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**Women forgotten no longer -  
Gender-based violence  
as a ground for refugee status**

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## **Abstract**

Although international refugee law is gender neutral in theory, in practice it privileges male interests in the public domain over the activities of women that mostly occur in the private sphere. As a result, law fails to recognise specific experiences of women and respond appropriately to claims made by female applicants. Nevertheless, over the last twenty years, the understanding of gender issues in the refugee context has improved significantly and some countries accepted that women fleeing gender-based violence may be granted refugee status on that ground. The thesis aims to verify whether women subject to domestic violence or female genital mutilation can be recognised as a refugee and identify those requirements of the 1951 refugee definition, which might be particularly difficult to be met. Moreover, the purpose of the thesis is to present state practice of Canada, US and UK in relation to claims based on these two forms of violence.

It is established in the thesis that domestic abuse and female genital mutilation can constitute a ground for refugee status. The prerequisites, which may cause the greatest difficulties in cases involving violence within family are persecution, the failure of state protection, including internal flight alternative and the link between the persecution and the Convention ground. As regards the claims based on mutilation, the most problematic prerequisites might be internal flight alternative and the nexus between persecution and the Convention ground. As concerns the approach of Canada, US and UK with regard to applications based on these two forms of violence, it is found that practice of these countries is highly inconsistent and whether a woman fleeing domestic abuse or female genital mutilation will be granted refugee status will vary from case to case.