

University of the Witwatersrand
The Department of International Relations



“Unheard Cries:” To what extent are Turkey and Egypt aligned with their obligations, under international refugee law, to safeguard the human rights of female Syrian refugees?

A Research Report Submitted to the Faculty of Humanities

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DECLARATION

I declare that this research report is my own unaided work. It is submitted in partial fulfilment for the degree of Master of Arts (MA) in International Relations at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

A handwritten signature in black ink, appearing to read 'Yuthika', is written over a horizontal line.

(Yuthika Kiraan Ramsunder)

15 February 2025

In loving memory of Vidia Ramasary.

It is because I am your granddaughter, that I am able to achieve anything and everything that I set my mind to.

ABSTRACT

The Syrian refugee crisis is considered one of the most protracted humanitarian emergencies of the twenty-first century, and has forcibly displaced millions, thus exposing significant gaps in international refugee frameworks. Female Syrian refugees go on to encounter profound challenges such as gender-based violence, social isolation, limited access to healthcare, as well as exploitative labour conditions. This thesis examines the alignment of Turkey and Egypt's refugee policies to their obligations under international refugee law and emphasises the lived experiences and unique vulnerabilities of displaced women.

By viewing this crisis through an Institutional lens, the interplay between structural constraints, legal frameworks, and socio-economic conditions is explored, as well as the agency of female refugees in navigating these challenges. Through the use of comparative case studies, it is revealed how both Turkey and Egypt, despite being signatories to key international frameworks such as the 1951 Refugee Convention and its 1967 Protocol, fall short of implementing comprehensive protections that address the gendered dimensions of displacement. The research within this paper highlights systemic deficiencies such as inadequate gender-sensitive policies, xenophobia, and the prioritisation of national interests over that of humanitarian commitments.

This thesis goes beyond identifying the gaps by advocating for transformative solutions, including intersectional and human centred approaches, in order to integrate refugee voices into policy making. By analysing how institutional frameworks can better respond to the complexities of forced displacement, a critical insight is offered into the need to strengthening both global and regional refugee governance.

Ultimately, this paper argues for the urgent reimagining of refugee protection systems to ensure that displaced women, as both rights holders and agents of change, are at the centre of both international and national responses to the refugee crisis.

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The Women and Girls of Syria,

The world has failed to protect you, to honour your dignity, and to defend your rights. You deserve justice, safety, and hope. We will continue fighting for the future that you deserve.

This thesis is written by the grace of my guru, *Sri Swami Sivananda*.

“The welfare of humanity is the highest law.”

-Mahabharata

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CHAPTER ONE

INTRODUCTION

“It is the obligation of every person born in a safer room, to open the door when someone in danger knocks.” - Dina Nayeri

The Syrian refugee crisis is considered as one of the most severe and protracted humanitarian emergencies that is being faced in the twenty-first century and has forced millions of Syrians to flee their homes in search of safety and stability. Within this crisis, female refugees specifically confront unique challenges and vulnerabilities, which are inadequately addressed within refugee host state's policies. Whilst international frameworks such as the 1951 Refugee Convention aim to protect the rights of refugees such as safety, healthcare, and the protection from exploitation, the experiences of female refugees have highlighted a persistent gap between the legal obligations that states have and the implementation of policies that aim to ensure all refugee's protection. The following chapter serves as an introduction to a paper that aims to critically examine how both Turkey and Egypt align their responsibilities under international refugee law, with a focus on distinct challenges faced particularly by female Syrian refugees. Along with this examination, through an Institutionalist lens, the extent of policy alignment and the influence of structural and agency factors on these outcomes will be highlighted. In analysing both state's frameworks and responses, this paper seeks to contribute to the discourse on refugee rights by highlighting critical areas of improvement in both the protection and empowerment of displaced women.

1.1 BACKGROUND

In 2011, Syria descended into a violent and multi-faceted conflict, one that would be deemed the most protracted humanitarian crisis in history. The crisis in itself brought about extreme suffering on the civilian population, with ripple effects extending into surrounding regions and impacting both local and international actors. The conflict that the humanitarian crisis evolved from emerged from protests against President Bashar al-Assad's government, which initially advocated for democratic reforms and then escalated due to the government's use of force against demonstrators (Calica 2017, 116). The response by Assad's regime was brutal and involved chemical weapons attacks, indiscriminate bombings, and mass incarcerations, which not only inflamed tensions but also warranted international condemnation. As these events occurred, extremist factions such as the Islamic State of Iraq and Syria (ISIS) and the al-Nusra Front simultaneously exploited the chaos and subjected civilians to even greater terror and

intensified violence within Syria's borders. Being trapped between the government's brutality and extremist violence, Syrian civilians have endured mass displacement, with an estimated 11 million forced to flee from their homes, both within Syria and across its borders (UNHCR 2023). In addressing the political landscape of Syria and the way in which it has resulted in this mass displacement, it is important to note the recent overthrowing of Assad's regime, which has led to him fleeing the country in the December of 2024. This revolutionary turn in Syria's political landscape will undoubtedly change the refugee situations in the explored states of Turkey and Egypt as many refugees may return home. However, this change will not occur overnight and lessons and patterns that are found within this research will still maintain their validity, more specifically the handling of refugees by Turkey and Egypt, no matter where they may come from. Due to their geographic location, both states are likely to remain transit states, and the findings within this paper can also inform other states on the best approaches to a massive refugee influx, and lessons may be learnt from the two case studies that are presented below.

This mass displacement triggered from 2011 onwards has resulted in an estimate of half the Syrian population being uprooted, and more than 6 million displaced internally, and roughly 5,6 million seeking refuge in neighbouring states (UNHCR 2023). Turkey alone hosts approximately 3,6 million Syrian refugees and is considered the largest host state for this specific displaced population, and at the same time Egypt's refugee population has been increasing. The influx in both states has tested the capabilities of host nations and the effectiveness of international refugee protection systems, revealing gaps that have profound consequences to women and other vulnerable groups (Calica 2017, 130).

Given the growing displacement amongst various populations, the need for international frameworks is immense, and these have been established to protect refugees and provide critical safeguarding for those fleeing persecution. Two of these frameworks are the 1948 Universal Declaration of Human Rights (UDHR), which has enshrined the right to seek asylum as well as the 1951 Refugee Convention, which emphasises the principle of non-refoulement, protection from discrimination, access to services such as healthcare, education, and employment (UNHCR 2023). The Syrian refugee crisis, as will be found, shows that international instruments often fall short during the implementation stage, and host states tend to face serious challenges in aligning with these standards, despite their commitments under international law. These challenges can be seen in Turkey as they grant Syrian refugees 'temporary protection' as opposed to full refugee status, which further limits their access to key

resources, and leaves many Syrians without a secure legal standing (Calica 2017, 142). Likewise, in Egypt, there has been a rise in xenophobic violence against Syrians, particularly female refugees, which further complicates their access to rights and services.

Female Syrian refugees are uniquely vulnerable to human rights violations in host states, where they face gender-based violence (GBV), sexual exploitation, limited access to healthcare, and social isolation. These female refugees also often find themselves trapped in exploitative situations, such as limited employment opportunities and therefore have to rely on humanitarian aid or informal work (UNHCR 2023). In both Turkey and Egypt, there have been reports of GBV and discrimination against female refugees, which highlights the inadequacy of international frameworks in the protection of refugee rights. This lack of implementation and inadequacy brings about the need for urgent redress regarding refugee protection.

This paper sets out to examine how effectively Turkey and Egypt meet their obligations under international refugee law, and if these commitments translate into tangible protections for female Syrian refugees. It will also investigate the impact of host state's policies and their alignment with international standards, and the structural barriers that prevent the effective protection of refugees. In exploring these unique challenges faced by female Syrian refugees in Turkey and Egypt, the paper seeks to reveal the way in which host state's policies both reflect or deviate from international norms, and whether broader international frameworks address these gender-specific vulnerabilities.

Furthermore, the research will underscore the urgent need for host states to improve practices, and for international bodies to strengthen their support mechanisms. The high levels of GBV and exploitation that female refugees face indicates the need for the international community to address these persistent gaps. In addition, the research emphasises that protection efforts must account for the intersection of gender and displacement and should centre on the specific vulnerabilities of female refugees, who continue to bear the brunt of systemic inadequacies in both host state policies as well as international response frameworks.

1.2 RESEARCH QUESTIONS

There is a prevalent gap in the research of refugees as it does not adequately focus on the obligations of host states under international law, as well as the drivers that influence the way that policies are practiced and implemented. In turn the existing research does not highlight nor focus on the violations experienced by female refugees due to these policies and frameworks.

Specifically in relation to Article 2 (1) of the 1951 Refugee Convention, there is an inadequate focus on these obligations of states in the protection of human rights of refugees. These human rights include access to healthcare, gender-based violence, discrimination and xenophobia, imprisonment and detention, exploitation and forced labour. Considering all the above, the research question that this research paper is concerned with answering is:

To what extent do host states' practices in Turkey and Egypt align with their obligations to protect the human rights of female Syrian refugees?

This overall research question has also allowed for two subsequent questions to be answered within this paper in order to adequately answer the overall research question. The first focusses on the implementation of policies and programmes put in place as a result of international law:

To what extent have Turkey and Egypt implemented policies and programmes to protect the human rights of female Syrian refugees?

The second subsequent question aims to answer the effectiveness of international law and international institutions in addressing human rights violations:

How effectively have Turkey and Egypt addressed drivers of human rights violations and, has this resulted in a decrease?

1.3 AIM AND RATIONALE

The literature used within this research focuses on the case studies of Turkey and Egypt and explores the existing gap that is present and aims to address the lack of literature on the obligations of states under the 1951 United Nations Convention and its 1967 Protocol, along with other regional and global conventions, as well as the lack of focus on the human rights, experiences, and the rights of refugees. The aim, therefore, of this research paper, is to determine the extent to which Turkey and Egypt have aligned their practices with their obligations under international law to protect the human rights of female Syrian refugees, by using an Institutionalist lens as a conceptual framework.

The research in itself is important as it goes on to explore the gap in protection, particularly the protection of female Syrian refugees. Despite international law and the obligations which host

states have under international law to protect the human rights of refugees and asylum seekers, these female Syrian refugees still face human rights violations in these states. This research aims to put the human rights of these groups at the forefront. It also aims to establish a comprehensive approach, which is needed for understanding the complexity of the Syrian refugee crisis, and a framework that is needed to address the issues that are present in policy and framework implementation. In addition, it aims to fill the gap present that excludes the experiences of refugees, more specifically the protection of their human rights.

1.4 RESEARCH DESIGN & METHODOLOGY

The dependent variable within this research is *the experiences of human rights violations, namely the experiences of female Syrian refugees in Turkey and Egypt, including the types and frequency of human rights violations that they face*. The independent variables present are *gender, cultural and religious norms, socio-economic conditions, legal and political frameworks*, and *social and community support*.

The dependant variable specifically is operationalised or measured by a few factors which allows for the collection and further analysis of the relationships present between the host states specifically their actions and the violation of the obligations respectively that of human rights, toward female Syrian refugees. The way in which it is operationalised is through case studies and narratives that explain and explore female Syrian refugee's experiences in this specific situation, in these states. Another way is through the number of reported human rights violations faced by these women and are inclusive of but not limited to: gender-based violence, access to healthcare, discrimination and xenophobia, imprisonment, and detention, forced labour and exploitation. Other indicators include bias, lack of gender-sensitive policies, and inadequate resource allocation towards refugees within the state.

