

Research Article

Status of Women Refugees in South Asia: A Socio-Legal Analysis

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Abstract: One of the largest and most vulnerable populations of refugees in the world live in South Asia, but not a single country in the region has ratified the 1951 Refugee Convention or the 1967 Protocol. The increased vulnerability of women and girls, who make up about 50 percent of the world refugee population, is compounded in South Asian host countries such as Bangladesh, India, Pakistan, and Nepal. This article is a socio-legal study of the position of women refugees in South Asia, where statelessness, gender-based violence (GBV), denial of legal personhood, a lack of access to education and healthcare, and forced/child marriage have been combined. Based on UNHCR data (2024-2025), Cox's Bazar GBVIMS quarterly reports, and primary legal documents, this paper lends the argument that the protection gap facing South Asian women refugees is structural and systems-based founded in the lack of binding regional refugee framework and further exacerbated by patriarchal social cultural norms. The paper is concluded with policy recommendations on national, regional (SAARC) and global levels.

Keywords: Women Refugees, South Asia, 1951 Refugee Convention, Gender-Based Violence, Rohingya, CEDAW.

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INTRODUCTION

The crisis of displacement around the globe has become unprecedented. Approximately 123.2 million individuals per the world population faced forcible displacement because of persecution, conflict, violence, and human rights violations by the end of 2024 which is an increase of 6 percent compared to 2023 (UNHCR Global Trends, 2024). Female and girls are 50 percent of the total forcibly displaced, and children are 41 percent. However, with such frightening statistics, the most basic international law tool to protect them, the Convention relating to the status of refugees which was established in 1951, has not been ratified by any state within the South Asian region. South Asia is both a source and a transit and destination of a large colony of refugees and millions of displaced live in Bangladesh, India, Pakistan, and Nepal. The three major displacement crises in the region are the Rohingya displaced to Bangladesh due to the persecution in Myanmar; the Afghan diaspora scattered among the various nations of Pakistan, and stateless communities in India and Nepal. In each of these crises, women and girls bear a disproportionate burden of vulnerability facing systemic gender-based violence, denial of legal identity, forced marriage, and restricted access to essential services.

This paper undertakes a socio-legal examination of the status of women refugees across South Asia, situating data and lived realities within the architecture of international law. It analyzes the gap between obligations under international human rights treaties which all South Asian states have ratified, including CEDAW and the on-ground reality for women refugees. The paper is structured around country-specific analyses, thematic issues, and concludes with a set of multi-level policy recommendations aimed at closing the protection gap.

GLOBAL AND REGIONAL REFUGEE STATISTICS

Understanding the status of women refugees in South Asia requires situating the region within the global refugee landscape. The data reveal both the scale of displacement and the acute vulnerabilities faced by women.

Table 1: Global and South Asian Refugee Statistics — End of 2024

Indicator	Global Figure	South Asia / Region
Total Forcibly Displaced	123.2 million	17.3 million (Asia-Pacific)
Total Refugees (UNHCR mandate)	42.7 million	~6 million (South Asia est.)
Women & Girls Share	50%	46–76% (varies by crisis)
Children Share	41%	36–41% (varies by country)
Rohingya — Cox's Bazar, Bangladesh	—	~970,000 (33 camps)
Afghan Refugees — Pakistan	—	~3.2 million
Refugees Registered — India (UNHCR)	—	~240,000
Stateless Pop. (Asia-Pacific)	—	>50% of global stateless
Rohingya Share of Asia-Pacific Stateless	—	69%

Source: UNHCR Global Trends 2024; UNHCR Asia-Pacific Regional Trends 2024; UNHCR Country Pages.

Figure 1: Women & Children as % of Refugee Population by Crisis/Country (2024)

Rohingya — Cox's Bazar	78%
Afghan Refugees — Pakistan	76%
Afghan Refugees — Iran (est.)	71%
Global Average (Women & Girls)	50%
All Refugees — India	46%

Sources: UNHCR/RRPAF 2024-2025; UNHCR India Country Page 2024.

One of the critical aspects of the South Asian refugee crisis is the existence of prolonged displacement. Several waves of displacement of Rohingya communities have taken place since the 1970s, the latest and most devastating of them in August 2017, when more than 700,000 Rohingya were displaced by the Myanmar military campaigns of clearance operations into Bangladesh. As of 2024, Cox’s Bazar was home to almost one million individuals in overcrowded camps making it the largest refugee settlement in the world. The displacement Afghanistan has generated in four decades is more than 3.2 million Afghan refugees and immigrants to the nation, of whom 76 percent are women and children.

