to the Convention provide the legislative framework to recognise gender-based violence as a form of persecution in line with the UN Refugee Convention and states must develop gender-sensitive reception procedures. And also the necessary legislative must be provided to ensure women refugees who are victims of domestic violence will be protected.

Due to recent events, more humane migration policies should be prioritized by all states and European countries must to facilitate safe passage and access to asylum, they must improve reception conditions and foster effective integration into host societies and ensure a fairer distribution of asylum seekers. In

implementing these policies, particular attention should be paid to the situation of women refugees, notably the victims of sexual and gender-based violence. And lastly there is still need to increase training on gender-aware protection to staff who work with refugees, including government officials, police, and border guards and strengthen refugee organization and female participation by promoting leadership and human rights training, perhaps in collaboration with other UN agencies with experience in this area.

Notes

¹ Center for Women's Global Leadership and UNIFEM, *HUMAN RIGHTS OF REFUGEE, DISPLACED AND MIGRANT WOMEN*, 1997, retrieved from: <http://fs2.american.edu/mertus/www/Refugees.htm>, Accessed on: 5 February 2017.

² *The non-refoulement provision of the Convention against Torture is absolute, unlike the non refoulement provision of the Refugee Convention, which requires that protection be linked to a fear of persecution because of a person's race, religion, nationality, membership of a particular social group, or political opinion. Unlike the Refugee Convention, the Convention against Torture does not have any provision excluding perpetrators of particularly serious crimes or other undeserving persons from its protection.*

³ Ms. Kate Jastram and Ms. Marilyn Achiron, UNHCR, *REFUGEE PROTECTION: A Guide to International Refugee Law*, 2001P:19

⁴ Para; 133. *Violations of human rights in situations of armed conflict and military occupation are violations of the fundamental principles of international human rights and humanitarian law as embodied in international human rights instruments and in the Geneva Conventions of 1949 and the Additional Protocols thereto. Gross human rights violations and policies of ethnic cleansing in war torn and occupied areas continue to be carried out. These practices have created, inter alia, a mass flow of refugees and other displaced persons in need of international protection and internally displaced persons, the majority of whom are women, adolescent girls and children. Civilian victims, mostly women and children, often outnumber casualties among combatants. In addition, women often become caregivers for injured combatants and find themselves, as a result of conflict, unexpectedly cast as sole manager of household, sole parent, and caretaker of elderly relatives.* Retrieved from: <http://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf>, accessed on: 1 February 2017

⁵ Para; 135. *While entire communities suffer the consequences of armed conflict and terrorism, women and girls are particularly affected because of their status in society and their sex. Parties to conflict often rape women with impunity, sometimes using systematic rape as a tactic of war and terrorism. The impact of violence against women and violation of the human rights of women in such situations is experienced by women of all ages, who suffer displacement, loss of home and property, loss or involuntary disappearance of close relatives, poverty and family separation and disintegration, and who are victims of acts of murder, terrorism, torture, involuntary disappearance, sexual slavery, rape, sexual*

abuse and forced pregnancy in situations of armed conflict, especially as a result of policies of ethnic cleansing and other new and emerging forms of violence. This is compounded by the life-long social, economic and psychologically traumatic consequences of armed conflict and foreign occupation and alien domination. Retrieved from: <http://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf>. Accessed on: 1 February 2017.

⁶Para; 136. Women and children constitute some 80 per cent of the world's millions of refugees and other displaced persons, including internally displaced persons. They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity. Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. Women may also be forced to flee as a result of a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation. Women often experience difficulty in some countries of asylum in being recognized as refugees when the claim is based on such persecution. Retrieved from: <http://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf>. Accessed on: 1 February 2017.

⁷Para; 137. Refugee, displaced and migrant women in most cases display strength, endurance and resourcefulness and can contribute positively to countries of resettlement or to their country of origin on their return. They need to be appropriately involved in decisions that affect them. Retrieved from: <http://www.un.org/womenwatch/daw/beijing/pdf/Beijing%20full%20report%20E.pdf>. Accessed on: 1 February 2017.

⁸Women's Commission for Refugee Women and Children, UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation, 2002, p:15

⁹Ibid, P:15-16

¹⁰Ibid., p:18

¹¹Zagreb, Status of Women's Rights in Croatia.: B. a. B. e., Autumn 1994, p. 2

¹² Meeting the Health Care Needs of Women Survivors of the Balkan Conflict, the Centre for Reproductive Law and Policy, 1993.

¹³ Center for Women's Global Leadership and UNIFEM, HUMAN RIGHTS OF REFUGEE, DISPLACED AND MIGRANT WOMEN, 1997, Retrieved from: <http://fs2.american.edu/mertus/www/Refugees.htm>, Accessed on: 5 February 2017

¹⁴ Women's International League for Peace and Freedom, Against Women in Syria and the Disproportionate Impact of the Conflict on Them, 2016, Retrieved from: <http://wilpf.org/report-release-violations-against-women-in-syria-and-the-disproportionate-impact-of-the-conflict-on-them-ngo-summary-report-for-the-universal-periodic-review-of-syria/>. Accessed on: 10 February 2017

¹⁵ Ibid

¹⁶ Assad's regime 'hanged up to 13,000 people in mass executions at military prison, retrieved from; <http://www.telegraph.co.uk/news/2017/02/07/syrian-regime-hanged-13000-people-mass-executions-military-prison/>, Accessed on: 14 February 2017

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¹⁸ UNHCR, Government of Turkey, <http://data.unhcr.org/syrianrefugees/regional.php>, accessed on: 5 February 2017

¹⁹ UN Reports, Syrian's Female Refugees facing Poverty, Harassment and isolation, 8 July 2014, retrieved from: <https://www.theguardian.com/world/2014/jul/08/women-head-quarter-syrian-refugee-families>, accessed on : 5 February 2017.

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²¹ <http://data.unhcr.org/syrianrefugees/regional.php>

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http://www.amnestyusa.org/sites/default/files/i_want_a_safe_place_lebanon_report.pdf. accessed on 5 february 2017, P:7-8

²⁵ Ibid; P:12

²⁶ Ibid; P:16

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³⁰ Ibid;P:33

³¹ Ibid;P:34

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