The variance that is present is on the independent variable which is illustrated by the use of case studies and a comparative analysis that delves into the following aspects and the response to each indicator, within each state, with a specific focus on protection from GBV, access to education, and healthcare:

- Protection from Gender-Based Violence (GBV)
- Access to education and healthcare
- Legal status and documentation

- Access to justice and legal remedies
- Social and economic inclusion
- Non-discrimination and equal treatment
- Protection from exploitation and trafficking

The research may also be subject to intervening variables such as *the effectiveness of human rights training and capacity building programmes within institutions and organisations*, as well as *the availability and accessibility of human rights information and resources for female Syrian refugees*.

Case selection within this research paper has been guided by a specific criterion that allows for a rigorous and informative comparative analysis of the factors that may shape the protection of refugees in both Turkey and Egypt. The criteria that were followed was namely theoretical relevance, which sees both states selected due to their relevance to the research question and objectives at hand, as well as the fact that both cases represent a different institutional framework and allows for an in-depth comparative analysis of the factors that go on to shape refugee protection. Secondly, regional significance was looked at, as the Middle East is a vital and critical region for refugee studies, and in turn these two cases hold key contributions in regard to refugee protection, again allowing for a better understanding of refugee protection in the region. Another factor that was taken into consideration was the access to data and information, as by selecting the cases of Turkey and Egypt there is a large availability of data and information on refugees and refugee protection. Another factor that was taken into consideration, was the variation on the independent variable, which allows for a comparative analysis on how these factors influence refugee protection. The last factor was feasibility and ethical considerations. The research at hand aims to contribute to the improvement of refugee protection, and in selecting these cases, there is allowance for a focussed view on refugee protection in contexts where it presents as a significant concern.

The way in which data was collected was through literature and analyses of documents such as national laws, policies, regulations related to refugee protection and gender equality, international agreements and conventions ratified by both Turkey and Egypt, and reports from the UNHCR, NGOs, and human rights organisations. Along with this, secondary sources such as journal articles, textbooks, books, dissertations, international organisation commentary, and political commentary were analysed in order to provide a comprehensive understanding of the research questions at hand

In discussing the methodology of this research, it is imperative to acknowledge the *limitations* that may be present in completing this research, and it is to be noted that all limitations have been considered in following through with this research. Some limitations may include restricted access, security concerns, and the nature of the crisis in collecting the data from conflict zones and refugee settings. There is the possibility of reports and data being biased or inaccurate and verification in these settings may be challenging. Other limitations are the considerable ethical considerations, language barriers, political sensitivities, and the time sensitivity of the nature of the case study. All limitations have been considered and after much consideration, the solution has presented itself as desktop research, that makes use of secondary sources, as opposed to primary sources, which would be limited due to the nature of the study. An ethics waiver with the waiver number, **WSOSSINTR-08-2024-11**, has been approved.

1.5 OUTLINE OF STUDY

Following this introductory chapter, chapter two focusses on the present gap in relevant literature on the topic and the ways in which the research report aims to address this gap and contribute to the relevant literature. The third chapter delves into international refugee law and human rights obligations, more specifically the overview of the 1951 Refugee Convention and its protocols. The rights of refugees under international law, specifically female refugees as well as the obligations of states, including Turkey and Egypt, under international refugee law, will also be explored. Within the third chapter, an Institutional perspective will be looked at, more importantly the role of international organisations and regimes in shaping refugee protection. The chapter following the third chapter addresses the institutional frameworks that are present in both Turkey and Egypt, more specifically on refugee protection. An analysis of the legal and policy frameworks, including national laws, regulations, and policies, will be discussed. Along with these two topics, there is an examination of the role of government ministries, agencies, and non-governmental organisations in refugee protection. In addition, an Institutional analysis is made, namely how institutional frameworks shape the implementation of international refugee law and human rights obligations.

The fifth chapter explores the situation of female Syrian refugees in Turkey with the succeeding chapter exploring the situation in Egypt of female Syrian refugees. Both chapters provide an overview of the refugee situation in each respective state. They additionally explore the specific challenges faced by female Syrian refugees in each respective state, including access to education, healthcare, and protection from gender-based violence. Along with this, each

chapter respectively provides an analysis of the state's alignment with international refugee law and human rights obligations, including an Institutional analysis of the implementation of policies and programmes. Chapter seven of the research paper serves to provide a comparative analysis, and the challenges faced. The chapter provides a comparison of the refugee situations in Turkey and Egypt, including an Institutional analysis of the similarities and differences in their institutional frameworks and implementation of policies and programmes. Along with this, the chapter provides common challenges and best practices within both Turkey and Egypt. The chapter provides an analysis of the gaps in protection and services for female Syrian refugees, including an Institutional analysis of the role of international organisations and regimes in Turkey and Egypt. The concluding chapter serves to provide the overall findings of the above analyses, as well as summarise the extent to which host states' practices in Turkey and Egypt align with their obligations to protect the human rights of female Syrian refugees.

1.6 CONCEPTUAL FRAMEWORK

With the aim of bridging the prevalent research gap, this research paper is to make use of a theoretical and conceptual framework which looks at norm compliance, specifically that of international law. The theory that will be used within this research is Institutionalism, an approach that allows for the roles of institutions, specifically roles of rules, norms, and organisations, and how this shapes specific outcomes. In looking at Institutionalism, Rational Choice Institutionalism (RCI) and Sociological Institutionalism (SI) specifically will be explored to pave an understanding of how both international and national institutions go on to influence the protection of female refugee's rights. It is important to note that whilst Historical Institutionalism serves as a fundamental form of Institutionalism, within this paper it does not adequately serve in analysing the roles of institutions and the roles of rules, norms, and organisations, specifically in relation to the gaps of protection of female Syrian refugees. Hence the focus will be on other forms of Institutionalism, such as RCI and SCI which allow for certain assumptions to be formed which guide how these institutions are to be analysed.

Rational Choice Institutionalism (RCI) emphasises and explains how institutions go on to create incentives and disincentives in order to guide states in decision-making processes towards strategic goals as opposed to humanitarian goals (Moe 2019, 43). Along with this, RCI studies how institutions act as both independent variables, by shaping behaviour, and dependent variables, the products of strategic interactions. States are considered risk-averse and therefore

design institutions that protect them from unforeseen circumstances, and as a way to maintain control in uncontrolled situations. RCI explains outcomes through methodological individualism, utility maximisation, and institutional constraints (Pollack 2006, 32). RCI is particularly valuable in the examination of how host state's policies towards refugees, specifically female refugees, are influenced by their obligations under international frameworks and the potential costs and benefits of compliance. An example of this is that states often comply with international norms selectively, and favour policies that align with their own political and economic priorities (Betts and Collier 2017, 55). In some cases, this leads to policies that meet only minimal international standards, reflecting the state's strategy balancing of compliance with national interests. This selective compliance is often driven by international funding and partnerships, which limits the implementation of comprehensive protections for female refugees, in areas such as gender-sensitive policy development (Crawley and Skleporis 2018, 53).

The next type of Institutionalism to be explored is Sociological Institutionalism (SI), which examines how culture, norms, and social expectations influence institutional practices. It focuses on normative orders and socialisation as drivers of behaviour, downplaying historical context (Kirişci 2019, 14). Within refugee protection, SI reveals how societal norms and perceptions, especially those around gender roles, shape policies and affect experiences of female refugees. It further illustrates how social and cultural factors in host states, determine the extent to which female refugees receive adequate support (Kirişci 2019, 14). It is also vital to understand that cultural biases are embedded in institutions and limit the development and enforcement of protective measures for female refugees (Freedman and Kivilcim 2018, 72). An example of this is that in some host states, traditional views on gender roles can prevent female refugees from accessing work permits, healthcare, and protection from GBV. The cultural resistance in institutions, limits the practical implementation of international commitments to gender equality and refugee protection.

By integrating RCI and SI, a multi-dimensional understanding of how institutional structures affect the protection of female refugees, is gained. Each approach, whether it focuses on strategic interests or cultural norms, reveals unique challenges in implementing effective, gender-sensitive refugee protections. Together, these perspectives underscore the need for a human rights-centred framework that adequately addresses the complex realities that are faced by female Syrian refugees within host states.

The conceptual framework for the research looks at *structural factors* namely that of political and legal frameworks in host countries, as well as the systems of governance and the structure in each host state and its policies and frameworks (Betts and Kaytaz 2017). Along with this international law as well as human rights frameworks are conceptualised. Another structural factor would be that of economic and social statuses and conditions, and further looks into the economic conditions of states as well as resource allocation specifically to refugees and female refugees. It looks at the social norms and values in the state and how this can impact the human rights of refugee women. Along with structural factors, this framework delves into *agency* and will focus on the policies and practices within the state as well as the agency of the female Syrian refugees. In addition, the *outcomes and consequences* are delved into, especially the severity of human rights violations as well as the types committed (Jacobsen 1997). The well-being and livelihoods of these Syrian refugee women is also to be explored in order to ensure the most accurate findings. Within the conceptual framework, international, national, organisational, and individual levels of influence on policies and frameworks within the host states will further be discussed. This is done by understanding the interactions and relationships that are present such as that between international institutions and their influence on national institutions and policies, secondly how national institutions and policies further shape practices and individual experiences, thirdly, how civil society and international organisations influence policies and individual experiences, and lastly, the way in which historical legacies shape institutional development and policy choices.

Along with this the causal mechanisms will be evaluated and explored namely discrimination and bias, and the lack of gender-sensitive policies and programmes at both a national and international level, which serve as the key drivers in the human rights violations of female Syrian refugees in host states. Both the literature looked at, as well as the theoretical and conceptual frameworks which the research follows, allows for a deeper understanding of the crisis. It enhances the need for a comprehensive approach to understanding the complexity of the issues present in the Syrian refugee crisis, as well as a way to adequately address all the issues. It highlights the gap that is present in understanding the experiences of refugees, and highlights the importance of human rights, as well as the policy and political solutions that are needed. Ultimately, a framework that focuses on human rights, is needed to fully understand the Syrian refugee crisis.

1.7 CONCLUSION

The Syrian refugee crisis has presented as the starkest challenge to international frameworks that are designed to protect displaced populations, especially those focused on vulnerable groups such as female refugees. The commitments that are laid out in the UDHR as well as the 1951 Refugee Convention underscore principles of universality and protection-implementation in host states, such as Turkey and Egypt, and the critical gaps that persist. Despite the aims to meet obligations, there is a consistent struggle to provide the necessary protection and to secure the fundamental human rights of Syrian refugees. This leaves female refugees disproportionately affected by issues such as GBV, discrimination, and the limited access to essential services.

The above analysis and those to follow within the paper, highlights the inadequacy of current international mechanisms in bridging these gaps, and the limitations of host states' policies in addressing vulnerabilities of the female refugee experience. Strengthening these protections and mechanisms is critical to uphold the rights of female Syrian refugees and ensures that the commitment to universal human rights is fully realised in and beyond Syria's borders. A re-examination of host state policies and international frameworks, along with their alignment with core principles of refugee protection will be further made, along with the ways in which existing systems can be improved. It is paramount to this paper that in fostering international collaboration to create policies and resources that specifically address the complex gender-specific challenges of displaced populations.