LEGAL FRAMEWORK: INTERNATIONAL AND REGIONAL

3.1 The 1951 Refugee Convention and the South Asian Gap

The basis of the international refugee law can be found in the 1951 Convention Relating to the Status of Refugees and a subsequent Protocol of 1967. The Convention defines a refugee, introduces the principle of non-refoulement (the inability to use individuals to territories where they perceive persecution) and provides a system of rights, such as the right of access to the court, the right to work, to study, and to civil assistance. The Convention and its Protocol, or both, is as of 2024, party to 149 UN Member State. However, no South Asian state including Bangladesh, India, Pakistan, Sri Lanka, or Nepal has ratified the Convention.

Table 2: 1951 Refugee Convention Status and Key Domestic Instruments — South Asian States

Country	1951 Conv.	1967 Protocol	CEDAW	Key Domestic Instrument
Bangladesh	Non-signatory	Non-signatory	Ratified 1984	Foreigners Act 1946; No refugee law
India	Non-signatory	Non-signatory	Ratified 1993	Foreigners Act 1946; CAA 2019
Pakistan	Non-signatory	Non-signatory	Ratified 1996	Foreigners Act 1946; No refugee law
Nepal	Non-signatory	Non-signatory	Ratified 1991	No refugee legislation
Sri Lanka	Non-signatory	Non-signatory	Ratified 1981	Immigrants & Emigrants Act
Afghanistan	Signatory (1985)	Signatory (1985)	Ratified 2003	Refugee Law (suspended, Taliban)

Source: UNHCR treaty database; Janmyr (2021), Oxford IJRL; Harvard ILJ (2019).

It has been argued that the lack of accession by South Asian states to the Convent of 1951 was the result of a few inter-related factors: South Asian states believed that the Convention was a product of the Cold War and meant to operate to the

benefit of the European refugees; the states were also concerned about the issue of national sovereignty; the states were also worried that by ratifying the Convention they would be drawn into the obligations to which The result of such legal gaps is that women refugees are now illegal foreigners in such archaic colonial-era laws as the Foreigners Act 1946 of India and Pakistan, without a right of asylum, a route to regularization or the protections afforded by local legal systems against refoulement.

3.2 CEDAW and Human Rights Obligations

While South Asian states have not ratified the Refugee Convention, all have acceded to CEDAW, the Convention on the Rights of the Child (CRC), and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). CEDAW imposes non-discrimination obligations that should, in principle, extend to refugee women. Article 2 requires states to pursue policies of eliminating discrimination, and Articles 6, 12, and 14 addresses trafficking, health, and the situation of marginalized women all directly applicable to refugee women.

The CEDAW Committee's General Recommendations 32 and 38 have explicitly recognized that stateless and refugee women fall under CEDAW's protection mandate. Yet the gap between treaty ratification and implementation for refugee women is stark: South Asian states routinely exclude refugee women from documentation processes, formal healthcare, and equal access to legal processes each a direct violation of CEDAW standards.

3.3 The SAARC Model National Law (MNL)

At the 1997 SAARC Expert Group Consultation in Dhaka, the Eminent Persons Group (EPG) developed a Model National Law on refugees for the SAARC region. The MNL expanded upon the 1951 Convention, incorporating additional asylum grounds, establishing a Refugee Commissioner, an appellate Refugee Committee, and explicit provisions for mass influx situations. Crucially, the MNL explicitly included gender-related persecution as a ground for refugee status a forward-looking provision. However, no SAARC member state has enacted the MNL into domestic law, and the proposal has remained dormant for over two decades.

COUNTRY-SPECIFIC ANALYSIS

4.1 Bangladesh: The Rohingya Crisis and Women's Protection

Bangladesh hosts the world's largest refugee settlement, with approximately 970,000 Rohingya in 33 congested camps across Cox's Bazar, and an additional 30,000 relocated to Bhasan Char Island. The Rohingya are stateless stripped of citizenship under Myanmar's 1982 Citizenship Law. Bangladesh is not a party to the 1951 Convention and has no domestic refugee law. Rohingya have no legal right to work, move freely, access formal education beyond primary level, or integrate into host society. The Rohingya have always been seen through the prism of government policy as temporary residents awaiting repatriation to Myanmar, a move that has become in effect impossible following the conflict in Rakhine State in 2024, which escalated to a point of extremes after the intensification of conflicts between the Myanmar Armed Forces and the Arakan Army.

