

**CEDAW Statement on the Anniversaries
of the 1951 Convention Relating to the Status of Refugees and
the 1961 Convention on the Reduction of Statelessness**

Adopted on 19 October 2011 during the 50th session

A call for Gender Equality for Refugees and Stateless Persons

Together with the *1951 Convention relating to the Status of Refugees* (*1951 Refugee Convention*) as amended by its 1967 Protocol and the *1961 Convention on the Reduction of Statelessness*, the *1979 Convention on the Elimination of All Forms of Discrimination against Women* (the *CEDAW Convention*) provides universal standards for the treatment of refugee and stateless women and girls. These instruments are complementary and their full implementation is essential to achieving gender equality.

On the occasion of the 60th anniversary of the *1951 Refugee Convention* and the 50th anniversary of the *1961 Convention on the Reduction of Statelessness*, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) requests all State parties to the *CEDAW Convention* to reaffirm their commitment to adhering to their international obligations by ensuring that their laws, policies and practices do not discriminate against refugee and stateless women and girls.

The *CEDAW Convention* promotes gender equality and sets out measures for the advancement of all women without distinction on the basis of their nationality/citizenship or other legal status, such as refugee, migration or marital status. Gender discrimination and inequality against women and girls can be the result of and intensified by forced displacement and statelessness. Situations of forced displacement and statelessness often impact women and girls differently and include sex and gender based violence and discrimination against women.

The *CEDAW Convention* applies at every stage of the displacement cycle. Asylum claims made by women may be based on any of the grounds in the *1951 Convention*, but they may also be based on gender-related forms of persecution. The CEDAW Committee calls on States to recognize gender-related forms of persecution and to interpret the “membership of a particular social group” ground of the *1951 Convention* to apply to women.¹ Gender sensitive registration, reception, interview and adjudication processes also need to be in place to ensure women’s equal access to asylum.

¹ See, also, Executive Committee Conclusion No. 39 (XXXVI) – 1985 on Refugee Women and International Protection, 18 October 1985, para. (k).

The CEDAW Committee likewise calls upon States to implement safeguards against sexual and gender-related violence against women and girls in refugee settings and to provide remedies for such violations, to empower women by ensuring their equal participation in refugee leadership positions, including within peace building processes in accordance with the CEDAW Convention and UN SC resolution 1325. It also calls States to guarantee women equal rights and access to health services, education, food, shelter, security, free movement and opportunities in their search for justice and durable solutions.²

In relation to statelessness, the *CEDAW Convention* is a significant tool in international efforts to prevent and reduce statelessness arising from discrimination against women with regard to nationality rights. The *CEDAW Convention* requires full protection of women's equality in nationality matters. It provides that States shall ensure that marriage does not automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. States parties are also obliged to grant women equal rights with men to transfer nationality to their foreign spouse as well as their children.³ CEDAW Committee welcomes the legislative changes made by a number of States parties to change discriminatory nationality laws. Problems persist, however, in approximately 30 countries worldwide.

Notwithstanding the progress made so far, much remains to be done to achieve gender equality, not least within the contexts of displacement and statelessness. CEDAW Committee recognizes that the protection risks faced by women and girls, in particular the scourge of gender-based violence sexual violence ,domestic violence and human trafficking, continue to be of paramount concern. CEDAW calls on States to remain seized of these issues as a matter of priority and to further strengthen the protection of women and girls.

CEDAW Committee also encourages States that have not yet done so to accede to the 1951 Refugee Convention and its 1967 Protocol as well as to the *1954 Convention on the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness* and the *CEDAW Convention and its Optional protocol*, to withdraw any continuing reservations to these instruments as well as to establish national legal frameworks on asylum and statelessness that respect gender equality principles.

² See, also, Executive Committee Conclusion No. 105 (LVII) – 2006 on Women and Girls at Risk, 6 October 2006.

³ Article 9 of the *CEDAW Convention*.