With the aim to fully understand the Syrian refugee crisis, particularly as experienced by female Syrian refugees, as well as its link towards human rights and international human rights along with the way in which it links to the commitments held by the states that host them, will be explored in the following chapter. Along with human rights and their link to refugees, the subsequent chapter will also delve into existing literature on the refugee experience. Lastly, it will shift the focus specifically to female refugees and their experiences, all which is vital in analysing the way in which host states align their policies to international law and obligations to ensure the protection of refugees within their borders.

CHAPTER TWO

LITERATURE OVERVIEW

In the early 2000s, a rights-based approach that highlighted state's legal obligations to protect refugees from violations including protection from discrimination, violence, and non-refoulement, was introduced by scholars such as Hathaway, Goodwin-Gill, and McAdam. Although this marked progress in the literature on refugees, it was critiqued for heavily focusing on legal frameworks as opposed to the lived experiences of refugees and the specific vulnerabilities and challenges. This critique led to an interdisciplinary shift that would include socio-economic and cultural factors in refugee studies and that aimed to provide a more comprehensive understanding of the rights and challenges of refugees. More recent literature such as that by Betts and Feller highlights the socio-economic struggles and adaptive strategies of refugees that acknowledges both the difficulties that refugees encounter, and their resilience. However, even though socio-economic rights are addressed, human rights violations such as civil and political rights remain underexplored. In addition, there is a growing focus on the gendered dimensions of refugee experiences where scholars such as Freedman and Olivius argue that traditional policies often fail to address female refugee's specific needs.

The following chapter aims to examine the development of refugee studies with specific emphasis on human rights frameworks, refugee's lived experiences, and the particular challenges faced by women. It also aims to integrate these key areas in revealing the limitations of current research, and to propose a more inclusive human-centred approach to refugee protection. By placing an emphasis on refugee's voices and recognising the unique challenges that are faced by women and marginalised groups, this chapter goes on to underscore the need for a multidisciplinary framework to address the complex realities of refugees today.

2.1 HUMAN RIGHTS AND THEIR LINK TO REFUGEES

The early foundational works in refugee law, such as Teitelbaum's work in 1984 and Zolberg et. al. in 1989, portrayed refugee policy mainly through the lens of state interests and global migration trends. These works established critical understandings of the ways in which political considerations drive state responses towards refugees, and how it sees refugees as subjects of policy and not holders of rights. Teitelbaum (1984, 431) explores migration and refugee flows and the ways in which they are inseparably linked to state sovereignty and foreign policy interests, which leaves little to no room for the discussion of refugees' individual rights.

Zolberg et. al. (1989, 53) highlighted the influence of geo-political interests in the shaping of refugee policies and underscores the state-centric focus in early literature. This focus on sovereignty and security has laid the groundwork for future scholarship, all whilst leaving a significant gap in the explicit consideration of refugee human rights.

In the mid-2000s, a shift occurred amongst scholars, with authors such as Hathaway, and McAdam arguing for a rights-based approach to refugee protection. Hathaway (2005, 103) provided an advanced understanding of refugees as rights holders with entitlements under international law, rights inclusive of non-refoulement, asylum procedures, and fair treatment. Goodwin-Gill and McAdam (2007, 78) went on to further refine these ideas by examining state obligations under international human rights frameworks, and emphasising protection against discrimination, violence, and deportation. These authors proposed a rights-based paradigm in response to the gaps that were identified in earlier literature, which primarily focused on legal frameworks and remained disconnected from refugees lived experiences and specific vulnerabilities (Foster 2007, 21).

This evolution of human rights in refugee studies extends to interdisciplinary approaches with scholars from discipline like Sociology and International Development, who highlight the intersection of refugee rights with socio-economic and cultural factors. An example of this is through Chimni's (2009, 24) work that argued that refugee policies must consider not only legal obligations, but also broader socio-political contexts that affect refugee rights such as access to healthcare, education, and labour markets. These authors have expressed that a holistic approach is needed in order to embed human rights more integrally into refugee protection frameworks and focus on both structural protections and individual experiences.

2.2 LITERATURE ON THE REFUGEE EXPERIENCE

Human rights have gained traction in refugee studies with recent literature having expanded to focus on refugee's lived experiences and personal narratives. Betts et. al (2017, 128) and Feller et. al. (2018, 66) contributed to this shift by exploring refugee economies and adaptive strategies within host states and highlights how refugees navigate socio-economic systems and cultural integration. These works have illuminated the resilience and agency of refugees and also challenge traditional narratives which portray refugees solely as victims in need of protection. However, this literature has been critiqued for downplaying or even ignoring specific human rights violations that refugees face such as arbitrary detention, exploitation, and

inadequate access to healthcare, which was done by emphasising socio-economic adaption (Feller et. al. 2018, 89).

Along with this recent literature, Cohen and van Hear (2017) introduced the notion of *Refugia*, which further expanded the discourse by conceptualising an alternative system for displaced people, particularly one that offers autonomy and self-governance as opposed to subjecting them solely to state policies. Their work proposes a vision for a community of displaced individuals that transcends national boundaries and fosters a sense of solidarity and belonging, which is often absent from traditional asylum frameworks (Cohen and van Hear 2017, 43). The ideas brought about were innovative and encouraged that practical implications remain largely theoretical and can be argued that it does not sufficiently address immediate human rights challenges faced in both asylum and detention systems (Betts et. al. 2017, 130).

In recent years climate change has emerged as a critical factor that is affecting refugee experiences and goes on to add another dimension to human rights challenges. This is exemplified in the works of McAdam (2020) and Kälén (2019) where they discuss how climate induced displacement further exacerbates vulnerabilities, and the affected individuals often lack legal protection under existing refugee frameworks. These works additionally call for updated frameworks that account for the environmental factors that are driving displacement, suggesting that international law must evolve to address the growing phenomenon of climate refugees.

2.3 SHIFTING THE FOCUS TO FEMALE REFUGEES AND THEIR EXPERIENCES

As mentioned above, there is a significant gap in refugee literature and it pays inadequate attention to gender-specific experiences, especially those of female refugees. As Freedman (2016, 209) argues, the male dominated narratives present in refugee policy has historically sidelined the unique challenges women face such as sexual violence, reproductive health issues, and the risk of exploitation. In *Gendering the International Asylum and Refugee Debate*, Freedman critiques the all-inclusive approach of international refugee policies, and advocates for a gender-responsive framework that recognises female refugees' specific needs and vulnerabilities. Olivius (2016, 275) develops this gendered perspective by discussing as to how refugee camps and asylum processes frequently fail to protect female refugees from GBV and often compounds with their other trauma. It is argued that traditional refugee policies overlook the agency of women and treat them as passive recipients of aid, rather than active agents that

are capable of shaping and controlling their own future (Olivius 2016, 276). The absence of gender-sensitive mechanisms in refugee policies not only limits women's access to adequate healthcare and legal protection but also perpetuates systemic rights violations and further reinforces a cycle of marginalisation.

Additionally, it is vital to understand more specifically the challenges and vulnerabilities that are faced by female refugees, despite the fact that their rights should ultimately be protected. Female refugees are often subjected to sexual torture, injury, starvation, and murder due to them being part of a vulnerable group and allows for a violation of their human rights (Memela and Maharaj 2016, 54). Women that are a part of this vulnerable group are often considered invisible, as they are not politically active or vocal, and may face many violations that are connected to gender. Female experiences are often muted and looked at through a gender-blind lens, with a male bias (Memela and Maharaj 2016, 54). Patriarchy, as understood to be a social system in which men hold primary power and predominate in roles of political leadership, moral authority, social privilege, and control of property, is deeply ingrained within many societies, such as refugee communities. This has significantly influenced the vulnerability of refugee women, as their rights and the protection of their rights and needs are often disregarded or dismissed. Within spaces such as conflict zones and refugee camps, male-dominated structures continue to dictate their access to resources, security, and decision-making. This is further compounded by the fact that many international protection mechanisms fail to account for the gendered experiences of refugees, and often ignores the specific ways in which women's needs may differ from those of men (Freedman 2016, 24). Such gendered neglect is rooted in patriarchal assumptions about women's roles and reinforces their marginalisation and vulnerability.

One of the vulnerabilities or challenges that are faced and can be considered as a pervasive challenge faced by female refugees is gender-based violence. GBV allows for far reaching consequences for the physical and emotional well-beings of female refugees (Freedman 2016, 20). As a vulnerable group, the GBV experienced whether it be physical, sexual, exploitation, or abuse, leaves a lasting impact and serves as a perpetuating power domination. This specific group is at an increased risk of sexual violence such as rape, assault, and domestic violence, and leads to severe physical and emotional consequences such as trauma, anxiety, and depression (Pulvirenti and Mason 2011, 40; Memela and Maharaj 2016, 55).

Another challenge faced is that of discrimination, which serves as a barrier to opportunities. Discrimination is a significant barrier to opportunities such as access to resources and services. Female refugees may face gender-discrimination and thus do not have equal access to education, funding opportunities, and employment opportunities (Deacon and Sullivan 2009, 277; Pulvirenti and Mason 2011, 42). As these women enter new environments, there is a struggle to understand unfamiliar demands and circumstances, and the need to renegotiate expectations, relationships, behaviours, and the assumption of gender roles (Memela and Maharaj 2016, 55). The discrimination that is faced by these female refugees due to their gender, can exacerbate the challenges faced by this group, which leads to an increased vulnerability to GBV and limits their ability to rebuild their lives (Freedman 2016, 24). A challenge faced is the limited access to healthcare, which proves as a critical challenge. Female refugees have limited access to maternal healthcare services and reproductive healthcare and increases the risk of maternal mortality and morbidity (Deacon and Sullivan 2009, 277; Friedman 1992, 70). This limited access to healthcare can increase the risk of GBV and discrimination, exacerbating the challenges that are faced.

As previously mentioned, there is the lasting psychological impact on refugees, specifically female refugees. These refugees may experience anxiety, depression, and Post-Traumatic Stress Disorder (PTSD), as a result of their experiences of violence and displacement (Memela and Maharaj 2016, 55). The psychological trauma experienced can limit the ability of female refugees to rebuild their lives, and in turn increases the vulnerability to GBV and discrimination (Freedman 2016, 24). Another vulnerability or challenge faced by female refugees, is the lack of representation which presents a critical gap in the rights of female refugees' experiences. This lack of representation in relation to challenges faced by female refugees presents itself in the limitation to their ability to participate in decision-making processes, as well as leadership structures (Memela and Maharaj 2016, 22). The underrepresentation in refugee camps and leadership committees undoubtedly limits their ability to influence decisions that go on to affect their lives. The lack of representation can exacerbate the challenges faced and increases vulnerability to GBV and discrimination (Freedman 2016, 25; Pulvirenti and Mason 2011, 42). Patriarchal gender norms continue to restrict women's agency, and leaves them economically and socially dependent, whilst their male counterparts may receive preferential treatment in accessing both opportunities and services. As they enter new environments, these women must also renegotiate their identities and gender roles within these unfamiliar systems, which in turn

may clash with the entrenched patriarchal structure in their new host states (Memela and Maharaj 2016, 55).