Gender-Based Violence Data — Cox's Bazar (2024)

Gender-Based Violence Information Management System (GBVIMS) is a project of UNFPA and the GBV Sub-Sector to gather quarterly statistics of 16 GBV response partners out of 57 working in the camps. Although not reflective of overall GBV rates, it gives essential understanding about the patterns of incidents being reported.

Table 3: Types of GBV Incidents Reported in Cox's Bazar (GBVIMS, Q3–Q4 2024)

Type of GBV	Q3 2024 (%)	Q4 2024 (%)	Key Notes
Physical Assault	~50%	49%	Includes intimate partner violence
Psychological / Emotional Abuse	~22%	23%	Under-reported; high stigma
Denial of Resources	~15%	16.5%	Financial control, inheritance denial
Rape	~5%	5%	46% reported within 72 hours
Sexual Assault (non-rape)	~6%	5.8%	Significant under-reporting
Other (forced marriage etc.)	~2%	0.7%	Likely significant under-count

Source: GBVIMS Factsheet Q3 & Q4 2024, GBV Sub-Sector Cox's Bazar (UNFPA/UNHCR).

Figure 2: GBV Incident Types — Cox's Bazar Q4 2024 (% of Reported Cases)

Physical Assault	49%
Psychological Abuse	23%
Denial of Resources	16.5%
Sexual Violence (total)	10.8%

Other GBV		0.7%
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Source: GBVIMS Factsheet Q4 2024, UNFPA.

The IRC's 2020 research established that one in four women screened in Cox's Bazar was a GBV survivor a figure that likely remains accurate or higher given the security deterioration of 2024. The GBVIMS Q4 2024 data confirms that 81 percent of GBV in the camps is perpetrated by intimate partners, with 56 percent of incidents occurring within the home. The escalation of conflict in Myanmar's Rakhine State from January 2024 drove new armed group activity into the camps, with armed recruitment coercion directly threatening women whose male family members refused to comply.

4.2 Pakistan: Afghan Women Refugees under Threat of Deportation

Pakistan has hosted Afghan refugees for over four decades, making it one of the longest-standing refugee-hosting situations in the world. As of 2024, Pakistan hosted approximately 3.2 million Afghan refugees and persons of other statuses — 76 percent of whom are women and children. This includes 1.35 million Proof of Registration (PoR) cardholders and approximately 600,000 who arrived after August 2021.

The Government of Pakistan's Illegal Foreigners' Repatriation Plan (IFRP), announced on 3 October 2023, declared all undocumented persons subject to deportation after 1 November 2023. Between September 2023 and February 2024, over 520,000 Afghan nationals were returned to Afghanistan. Amnesty International documented widespread arbitrary detention, harassment, evictions, and forced returns — many violating the principle of non-refoulement, as Afghan women returning to Taliban-controlled Afghanistan face a documented regime of gender apartheid.

Table 4: Afghan Refugee Population in Pakistan — Status and Gender Breakdown (2024)

Category	Estimated Number	Notes
Total Afghan Refugees & Similar Statuses	~3.2 million	Government of Pakistan estimate
UNHCR-Registered PoR Cardholders	~1.35 million	76% are women and children
Arrived since Aug 2021	~600,000	Highly vulnerable; less documentation
Returned Sep 2023 – Feb 2024	520,000+	Many under coercion (Amnesty Int'l)
Women & Girls returned Apr–Jun 2025	51,000W + 64,000 girls	Face Taliban gender restrictions
PoR Card Validity (Extended)	Until June 30, 2025	Future legal status uncertain

Source: UNHCR Pakistan Country Page 2024; RRPAP 2024-2025; Amnesty International (2024).

Afghan women professionals lawyers, doctors, journalists, teachers — fleeing Taliban gender apartheid face persecution specific to their professional identity and gender, yet Pakistan has no domestic mechanism for processing gender-based refugee claims. Pakistani authorities have subjected refugees to arbitrary detention under the Foreigners Act 1946, and the IFRP's chilling effect causes women to avoid healthcare, birth registration, or GBV reporting for fear of deportation.