The responses to these issues are shaped by patriarchal attitudes that perpetuate gender inequality, and assumes women's roles and responsibilities, and fails to address the specific needs and experiences of refugee women (Memela and Maharaj 2016, 64-65). There is also a lack of gender mainstreaming that includes a lack of gender-sensitive programming, lack of funding for gender-specific initiatives, and a failure to involve refugee women in decision making processes (Memela and Maharaj 2016, 64-65). It is vital that gender-sensitive refugee protection is set into motion to address these specific needs and challenges that are faced by female refugees, and to ensure that their safety and well-being is protected (UNHCR 2018, 12). Patriarchy at both local and international levels, continues to hamper the development of tailored responses that address the specific challenges faced by female refugees.

It is also of utmost importance as these frameworks and instruments implemented to ensure the protection against sexual gender-based violence will allow for empowerment through education and economic opportunities, as well as addressing the specific healthcare needs of all these refugee women. It is important that there is a response to the complex and gendered needs of refugee women, and that it is understood that refugee women face unique challenges that require tailored responses.

By incorporating intersectionality, several scholars argue that refugee studies must account for overlapping factors such as race, socio-economic status, and cultural background, that go on to further complicate female refugee's experiences. An example of this is through Abji's (2020, 88) work where it is highlighted as to how asylum-seeking women from marginalised ethnic backgrounds often face compounded discrimination both in refugee camps and host communities. This leads to heightened vulnerability and limited access to essential services of female refugees. In integrating intersectional approaches, the literature increasingly recognises the diverse identities and lived experiences within refugee populations, which have previously been overlooked in previous scholarship.

Literature on both refugee protection and human rights demonstrates clear progress, reveals significant gaps that continue to remain unaddressed. In order for refugees to be effectively protected and empowered, there is a need for comprehensive framework that fully incorporates human rights norms, interdisciplinary perspectives, and refugee voices. For this comprehensive framework, it needs to include centring refugee experiences in both research and policy design,

whilst prioritising responsibility of both state and non-state actors. It will also need to address the complex vulnerabilities that are specific to women and marginalised groups. Future research needs to prioritise innovative policy recommendations such as the establishment of gender-sensitive frameworks, climate resilient support systems, and community-driven approaches such as *Refugia*. In adopting these solutions, scholars and policymakers alike can better respond to multi-faceted challenges faced by refugees by fostering a more inclusive and protective global refugee regime.

2.4 CONCLUSION

This chapter has traced the evolution of refugee studies and has highlighted both the advancements and persistent gaps that are present when addressing refugees' human rights, their lived experiences, and the specific challenges that are faced by female refugees. The early literature explored focused on the state-centred approaches that prioritised migration policy and sovereignty, all whilst overlooking the fundamental rights of the refugees themselves. As discussed, scholars in the early 2000s pioneered towards a rights-based approach to refugee protection, yet these legal frameworks were often times disconnected from the practical realities and individual experiences of refugees.

More recent studies, however, have broadened this perspective by acknowledging the socio-economic struggles and resilience of refugees within host states. Authors such as Betts et. al. (2017) and Feller et. al. (2018) illustrate that refugees navigate the complex socio-economic landscapes, yet their human rights challenges, inclusive of the limited access to essential services, continue to remain underexplored. In addition, the literature presented has started to address the gendered dimensions of refugee experiences, with scholars such as Freedman (2016) and Olivius (2016) underscoring the unique vulnerabilities of female refugees, from GBV all the way through to reproductive health needs. This specific focus reveals the ways in which gender, race, and socio-economic factors intersect, shaping a variety of refugee experiences and necessitating a more inclusive approach.

Lastly, this chapter has advocated for an integrated framework, one that centres refugee's voices and experiences all whilst advancing an interdisciplinary, human-centred approach to refugee protection. In order to truly address the complex needs of refugees, scholarship and policy must move beyond state-centric models to incorporate socio-economic, gender-sensitive, as well as intersectional perspectives. This holistic approach is deemed essential in the creation of a more equitable and effective refugee protection regime that is capable of

addressing the diverse challenges that are faced by refugees in contemporary times and promoting long-term solutions that are rooted in human rights and dignity. This advocacy for a human-centred approach and the importance of inclusive frameworks will be further discussed in the following chapter, along with the obligations that states have under international refugee law.

CHAPTER THREE

INTERNATIONAL REFUGEE LAW AND HUMAN RIGHTS OBLIGATIONS

The global refugee crisis is a pressing humanitarian challenge and requires a co-ordinated international governance and a robust framework for refugee protection. This chapter aims to examine the key mechanisms, organisations, and legal instruments that underpin the international refugee protection regime. The cornerstone for these frameworks is the 1951 Refugee Convention along with its 1967 Protocol, which establishes foundational rights and protections for refugees, that are reinforced by additional human rights instruments. By integrating an institutionalist perspective, as well as understanding the crucial roles that international organisations, such as the UNHCR, IOM, and International Committee of the Red Cross (ICRC), an organisation that aims to protect the lives and dignities of victims of armed conflict and other situations of violence, and provides them with assistance, all play. This chapter further explores how rational interests, historical precedents, and shared norms shape state behaviour and international co-operation in refugee protection.

These perspectives highlight the multifaceted motivations for states to participate in refugee protection frameworks, whether being driven by historical obligations, self-interest, or a commitment to shared humanitarian values. Despite the notable achievements, the international community still faces ongoing challenges that range from resource constraints to political barriers and impede the full realisation of refugee rights. Through this analysis, this chapter aims to underscore the critical and ever evolving role of international governance, especially in addressing the complexities of modern displacement.

3.1 THE 1951 REFUGEE CONVENTION & ITS PROTOCOLS

3.1.1 THE SIGNIFICANCE OF THE 1951 CONVENTION IN INTERNATIONAL REFUGEE LAW

From the year 1921, the globe saw the dire need for international action for refugees, and the assurance that refugees are to be recognised. This action was not only to be brought by relief measures, but also by the expression in the establishment of international instruments that would assist in the legal position of refugees, as well as the establishment of international agencies that would ensure the protection of refugees (Weiss 1954, 194). Prior to World War

II, and the 1951 Refugee Convention, intergovernmental efforts for the improvement of the legal status of refugees were mainly directed towards the conclusion of multilateral treaties and only covered the elements of the refugee's status. These efforts were for more specific groups of refugees as they emerged, and only a few governments had ratified these efforts (Weiss 1954, 194).

Following the end of the Second World War, Europe was faced with an unprecedented displacement crisis, and approximately forty million individuals were uprooted from their homes, and were actively fleeing persecution, war, and destruction (Kulischer 1948, 12). This crisis was further exacerbated by the destruction of homes, infrastructure, communities, and as a result both shelter, and livelihoods were lost. There were a large number of displaced persons without the required protection and assistance, as well as widespread human rights abuses. The international community recognised the implications of the war, and how the systemic persecution of the Jewish, Roma, and other minority communities and groups led to the genocide of over six million people in these groups as they were deemed undesirable under the Nazi regime which led to an exacerbation of this crisis (Bauer 1978, 15).

3.1.2 THE KEY PROVISIONS AND DEFINING A REFUGEE

The international community recognised the need for a coordinated response to the displacement crisis, with the existing United Nations Relief and Rehabilitation Administration mandate limited, a more permanent solution was urgently needed (Holborn 1956, 23). Thus, on the 28th of July 1951 in Geneva Switzerland, the United Nations Convention Relating to the Status of Refugees, or as more commonly known, the 1951 Refugee Convention, was established at the UN Conference of Plenipotentiaries (Weiss 1954, 195). This convention was designed to consolidate existing international instruments relating to refugees and to extend their scope to further groups of refugees. It would serve to regulate refugees' legal status in greater detail in comparison to previous instruments and provide a uniform legal status. The convention would additionally address the key principles, rights, obligations, limitations, and exclusions of refugees (Weiss 1954, 195). It would then go on to create a link between the international organ that aims at protecting them and the international instrument regulating their status. The 1951 Refugee Convention is a key international treaty that goes on to define the rights and obligations of refugees and the responsibilities of states under this Convention to protect them. It holds extreme significance in international refugee law as it sets out the rights and protections afforded to refugees, including the principle of non-refoulement, which

is the principle of not returning a refugee to a country where they would face persecution (Zimmerman 2011, 12; Foster 2011, 442).

With the term refugee, different imagery appears for each individual and in essence has been defined by various scholars as a person who has crossed an international frontier due to a well-founded fear of persecution (Shacknove 1985, 274). According to the United Nations 1951 Refugee Convention (Shacknove 1985, 276), a refugee is explicitly defined as:

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

Within this definition it is imperative to understand the key factors, as described, of what makes an individual constitute as a refugee. The most defining parts are the fear of persecution, the reasons for this fear and for the persecution, the fact that they are outside their country of nationality, and lastly that they are either unable or unwilling to return to this country. In this definition provided within the Convention it is important to understand that an overly narrow conception of a refugee is more likely to lead to the denial of international protection to people in dire situations, as the legal definition may exclude them should it be too narrow.

3.1.3 THE 1967 PROTOCOL AND ITS PROVISIONS

Whilst the 1951 Convention is considered a vital part of refugee law as we interpret it today, it is vital to note that it did not come without critique and some of those in the international community did not see it as adequately addressing the issues that refugees were presently being faced with. To address these issues, a crucial instrument was introduced as the 1967 Protocol Relating to the Status of Refugees, which went on to expand the scope set out by the 1951 Refugee Convention (Hathaway 2005, 348). There were four key aspects within this Protocol that expanded it, including removing geographical limitations, removing temporal limitations, confirming the principle of non-refoulement, and encouraging universal accession (Hathaway 2005, 348; Goodwin-Gill 2007, 233).

The first aspect that was expanded on was the removal of geographical limitations. The Protocol removed the geographical limitations that were set about by the 1951 Refugee

Convention, as this Convention only applied exclusively to the refugees of Europe (Goodwin-Gill 2007, 233). This expansion allowed for the protection of all refugees from all regions of the world. The second aspect was the removal of temporal limitations. The Protocol went on to remove the temporal limitations, as the 1951 Convention only applied to events that occurred before the year 1951 and ensured that the Convention's protection would apply to refugees fleeing more recent conflict and persecution (Lauterpacht and Bethlehem 2007, 104; Amnesty International 2019, 15). The Protocol additionally confirmed the principle of non-refoulement, that emphasizes that states should not return refugees to countries where they should or could face persecution (ECtHR 2011, 20). The last key aspect that was included and further expanded by the 1967 Protocol was the encouragement of universal accession. This allowed for the encouragement of all states to accede to the 1951 Convention and the Protocol and promotes a universal adoption of refugee protection standards (UN General Assembly 1967). The core principles of the 1951 Convention along with the 1967 Protocol are the essentiality in ensuring the protection of refugees, through non-refoulement, non-discrimination, the right to seek asylum, and the protection from persecution, all which are vital parts of international refugee law (Hathaway 2005, 348; Goodwin-Gill 2007, 233; Lauterpacht and Bethlehem 2007, 104).

3.2 THE RIGHTS OF REFUGEES UNDER INTERNATIONAL LAW

International law as a whole recognises these challenges and stipulates the rights of refugees, and they are enshrined within various frameworks, and it is through these frameworks that international law shines through. The framework that enshrines international law is one that is explained in depth, and can be found in **Appendix A**, but can be summarised into its key principles, instruments, and its challenges and limitations, more specifically in its relation to refugees, and female refugees.

As mentioned above the 1951 Refugee Convention is and can be seen as the starting point of international refugee law as we practice it today. Within the convention, the right to seek asylum is emphasised, more specifically that everyone has the right to seek and asylum from persecution (United Nations 1958, 3). Along with this right, is the practice of non-refoulement, which Article 33 explores that prohibits states from returning a refugee to a country where they should face persecution (United Nations 1958, 15). Along with the 1951 Refugee Convention, the 1967 Protocol emphasises the right to protection from persecution, and more importantly expands the definition of a refugee in relation to those who are to be protected and non-discriminated against (United Nations 1967, 5).

Along with these two frameworks, there are other international instruments such as the International Covenant on Civil and Political Rights (ICCPR) which in Article 7, explores and prohibits the torture and cruel, inhumane, degrading treatment of refugees and individuals (United Nations 1966, 10). Subsequently, the Convention Against Torture (CAT), where Article 3 prohibits states from returning individuals to countries where they may face a real risk of torture (United Nations 1984, 7). These frameworks all emphasise the importance of non-discrimination, family unity, and the importance of the protection of refugees as an international duty. These frameworks although vital, also have challenges and limitations. These are inclusive of state sovereignty and the notion that states may limit refugee rights due to national security, public order, and immigration control (Chimni 2000, 78). Another challenge or constraint is that of resource allocation and resource constraints, and states may struggle to provide adequate protection and assistance to refugees due to resource limitations (Betts 2009, 234).

3.3 THE OBLIGATIONS OF STATES UNDER INTERNATIONAL REFUGEE LAW

International refugee law imposes several obligations on states to protect refugees and prevent refoulement. These obligations are enshrined in various international instruments, including the 1951 Refugee Convention and its 1967 Protocol, along with customary international law (Orrego Vicuña 1984, 123). States are obligated and have a duty to protect refugees, which is seen as their primary obligation under international refugee law. This includes ensuring their safety, security, well-being, and granting their access to basic necessities such as food, shelter, water, and medical care (Gil-Bazo 2015, 45). States are encouraged to respect the principle of non-discrimination and ensure that refugees are treated equally to nationals in terms of access to education, employment, and healthcare (UNHCR 2010, 15). Another fundamental obligation of states is the prevention of refoulement, which is the forced return of a refugee to a country where they could face a real risk of persecution, torture or serious harm. States are therefore obligated to ensure that refugees are not returned to a country where their life or freedom would be threatened and should also ensure that they are given access to fair and efficient asylum procedures (Orrego Vicuña 1984, 125; Gil-Bazo 2015, 50).

Under the 1951 Refugee Convention, particularly articles 17, 22, 24, 28, and 33, states duties include the duty to grant asylum to refugees, protect refugees from refoulement, provide refugees with necessary documentation and travel papers, and to ensure that refugees have

access to employment, education, and healthcare. Under International Human Rights Law, states are at duty to respect the right to life, liberty, and security of a person of all persons regardless of their status. They are also at duty to prevent torture and other cruel inhumane or degrading treatment of any persons. States have several obligations under International Refugee Law, to protect refugees and prevent refoulement, and must therefore respect the principles of non-discrimination and ensure that refugees are treated equally to nationals and have access to basic necessities and human rights.

Refugee protection as a whole is a critical aspect of global governance and several international organisations play a vital role in addressing the needs of refugees and asylum seekers. In understanding the obligations of states, especially that under international refugee law, it is important to not only acknowledge and discuss the role of international organisations as well as monitoring mechanisms in ensuring state's compliance with international refugee law. These international organisations as mentioned above, are inclusive of the UNHCR, the International Organisation for Migration (IOM), and the ICRC. The UNHCR was established in 1950 and as mentioned is the primary international organisation responsible for protecting and assisting refugees worldwide (Loescher 2001, 23). The UNHCR's mandate also includes providing emergency relief, advocacy of refugee rights, and promotion of durable solutions such as voluntary repatriation, local integration, and resettlement (UNHCR 2020). In addition to the UNHCR, the IOM, which was founded in 1951, focuses on migration management and provides critical support to refugees and asylum seekers (IOM 2020). Whilst it is not exclusively a refugee organisation, the IOM plays a vital role in refugee protection through its assistance with refugee resettlement, repatriation, and reintegration programmes (Newland 2010, 17). The ICRC was established in 1863 and serves as an impartial humanitarian organisation that provides emergency assistance and promotes respect for international humanitarian law. Within refugee contexts they focus on providing medical care, water, shelter, sanitation, and promote family reunification and respect for human dignity (Bugnion 2003, 123).

The UNHCR is the primary international organisation that is responsible for both protecting and assisting refugees and asylum seekers worldwide and has been described by the director of International Protection at the UNHCR, Volker Türk (2019), as an instrument that provides guidance on international refugee law through its various guidelines and handbooks. As the primary international organisation, the UNHCR conducts monitoring and reporting on state compliance with international refugee law and offers technical assistance and capacity building

programmes for states to improve their refugee protection practices (UNHCR 2020). Along with the UNHCR, the United Nations also has human rights mechanisms, such as the Human Rights Council and its special procedures. This council along with its procedures, monitors state compliance with international human rights, and under Resolution 43/5, the mechanisms set about conduct country specific and thematic monitoring and is inclusive of refugee issues (Human Rights Council 2020). Another mechanism is the Human Rights Committee that receives and considers individual complaints and communications regarding refugee rights as well as violations (Human Rights Committee 2004).

The ICRC is another international organisation that conducts monitoring and reporting on state compliance with international humanitarian law, more specifically in armed conflicts, and serves to promote respect for international humanitarian law (ICRC 2020). The committee also provides guidance on the application of international humanitarian law to any and all refugee situations. Along with these international organisations are also regional mechanisms which play a crucial role in ensuring state compliance with international refugee law. An example of this is the European Court of Human Rights and the case of *M.S.S vs. Belgium and Greece* of 2011, where the court ruled that both states had violated international refugee law and the human rights of an Afghan refugee by not fully protecting the well-being of the refugee and sending them to a detention centre that was of poor quality, and guilty of torture and inhuman treatment (European Court of Human Rights 2020). The ruling established that states are responsible for ensuring the human rights of asylum seekers are respected when transferring them to other countries. As noted by the court in its case law on refugee protection, these mechanisms interpret and apply regional human rights instruments and is also inclusive of refugee protection.

The African Commission on Human and People's Rights also serves as a regional mechanism and conducts monitoring and reporting on state compliance with regional human rights standards as outlined in its State Reporting Guidelines (The African Commission on Human and People's Rights 2019). An example of this using this mechanism was the case of the commission vs Kenya in 2018, where the commission brought the case forward against Kenya for violating the rights of the Ogiek indigenous community, who were forcibly evicted from their ancestral lands in the Mau Forest, and thus violated their rights to non-discrimination, equality, cultural life, and property (The African Commission on Human and People's Rights 2019).

Along with these regional mechanisms non-governmental organisations such as Amnesty International and Human Rights Watch play a vital role in promoting and protecting rights (Amnesty International 2020). These organisations both international, regional, and non-governmental are all important in the advocacy and support of refugees and asylum seekers, as well as the protection of their human rights.

3.4 AN INSTITUTIONALIST PERSPECTIVE: THE ROLE OF INTERNATIONAL ORGANISATIONS AND REGIMES IN SHAPING REFUGEE PROTECTION

The roles that international organisations play in the assurance of refugee protection and well-being is vital and their co-operation with one another even more so. The UNHCR and IOM simultaneously work on refugee settlement and repatriation efforts, whilst all three of the organisations provide humanitarian assistance, and promote respect for international humanitarian law. These organisations play critical roles in refugee protection, and they all contribute their expertise and resources to address the complex needs of refugees and asylum seekers. Their contributions and co-operation are essential for effective refugee protection and solutions. Rational Choice Institutionalism (RCI) and Sociological Institutionalism (SI) offer a different perspective on why both states and international organisations interact and establish frameworks in refugee protection.

RCI is based on the idea that actors, most often states, are rational and strategic agents that interact based on a cost-benefit analysis. This view emphasises that institutions and international regimes exist in order to reduce uncertainties and transaction costs that are associated with co-operation. It also acknowledges that states and international organisations such as the UNHCR and the IOM, form and maintain these institutions to help achieve shared goals in ways that would otherwise be more costly or less efficient to pursue alone. An example of this is the 1951 Refugee Convention, which establishes clear rules and norms for refugee protection by setting a standardised approach for refugee status determination and asylum. This institutional arrangement reduces an individual state's cost of creating separate refugee policies and decreases the risk of conflicts over refugee responsibilities. RCI would also further argue that states agree to comply with refugee norms because it ultimately benefits them, as it distributes the burden and sharing the costs of refugee assistance (Betts 2010, 18). This approach helps explain why, despite some states having little direct interest in refugee

protection, they still engage in collective refugee frameworks in order to avoid potential spillover effects from unmanaged refugee flows.

SI on the other hand, emphasises the importance of shared norms, values, and identities in shaping both state and institutional behaviour. Unlike RCI, which focuses on material costs and benefits, SI is concerned with how institutions embody collective understandings that influence how actors behave. Within the context of refugee protection, SI suggests that states and international organisations engage in refugee regimes, not only because it is beneficial, but also because they see it as a part of a shared humanitarian responsibility. International organisations such as the UNHCR promote norms around refugee rights such as safety, health, and education, which has become the expectations of states in how they behave (Goodwin-Gill 2001, 24). This internalisation of norms leads to states often feeling obligated to participate in refugee protection efforts, even when there may be little to no immediate benefit to them. This is exemplified in the widespread adoption of international standards for refugee rights, which reflects the rational calculation and normative commitment to uphold global humanitarian principles. SI explains why some states uphold these norms despite domestic costs, and that they aim to align with international expectations and maintain a reputation as responsible actors on the world stage. These various perspectives illustrate the complex interplay of rational interests, historical trajectories, and normative pressures that underpin international co-operation in refugee protection.

It is important to note that international regimes have an immense impact and play a crucial role in shaping state behaviour and refugee protection outcomes and the establishment of norms, rules, and procedures. In looking at the 1951 Refugee Convention and its Protocols and additional instruments, a definition of refugees is outlined along with the rights and obligations towards refugees (Hathaway 2005, 15). The protocols and additional instruments have further expanded refugee protection and addressed new challenges that are faced by refugees (Acharya 2017, 123). The impact that these regimes have had on state behaviour is that it has allowed for a standardised approach to refugee status determination, allowed for the protection of refugee rights, such as education, healthcare, and employment, through domestic law and procedures, and has also fostered international co-operation on refugee protection through sharing of burdens and responsibilities (Goodwin-Gill 2001, 23; Hathaway 2005, 27; Betts 2010, 17). Through its protocols and instruments, it has also increased the access to asylum, where the regime has allowed for an expansion of access to asylum as more states establish refugee status determination procedures (UNHCR 2020). It is without a doubt that this regime

has shaped state behaviour and refugee protection outcomes. Whilst it is clear that challenges still persist, the international refugee regime remains a crucial framework for protecting refugees and promoting international co-operation.