4.3 India: Legal Ambiguity and Selective Protection

India hosts over 240,000 UNHCR-registered refugees and asylum-seekers, of whom 46 percent are women and girls, and 36 percent are children (UNHCR India, end-2024). The majority originate from Myanmar and Afghanistan. India has no domestic refugee law, and the Citizenship Amendment Act 2019 (CAA) creates a deeply discriminatory environment by offering expedited citizenship to non-Muslim religious minorities from Bangladesh, Pakistan, and Afghanistan explicitly excluding Muslim refugees, who constitute the vast majority of Rohingya and Afghan refugee women in India.

Rohingya women in India live in a condition of utter legal precariousness in the sense that the Supreme Court of India has sanctioned both their imprisonment and expulsions, as well as have no legal system that takes into account the protection requirements. Nonetheless, India has already supported the RSD process of UNHCR of more than 240,000 individuals, yet the patchwork of protection has created by the UNHCR, which exists due to its mandate and not due to a state duty, implies that the rights of women are conditional, revocable, and unevenly distributed in terms of their geographies.

4.4 Nepal: Bhutanese and Tibetan Refugees

Nepal has around 12,000 15000 Tibetan refugees and a remnant of Bhutanese refugees after a massive mass resettlement of the third country to the USA and other nations (more than 94,000 have left before the early 2020s). There is no domestic refugee law and Nepal is not signatory to the 1951 Convention. The women in both societies experience statelessness, inaccessibility of travel documents, and dependence on informal work. Those who refused to be resettled - disproportionately aged women - live in a state of long-term displacements with no legal avenues to safeguards,

documentation, or naturalization.

KEY SOCIO-LEGAL ISSUES FACING WOMEN REFUGEES

5.1 Gender-Based Violence (GBV)

GBV is the most pervasive and documented protection risk facing refugee women in South Asia. Three structural drivers are particularly salient. To begin with, the lack of space in the camps and the lack of personal hygiene expose women to assault due to nocturnal visits to the latrines - a verified tendency in the situation of Cox's Bazar and Nepal. Second, social dislocation and male unemployment in camps (caused by legal bans on formal employment) are associated with increased intimate partner violence. Third, parallel systems of justice such as traditional community courts (salish) in Rohingya camps systematically disenfranchise women, solving GBV incidents by mediating that makes women forgive their offenders as a precondition to being accepted in the community.

GEO An official GBVS Q4 2024 data released by Coxs Bazar confirmed that the GBV profile is dominated by physical assault (49) and psychological abuse (23). The recorded rates of sexual violence are 10.8% a figure that, with structural under-reporting, is almost certainly highly understated. It is always documented that less than 10% of GBV acts in humanitarian contexts are reported to official channels.

5.2 Statelessness and Legal Documentation

The Rohingya are the largest stateless people in the world, which has occurred by the Citizenship Law enacted in 1982 by Myanmar. Rohingya women in Bangladesh do not have national IDs or birth certificates of their children or marriage certificates, which result in disabling legal layers. Babies born in the camps are registered as Rohingya instead of national of Bangladesh, and this is how statelessness is preserved between generations. There is no documentation to ensure women can open bank accounts (essential to get humanitarian cash transfers) or access official healthcare, report against crimes to police, and get legal assistance against forced marriage.

In Pakistan, the more than 600,000 Afghans who arrived after August 2021 are also undocumented immigrants, but the vast majority of them are women who fled alone or with children, which also leads to not being registered or reimbursed, and not having any legal status. The CAA of India also promotes discriminative documentation regimes, providing means to citizenship that explicitly bar Muslim Afghan women even though they have the same or worse persecution during the Taliban rule.

5.3 Access to Education and Employment

South Asia has extremely limited education of refugee women and girls. Rohingya children were officially excluded in Bangladesh national curricula of all levels years ago; secondary and higher educational opportunities are in practice closed. The working conditions are equally deplorable: Bangladesh forbids Rohingya to work as formally; the Pakistani law does not grant Afghan refugees the right to work formally, and India does not give Rohingya to UNHCR-refugee the right to work formally. Women who become household heads due to the death, detention, or departure of male family members have no legal means of generating income. Economic disempowerment increases exposure to transactional sex, vulnerability to trafficking, and likelihood of early marriage of daughters as a risk-mitigation strategy.