It can be said that international organisations are crucial in addressing the global refugee crisis, but it is important to acknowledge that they have both strengths and limitations in addressing these concerns. Some strengths of international organisations include co-ordination and response, where their responses are co-ordinated with other organisations in order to provide emergency assistance and advocate for refugee rights (UNHCR 2020). Another strength is that of funding and resource mobilisation. International organisations are able to facilitate funding and resource mobilisation, with the UNHCR's budget increasing to address growing refugee needs (UNHCR 2020). Another strength is that of standard setting and norm promotion as these organisations establish standards and promote norms that go on to shape state behaviour and norm compliance (Goodwin-Gill 2001). Capacity building and technical assistance serves as a strength and provides capacity building and technical assistance to states and refugees in order to enhance their ability to respond to the refugee crisis (IOM 2020).

With these strengths of international organisations, there is also a need to address the limitations that may occur. One limitation is funding shortfalls, where insufficient funding may hinder response efforts. Another limitation is that of co-ordination challenges where the co-ordination between states and organisations can be inadequate and lead to inefficiencies and gaps within the response to the crisis (Betts 2010). Political will and state co-operation also serve as limitations and is due to the lack of political will and co-operation which hinders effective response and burden sharing. Another limitation is bureaucratic inefficiencies where international organisations may be slow to respond due to bureaucratic inefficiencies and as a result hinders effective crisis response (Acharya 2014). Possible addressing of the limitations may come in forms of increased funding and resource mobilisation, improving co-ordination and responses, fostering political will and state co-operation, and reforming and streamlining international organisations. In addressing these limitations, a crucial enhancement of response capacity and protecting refugees is allowed.

3.5 CONCLUSION

In concluding thoughts, both international organisations and legal frameworks are indispensable in tackling the global refugee crisis. These institutions provide critical co-ordination, resource mobilisation, and norm-setting functions that support refugee rights and

foster international co-operation. While the perspectives of Institutionalism and its different forms highlight the various drivers behind state and organisational participation, they have also revealed challenges that are present. Challenges such as funding shortfalls, bureaucratic inefficiencies, and political reluctance limit the effectiveness of these efforts, and further highlights the areas where the international regime must evolve and redress in order to meet contemporary needs.

In strengthening response capacity through increased funding, co-ordination, and reforms, the regime's ability to protect refugees effectively will be heavily enhanced. Although obstacles remain, the global refugee protection framework continues to play a pivotal role in the upholding refugee rights and demonstrates the enduring importance of international governance and co-operation. The complexities surrounding refugee protection underscores the need for adaptive and resilient structures, as the global community faces an era of unprecedented displacement and humanitarian need. This knowledge is essential for promoting a more effective and equitable international refugee protection regime. In understanding these aspects of international refugee law, it is paramount to this paper that the institutional frameworks and obligations of Turkey and Egypt are delved into, and the ways in which they have aligned their practices with their obligations under international law. The following chapter serves as an analysis of these two states, and the institutional frameworks present within each state to ensure refugee protection.

CHAPTER FOUR

INSTITUTIONAL FRAMEWORKS IN TURKEY AND EGYPT

Both the Middle East and North African regions have faced various refugee crises in recent years, with Turkey and Egypt being amongst two of the primary host states to refugees. In ensuring the protection of refugees that find safety in these states, effective institutional frameworks are crucial in ensuring this protection as well as the implementation of international refugee law and human rights obligations. This chapter serves to provide an in-depth analysis of the obligations of states under international law and the institutional frameworks for refugee protection in both Turkey and Egypt, as well as the interplay between national laws, policies, government entities, and non-governmental organisations.

Firstly, the chapter will delve into the obligations of both states under international refugee law. Secondly, the chapter will provide a comprehensive overview of the existing institutional frameworks in both states, and will then delve into the national laws, regulations, and policies governing refugee protection in both Turkey and Egypt. This chapter will then investigate both the roles and responsibilities of various government entities and non-governmental organisations in implementing refugee protection measures. Lastly, through an Institutionalist lens, the chapter will examine how these institutional frameworks present in Turkey and Egypt influence the implementation of international refugee law and human rights obligations. In exploring these crucial aspects, this chapter aims to provide a more nuanced understanding of the institutional frameworks for refugee protection in Turkey and Egypt, highlighting the strengths, weaknesses, and areas for improvement.

4.1 OBLIGATIONS OF TURKEY AND EGYPT UNDER INTERNATIONAL REFUGEE LAW: TREATY COMMITMENTS AND DOMESTIC INSTRUMENTS

In understanding the obligations expected of states under international law, it is vital for this paper to examine the specific obligations of Turkey and Egypt and the instruments that they are obligated under to ensure the protection of refugees. Under international treaty commitments, Turkey has several obligations to the treaties that they are party to. Under the 1951 Convention, Turkey acceded to the convention on the 29th of August 1961 with geographical limitations to European refugees. This, however, was removed under the 1967 Protocol on the 24th of September 1968 (UNHCR 2020, 12) and holds Turkey accountable to

all obligations set out in the convention and its protocol, as mentioned above, more specifically Article's 3, 17, and 33, which discusses non-discrimination, non-refoulment, and wage-earning employment. Another international treaty that Turkey is party to is the European Convention on Human Rights (ECHR). Inclusive under this convention are provisions related to refugee protection, such as Article 3's prohibition of torture and inhumane treatment, as well as Article 5's rights to liberty and security (ECHR 1950). Turkey is also party to the Council of Europe's Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse, and includes provisions related to the protection of child refugees from sexual exploitation and abuse of any form (Council of Europe 2007). Turkey being party to these international instruments holds them accountable and serves as a framework of their obligations in relation to refugees and asylum seekers.

Along with their treaty obligations, Turkey also has domestic legislation that further enshrines their obligations as a state in relation to refugees. The first domestic instrument that Turkey is obligated to follow is the Law on Foreigners and International Protection (LFIP), a law enacted in 2013 that regulates asylum procedures, refugee protection as well as temporary protection (LFIP 2013, Article 4). Another law is the Temporary Protection Regulation, that was implemented in 2014 that provides temporary protection for Syrian refugees and includes the access to basic needs and services (Temporary Protection Regulation 2014). Another domestic instrument is the Regulation on the Procedures and Principles related to the Granting of International Protection, which outlines the procedures for granting international protection to refugees, including Syrian refugees (Regulation of International Protection 2013). The specific obligations of Turkey including their treaty commitments and domestic legislations can clearly be seen as well as understood in what Turkey as a state is obligated to do and the ways in which they are expected to protect refugees under both international and domestic law.

It is also paramount to this paper that the specific obligations of Egypt, especially their treaty commitments and domestic legislation is delved into. Whilst it has similar obligations under international law and conventions to Turkey, the geographical difference between the two states also allows for different obligations under international law and its instruments. Under international refugee law, much like Turkey, Egypt is party to the 1951 Convention as well as its 1967 Protocol and was acceded on 9th September 1981 without any reservations, and thus the state is obligated to ensure that they follow all rulings under this convention (UNHCR 2020, 15). Along with this convention, Egypt is also party to the African Charter on Human and People's Rights, where provisions related to refugee protection, particularly the right to

freedom and movement, and the right to property, found in article 12 and 14 (African Commission on Human and People's Rights 1981). Another international instrument that Egypt is party to is the Arab Charter on Human Rights. This charter includes the provisions related to refugee protection, such as the right to seek asylum and the prohibition of refoulement (League of Arab States 2004).

Along with the international instruments and conventions that Egypt is party to, there are also domestic regimes and laws that hold the state accountable in their protection and interaction with refugees. The first domestic instrument is Law No. 100 of 1992, specifically article 2, which regulates the entry and stay of foreigners, but it does, however, lack specific provisions for asylum seekers and refugees. The second domestic instrument is the Presidential Decree No. 255 of 2014, which establishes the National Committee for Refugees, who would become responsible for co-ordinating refugee affairs. The last domestic instrument is the Ministerial Decree No. 153 of 2015, which regulates the procedures for granting asylum and refugee status. Both the international and domestic instruments highlight the obligations of Egypt as a state and the way in which they interact and protect the lives and rights of refugees that seek asylum in their state.

In examining the specific obligations of Turkey and Egypt, it is imperative that the challenges and controversies that surround both state's refugee policies are analysed. In understanding the issues related to border control, detention, and asylum procedures, we are able to understand the ways in which these obligations are being upheld by Turkey and Egypt under international refugee law more in-depth. Both Turkey and Egypt are significant destinations for refugees fleeing conflict and persecution in the Middle East and North Africa. However, their refugee policies have been marred by challenges and controversies, which raise concerns about border control, detention, as well as asylum procedures.

Turkey's refugee policies have been criticised for its restrictive approach, especially towards Syrian refugees (İçduygu and Yüксеker 2014, 440). The state's border control measures have also been accused of pushing back refugees into Syria and thus deemed a violation of international law as explained above (Human Rights Watch 2015, 12). Along with the challenges brought out within border control, is the conditions of the detention centres within the state, which are classified as severely poor and also lack any if not all access to asylum procedures which have been considered as slow and inefficient, resulting in a backlog of cases (Amnesty International 2016, 25). Along with these issues on the border and with the asylum

procedures, the state's geographical limitations are inconsistent with international law and does not adequately ensure the full protection of refugees and asylum seekers (Turkish Red Crescent 2017, 30; UNHCR 2018, 40). Much like Turkey's refugee policies, the policies of Egypt have also been characterised as restrictive, and particularly towards African refugees (Amnesty International 2015, 15). Egypt's border control measures have also been accused of being overly aggressive and has resulted in the pushback of refugees into the desert (Human Rights Watch 2016, 20). Much like the detention centres in Turkey, the conditions and access to asylum procedures in those of Egypt are severely poor and lack access to the necessary asylum procedures, again violating the obligations that they are mean to uphold under international refugee law.

In comparing both states, they have both been criticised for restrictive approaches in relation to refugee protection. Turkey's policies are more comprehensive with a larger number of refugees registered and reviewing assistance (Turkish Red Crescent 2019, 60), whilst the policies of Egypt a more fragmented, and it has a smaller number of refugees registered and those receiving assistance (Egyptian Red Crescent 2020, 70). Both refugee policies of the states have been marred by challenges and controversies such as issues of border control, detention, and asylum procedures, and it is vital that both states adopt a more comprehensive and inclusive approach to refugee protection, especially one that is consistent with international refugee law, and their treaty commitments and domestic instruments.

4.2 A BRIEF OVERVIEW OF THE SYRIAN REFUGEE SITUATION IN TURKEY AND EGYPT

The Syrian refugee crisis, that was sparked by the civil war within the state back in 2011, has led to one of the largest refugee exoduses in recent history (UNHCR 2023). Turkey and Egypt are two of the major states within the region that have been directly affected by the crisis and has led to the implementation of frameworks and programmes to conquer it. Turkey has been the primary destination for Syrian refugees, with over 3.7 million registered refugees within its borders (UNHCR 2022). With the Turkish government having an initial open-door policy to all refugees, which they were continuously praised for, one may think that the safety and protection of Syrian refugees were guaranteed. However, this policy has gradually been restricted and as a result has increased tensions between the refugees that are seeking safety, and the host communities stopping this refuge (Genç 2016, 187). The second major state, although hosting a smaller number of refugees, with roughly over 130 000, is Egypt. The

Egyptian state despite being smaller, is still a significant place of refuge to thousands of Syrian refugees. Although significant, it too can be critiqued on its frameworks and its ability to protect refugees within its borders and will further be discussed in this chapter (UNHCR 2022).