5.4 Reproductive Health and Child Marriage

Reproductive health services for refugee women are critically under-resourced. In Cox's Bazar, camp health facilities are overwhelmed; cultural norms require female healthcare workers for obstetric care — a requirement regularly unmet. Child and forced marriage is a crisis-within-a-crisis: adolescent girls are increasingly married off early by parents who perceive marriage as protection from GBV — a perverse but rational response to the camp security environment. In Pakistan, Afghan refugee girls from economically pressured families face elevated rates of early marriage. Early marriage precipitates school dropout, early pregnancy, obstetric complications, and generational cycles of poverty and disempowerment

Table 5: Summary: Key Vulnerabilities of Women Refugees by Country

Country	Primary Population	Top GBV Risk	Documentation Status	Legal Rights	Work
Bangladesh	Rohingya (~970,000)	IPV, Sexual Violence	Stateless; No ID	None (prohibited)	
Pakistan	Afghan (~3.2M)	Deportation, IPV	PoR cards; Many undocumented	None (informal only)	
India	Myanmar+Afghan (~240k)	Detention, Trafficking	UNHCR mandate only	None (unauthorized)	
Nepal	Bhutanese+Tibetan	Domestic Violence	Stateless; No passport	Restricted	

Source: Compiled by author from UNHCR country data, Amnesty International, and IRC reports (2024).

RECOMMENDATIONS

6.1 National Level

Bangladesh, India, Pakistan, and Nepal should enact dedicated domestic refugee legislation based on the SAARC Model National Law, including a domestic RSD procedure and explicit gender-based persecution grounds. All South Asian states should take immediate steps toward accession to the 1951 Refugee Convention and 1967 Protocol or at minimum commit to applying the non-refoulement principle as domestic policy.

Pakistan must immediately halt the forced return of Afghan women and girls to Taliban-controlled Afghanistan, in compliance with non-refoulement obligations under customary international law, and should renew PoR card validity.

Bangladesh should expand formal education access for Rohingya girls through secondary level and pilot income-generating programs for refugee women within camps. India must review the discriminatory provisions of the CAA to ensure Muslim Afghan refugee women are not excluded from legal protection on the basis of religion.

6.2 Regional (SAARC) Level

SAARC should revitalize the Model National Law process, establishing a SAARC Refugee Working Group with a dedicated Gender and Protection sub-committee to develop minimum regional standards for women refugees.

A regional GBV data-sharing mechanism should be established under SAARC auspices, building on the GBVIMS model deployed in Cox's Bazar. SAARC should adopt a regional declaration on statelessness and refugee women's documentation, committing member states to birth registration for all children born in refugee settings, regardless of parents' legal status.

6.3 International Level

UNHCR should significantly scale up gender-sensitive programming in South Asia, prioritizing female RSD officers, female lawyers for legal aid, and female community liaison officers. The CEDAW Committee should engage more proactively with South Asian states, issuing Concluding Observations that explicitly address the situation of refugee women.

Donor states and international NGOs should increase core funding for GBV response where UNHCR's 2025 Asia-Pacific funding gap stands at 70% of the \$957.9 million required for the region. The UN Human Rights Council should consider appointing a Special Rapporteur on the Rights of Refugee Women in South Asia.

CONCLUSION

The situation of women refugees in South Asia represents one of the most acute and chronically under-addressed human rights crises of our time. Nearly one million Rohingya women and girls live in the world's largest refugee settlement without legal status, freedom of movement, or access to education and formal employment. Three million Afghan refugees in Pakistan the majority women and children face forced return to a country governed by a regime that has codified gender apartheid. Nearly a quarter million refugees in India navigate a discriminatory legal landscape that explicitly excludes Muslim women from pathways to protection.

This paper has demonstrated that the protection gap for women refugees in South Asia is structural, not incidental. It is produced by the systematic absence of national refugee legislation in all major host states; the failure to accede to the 1951 Refugee Convention; the gap between CEDAW obligations and state practice; and the persistence of patriarchal social structures that compound women's legal vulnerabilities with social and economic ones. The GBVIMS data from Cox's Bazar is unambiguous: one in four women is a GBV survivor; physical assault and psychological abuse dominate the profile of violence; and the escalation of armed conflict in 2024 has created new vectors of gendered harm.

The way forward involves some national, regional, and international action. A rights-based response requires domestic legislation on refugees, cooperation on a SAARC level, implementation of CEDAW, and on-going funding of gender protection initiatives. War victims, ethnic cleansing victims, women displaced by violence and ethnic cleansing require their legal personhood, their needs concerning protection, and their needs concerning their human rights. South Asia, for all the generosity of its tradition of refuge, has yet to translate that generosity into law.

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