Both Turkey and Egypt have faced challenges in integrating Syrian refugees into their societies, and the crisis as it stands has revealed the existing social and economic tensions that are present in both states (Hamilton 2017, 201). These tensions have revealed a need for a more comprehensive regional approach to address the crisis as opposed to the reliance on individual state responses (Salmawy 2013, 278). The Syrian refugee crisis in these states and as a whole has had a profound impact on both Turkey and Egypt, with each state facing unique challenges in responding to the crisis. The complexities of refugee integration will be further explored, along with the need for a more co-ordinated regional response.

4.2.1 THE INSTITUTIONAL FRAMEWORKS PRESENT IN TURKEY

The institutional frameworks in both Turkey and Egypt that are present for refugee protection, involve a complex array of government bodies, international organisations, and non-governmental organisations. Looking at the institutional frameworks in Turkey, they are no different in consisting of a complex array of these bodies. The first government body is the Directorate General of Migration Management (DGMM), which is a body that is responsible for refugee registration, protection, and integration (DGMM 2020). Another governmental body that is present for refugee protection, is the Turkish Red Crescent, which is an institution that provides humanitarian assistance to refugees in need (TRC 2020). Along with these governmental bodies, are international organisations such as the UNHCR, which as discussed above, provides both technical assistance and support for refugee protection. Another international organisation is the International Organisation for Migration, which assists with refugee transportation and integration (IOM 2020). In addition to these institutional frameworks and bodies, is the presence of non-governmental organisations (NGOs). Two NGOs that are present in Turkey and that aid in refugee protection, is the Turkish NGO Platform for Refugee Support (TURKONFED) that co-ordinates NGO efforts for refugee protection (TURKONFED 2020). The second NGO is the Association for Solidarity with Asylum Seekers and Migrants (ASAM) which aims to provide legal assistance and advocacy for refugees (ASAM 2020). These institutions and the efforts which they provide is aimed at ensuring refugee protection. Despite these efforts however, the Turkish government's response

to the refugee crisis has often been criticised for its lack of transparency and co-ordination with NGOs and the ability to ensure refugee protection (Genç 2016, 192).

4.2.2 THE INSTITUTIONAL FRAMEWORKS PRESENT IN EGYPT

Much like Turkey, Egypt's institutional frameworks are also comprised of government bodies, international organisations, and NGOs. The government bodies that are responsible for refugee protection in Egypt are the Ministry of Foreign Affairs (MFA), which is responsible for refugee affairs and international co-operation (MFA 2020). The second government body that is responsible for refugee protection is the Ministry of Interior (MoI) which is responsible for both refugee registration and security. In addition to these government bodies, are the international organisations of the UNHCR, which has been explored in depth above, and the United Nations Development Programme (UNDP) which assists with refugee integration and development (UNDP 2020). Alongside these government bodies and international organisations are the NGOs, the Egyptian Organisation for Human Rights (EOHR) that is responsible for legal assistance and advocacy, as well as the Refuge Egypt organisation that is responsible for humanitarian assistance and community development for refugees (EOHR 2020: Refuge Egypt 2020). Whilst these organisations and bodies aim to provide refugee protection, challenges are still faced in Egypt and has led to refugees having limited access to basic needs, services, and even victims of xenophobia (Soueif 1999, 245).

4.2.3 A COMPARISON OF THE INSTITUTIONAL FRAMEWORKS

In delving into the institutional frameworks of Turkey and Egypt, the frameworks have both similarities and differences in relation to refugee protection. Both state's frameworks, have government-led approaches to refugee protection where bodies such as the DGMM and MFA play key roles in their respective states. They both have UNHCR partnerships that provide technical assistance and support for refugee protection, as well as having NGO involvement in refugee protection such as TURKONFED and the EOHR (TURKONFED 2020). However, these similarities are not without active differences in the institutional frameworks of Turkey and Egypt. The first difference is the process of refugee status determination. Turkey has a more formalised process with the DGMM responsible. Whilst Egypt has the MFA to process refugee affairs, the process remains more informal. Another difference is that of integration policies, where Turkey has a higher developed level of integration policies with language training and job placement programmes (TURKONFED 2020). Egypt on the other hand, has limited integration policies and focusses mainly on humanitarian assistance rather than long

term integration. This difference cannot be ignored at the challenges that each state faces. Turkey receives funding from the European Union, and has a larger budget for such policies, however, Egypt receives less international funding and is more likely to focus on immediate humanitarian assistance with the limited resources they may have (Genç 2016, 193). These differences pose challenges to each state such as limited capacity and resources, lack of funding, and less developed co-ordination mechanisms.

4.3 ANALYSIS OF THE LEGAL AND POLICY FRAMEWORKS (NATIONAL LAWS, REGULATIONS, AND POLICIES) IN TURKEY AND EGYPT

4.3.1 TURKEY'S LEGAL & POLICY FRAMEWORKS

Turkey has been a significant player in the global refugee crisis. The frameworks present for refugee rights and protection are shaped by national laws, regulations, and policies which will be further delved into in this section. The national laws and regulations that are present in Turkey include, the Law on Foreigners and International Protection (LFIP), which regulates the entry, stay, and exit of foreigners and is inclusive of refugees. This law is put into practice by the DGMM which serves as the primary authority for refugee affairs (LFIP 2013). Another law is the Regulation on Temporary Protection (2014) which actively provides a framework for temporary protection and is inclusive of registration, accommodation, and access to services. Along with these national laws and regulations are the policies present in the state that also shape the frameworks present and discussed above. The first policy is Turkey's National Action Plan for Refugee Protection (NAP 2018), which outlines the government's strategy for refugee protection and access to services such as education, healthcare, and livelihood opportunities. The second policy is Turkey's Refugee Response Plan (RRP 2020), which focusses on self-reliance, social cohesion, and access to services available to refugees.

4.3.2 EGYPT'S LEGAL & POLICY FRAMEWORKS

Egypt also has national laws, regulations, and policies that shape the institutional frameworks that ensure the protection of refugees in the state. The two national laws and regulations that shape these frameworks, have been discussed at the beginning of this chapter and are inclusive of Law no. 100 of 1992 on Asylum, as well as the Presidential Decree no. 255 of 2004. In addition to these laws and regulations, are the policies with the first being Egypt's National Refugee Strategy (NRS 2016) that outlines the government's approach to refugee protection

and includes education, healthcare, and livelihood opportunities. The second is Egypt's Refugee Response Plan (RRP 2020), which focuses on self-reliance, social cohesion, and access to services.

In comparing the national laws, regulations, policies and their integration into both Turkey and Egypt, one is able to see both similarities and differences. They are similar in the enactment of national laws and regulations, and the establishment of national authorities. However, they differ in their temporary protection, with Turkey having a specific framework, their ability to access employment, education, and the lack of importance of social cohesion in comparison to Egypt. They also differ in their regional frameworks, with Turkey being obligated to the EU statement, whilst Egypt is party to the Kampala Convention. Both states also present gaps and challenges in their legal and policy frameworks. The first being the limited access to employment, as refugees have limited access to the labour market despite the presence of work permits. The second is the inadequate access to education, where refugees may encounter barriers in accessing education. The third challenge is the insufficient social cohesion that increases the tensions that are held between host communities and refugee communities. These frameworks, that are shaped by national laws, policies, are crucial in addressing and ensuring effective protection and integration of refugees, and the current gaps and challenges that persist need to actively be addressed.

4.4 THE IMPACT OF INSTITUTIONAL FRAMEWORKS IN SHAPING THE IMPLEMENTATION OF INTERNATIONAL REFUGEE LAW AND HUMAN RIGHTS OBLIGATIONS

Institutional frameworks play a crucial role in shaping the implementation of international refugee law and human rights obligations in both Turkey and Egypt. Putting the lens onto Turkey's institutional framework for refugee protection, one is able to see that it is shaped by its geographic location, and hosts over 3.7 million Syrian refugees (UNHCR 2022). It also has the DGMM to oversee refugee affairs, but its capacity is limited by inadequate resources and personnel (İçduygu and Millet 2016, 12). Another way in which institutional frameworks have played a crucial role in the implementation of international refugee law is through the EU-Turkey Statement (2016) and has significantly impacted Turkey's institutional framework and has led to increased co-operation with European institutions and the adoption of EU inspired asylum practices. However, this co-operation has also raised concerns about the potential erosion of refugee rights (Amnesty International 2017). Now putting the focus onto the

institutional frameworks of Egypt specifically for refugee protection, these are characterised by a lack of clear policies and inadequate resources (El Shazly 2017, 34). This begs the question on the actual support of the international community in states that may not have the ability to return resources and add to its financial value. The effectiveness of agencies such as the MFA are hindered by limited capacity and co-ordination with other agencies. These frameworks are also influenced by its historical and cultural ties with the Arab region, leading to Arab African co-operation and regional solution (Ainley 2017, 42; Ismail 2016, 56). This co-operation, however, may lead to the concerns on the potential marginalisation of non-Arab refugees. Both Turkey and Egypt demonstrate how institutional frameworks shape the implementation of international refugee law and human rights obligations. This is done in Turkey by the EU-Turkey Statement that has led to increased co-operation with European institutions and has also raised concerns on the possible erosion of refugee's rights. In Egypt it has been emphasised by the lack of clear policies and inadequate resources which hinder effectiveness of refugee protection.

It can be deduced that these frameworks can be improved in both states. In Turkey, the strengthening of the DGMM by increasing resources and personnel to enhance the DGMM's capacity to manage refugee affairs effectively would strengthen these frameworks (İçduygu and Millet 2016, 15). In ensuring that the compliance of the EU-Turkey Statement is regularly monitored, and the implementation of the Statement is reported on, allows for the prevention of the potential erosion of refugee rights (Amnesty International 2017). Thirdly, in increasing the transparency and accountability of these frameworks and agencies, there is allowance for a clear establishment of clear procedures for refugee status determination and appeal processes (Kirişci 2017, 35). Lastly, in improving and strengthening these frameworks, Turkey may wish to enhance civil society engagement and foster partnerships with civil society organisations to provide essential support and services (UNHCR 2022).

In improving the frameworks in Egypt, the first way may be to develop clear refugee policies. This allows for the establishment of a comprehensive national refugee policy, outlining procedures for refugee status, determination, protection, and integration (El Shazly 2017, 40). A second way in which these frameworks may be strengthened is through the strengthening inter-agency co-ordination. By improving co-ordination amongst government agencies, international organisations, and civil society organisations, there is assurance that there will be effective refugee protection (Ainley 2017, 45). A third recommendation is the increase of resources and capacity, with an allocation of adequate resources and personnel to the MFA to

enhance its effectiveness (Human Rights Watch 2018). The fourth is the promotion of regional co-operation, as strengthening these partnerships will aid in addressing refugee protection challenges and share the best practices (Ismail 2016, 60). These recommendations serve as ways in which the frameworks may be strengthened and provide effective refugee protection.

4.5 CONCLUSION

This chapter has provided an examination of the institutional frameworks that are present in Turkey and Egypt for refugee protection and has emphasised and highlighted the complex interplay between international law, national law, policies, government ministries and agencies, and non-governmental organisations. Through this analysis has identified both the strengths and weaknesses of the existing frameworks in both states, along with any areas for improvement. In understanding these dynamics, this chapter has aimed to contribute to the development of more effective and robust institutional frameworks for refugee protection in both states. This is to ultimately ensure the full implementation of international refugee law and human rights obligations. As the refugee crises in the Middle East and North African regions continue to evolve, it is vital that the relevant frameworks are adapted and strengthened to ensure the protection and support of refugees in Turkey and Egypt. The following chapter will delve deeper into the refugee situation, of women in particular, that is present in Turkey, and whether or not Turkey does fully oblige to their responsibilities under international refugee law.

CHAPTER FIVE

THE SITUATION OF FEMALE SYRIAN REFUGEES IN TURKEY

Following the Syrian refugee crisis, there has been a placement of unprecedented pressure on neighbouring countries, with Turkey bearing the brunt of the humanitarian fallout. As the host state to the most Syrian refugees, Turkey has struggled to maintain a balance between its generosity, and the increasingly complex needs of its refugee population. Amongst the most vulnerable within this population are female Syrian refugees, who face a unique set of vulnerabilities and challenges, specifically in accessing fundamental rights such as education, healthcare, and protection from gender-based violence. Despite Turkey's commitment to international refugee law and human rights obligations, there are persisting gaps in the implementation of policies and programmes that are aimed at protecting and maintaining the rights of refugees. This chapter seeks to elucidate the complex dynamics at play in Turkey's response to the Syrian refugee crisis, with a particular focus on the experiences of female Syrian refugees. Through a critical institutionalist lens, this analysis will examine the ways in which Turkey's legal framework, government policies, and institutional practices intersect to shape the lives of female Syrian refugees, revealing both the successes and shortcomings of Turkey's response to this protracted crisis.

This chapter constitutes as the first of two case studies that focus on examining on the lived experiences of female Syrian refugees in host states. The analysis below is guided by a comparative analytical framework that will be applied consistently across Turkey and Egypt. The framework centres on four key variables: (1) the legal and institutional frameworks governing refugee protection; (2) access to education; (3) access to healthcare; and (4) protection from gender-based violence. Through this structured lens, the chapter explores how Turkey's refugee policies and practices shape the experiences of female Syrian refugees, and highlights both the strengths and areas of concern. The findings in this chapter will later be directly compared to those in the Egyptian context in chapter 6 and then synthesised in chapter 7.

5.1 AN OVERVIEW OF THE REFUGEE SITUATION IN TURKEY

5.1.1 HISTORICAL OVERVIEW OF THE REFUGEE SITUATION IN TURKEY

Following the breakout of the Syrian civil war in 2011, Turkey initially adopted an 'open-door' policy to all those fleeing the war, which allowed those affected entrance into Turkey without

the need for a visa. The Turkish government, under President Recep Tayyip Erdogan at the time, saw the influx of displaced persons as an opportunity to demonstrate their humanitarian credentials with aims to strengthen its claim to regional leadership (Atar 2019, 12; Hoffman 2016, 34). By 2013, the number of Syrian refugees within Turkey had reached 600 000, and as the Syrian conflict increased, the number of refugees in Turkey continued to rise, and by the year 2015, it had increased to 2.5 million. With this increase in numbers, the Turkish government faced multiple challenges in providing for refugees' needs, including healthcare, education, as well as employment. Critics also argued that the government's response was inadequate, as refugees were forced to live in poverty and squalor (Akçağar and Simsek 2018, 102; Ferris 2017, 78).

As discussed in prior chapters, the EU-Turkey deal was signed in 2016, and was aimed at reducing the number of refugees crossing into Europe. Under the deal, Turkey agreed to take back all new, irregular migrants who arrived in Greece after the 20th of March 2016. In exchange, under this deal, Turkey was to receive financial aid and visa liberalisation for all Turkish citizens. Whilst Turkey signed this deal to better help refugees, their own interests have led to the deal being criticised due to the lack of human rights protection, including the risk of refoulement of refugees back into Syria (Hoffman 2016, 156; Kirişci 2017, 123; Ferris 2017, 210).

As of 2024, there are roughly 3.7 million registered Syrian refugees, with 95% living outside of camps in areas such as Istanbul, Ankara, and Gaziantep with 55% of these refugees being women and children, and Turkey remains the largest refugee-hosting state in the world (UNHCR 2022). Whilst the Turkish government has made efforts to improve refugee integration, including the granting of work permits, and access to healthcare and education, challenges continue to persist. It cannot be ignored that tensions between refugees and host communities have risen, and is fuelled by economic competition and cultural differences, all of which will be further delved into (Atar 2019, 178). Under the LFIP, as mentioned prior, refugees have the right to life and security, access to healthcare, such as emergency care and chronic treatment, education of all levels, employment, as well as social services such as housing, food, clothing, and assistance. However, there is limited access to employment, inadequate living conditions, and limited access to healthcare for them (Hoffman 2016).

5.1.2 LIVING CONDITIONS AND CHALLENGES FACED BY REFUGEES IN TURKEY

As mentioned, there are many challenges that are faced by refugees that have found safety in Turkey, one of which is the issue and challenge of housing and shelter. The issue of overcrowding is one that is commonly faced, where many refugees live in small apartments or shared rooms, with limited access to basic facilities like bathrooms and kitchens (Akçağar and Simsek 2018, 95). Along with this issue is the other of poor living conditions, where refugees face inadequate heating, electricity, and water supply which leads to unprecedented health issues. A Syrian refugee named Amira explains that she lives with a family of 5, in a small room, where all members share a bathroom and kitchen with other families. She also explains that it is hard to keep clean and healthy (UNHCR 2020). This testimony emphasises the difficulties that refugees may face, and the challenges faced after fleeing from what they would think is their biggest issue. Another challenge that is faced is employment and livelihoods. Refugees face challenges accessing the labour market due to language barriers, lack of recognition of qualifications, and discrimination which hinders the prospect of job opportunities to any refugees (Ferris 2017, 110). Due to this lack of access of job opportunities, many refugees engage in informal work, such as street vending or construction, with no social security or any protection, hindering the protection of their human rights (Hoffman 2016, 68).

Access to healthcare also serves as a challenge that is faced by refugees, specifically in Turkey. These challenges are results of issues such as language barriers, where refugees have difficulty accessing healthcare services due to language barriers and lack of cultural competency. In addition to this, there is also lack of specialised care, where refugees often have limited access to specialised medical care such as mental health care or chronic disease treatment due to lack of funding or language barriers (Atar 2019, 90; Ferris 2017, 105). Along with the limited access to healthcare, refugees also have limited access to education and often face challenges in accessing education, namely children and youth. Within this limited access to education there is also a language barrier where refugees face barriers in accessing education due to Turkish being the primary language of instruction (Hoffman 2016, 72; Akçağar and Simsek 2018, 100). In looking at this brief overview of these challenges and vulnerabilities, one is able to pose the question on whether or not the refugees in Turkey's rights are being protected, and whether the state of Turkey is aligned with their obligations under international refugee law in ensuring the safekeeping and protection of Syrian refugees and their rights within its borders.

5.2 SPECIFIC CHALLENGES FACED BY FEMALE SYRIAN REFUGEES IN TURKEY

5.2.1 ACCESS TO EDUCATION

Whilst looking at the current refugee crisis, along with the overall challenges that are faced, in answering the overall question of whether or not the state of Turkey fulfils its obligations under international refugee law in the protection of female Syrian refugees, it is paramount to analyse the specific challenges that these female Syrian refugees face. The main challenges and vulnerabilities that are to be looked at are the access to education, healthcare, as well as the impact of gender-based violence. The limited access to education is a major challenge with only 24% of Syrian refugee girls attending school (UNHCR 2020). One of the possible reasons is that female refugees often prioritise domestic responsibilities over education due to cultural expectation, but one can wonder on whether it is the cultural expectation prohibiting attendance or is it rather the inability of host states to ensure that the right to education is protected (Memişoğlu 2017, 56). It can also be noted that girls are more likely to drop out of school due to early marriage and childbearing, with language barriers, lack of documentation, and poverty further hindering the access to education, all of which will be further delved into (UNESCO 2015).

There are multiple barriers that hinder the access to education of female Syrian refugees, with one of them being language barriers. In Turkey, the main language of instruction is Turkish, and in order to attend schools, proficiency in Turkish is required in order to understand the mediums of education produced (UNHCR 2020). Another barrier is the limited access to schools, as the influx of refugees has resulted in overcrowding, lack of facilities, as well as insufficient resources in order to access education at all levels. Along with the language barrier and limited access to schools, the challenge of poverty and financial constraints also hinders the access to education, as the refugee population may be unable to afford education, along with its related expenses such as transportation and materials (UNHCR 2020). This is easily understandable as many refugees flee with little to no belongings and monetary resources, and if they do possess this, it is likely to go towards basic necessities and services before it is used on education. It is also important to note the cultural and social norms that are present in refugee communities, and the idea that host communities are likely to have different norms and cultural practices. This can be said for the Syrian refugee community which is more likely to prioritise domestic responsibilities and early marriage, due to an underlying patriarchal society and

community. Another barrier is that of trauma and psychosocial issues, as emotional and psychological challenges persist, there is a hinderance on focus and engagement in education (UNHCR 2020). Lack of documentation is also a barrier in the access to education, as the absence of official documents such as passports and identity cards hinders school enrolment, as these documents are needed. The last barrier to be looked at is that of discrimination and bullying, as refugees have had experiences of racism, xenophobia, as well as bullying in schools (UNHCR 2020).

Turkey as a state, however, along with international organisations, do have programmes and policies to ensure that the access to education is protected for refugees, specifically female Syrian refugees. The first programme is the UNHCR Education Programme, which tries to limit the language barrier that is prominent in education access, by hosting Turkish language classes for refugee children (UNHCR 2020). The second programme is the WFP School Meals Programme, which aims to provide nutritious meals to vulnerable children as well as transportation and materials, in the hopes of incentivising school attendance. There are also multiple NGO-led initiatives that provide alternative education pathways, such as vocational training and literacy programmes, as well as scholarships and educational support for refugee girls (UNHCR 2020). Whilst these programmes serve as a way forward, many female refugees do not only experience one barrier but rather multiple barriers together. This then presents another challenge that not all the barriers are being actively addressed, but also that not all refugees have access to these resources, placing them back in a place of vulnerability.

5.2.2 ACCESS TO HEALTHCARE

Another challenge that is faced by female Syrian refugees is the inability to access healthcare. The access to healthcare is hindered by a few barriers such as language barriers. Refugees often have limited Turkish language proficiency, which then leads to difficulties in communicating with healthcare providers, as well as issues in understanding diagnoses, along with the following treatment plans (Özdener et. al. 2022, 13). The unavailability or inadequacy of interpretation services further exacerbates the issue, hindering access to healthcare. Another barrier is that of cultural differences as different cultural norms and values lead to misunderstandings and mistrust in healthcare settings, where some cultures may fear modern medicine and the healthcare workers and system which operates under it (Memişoğlu 2017, 61-62). Female refugees of certain cultures may also wish to only be treated by female

healthcare providers, which is not always possible and again limits the access to healthcare for these refugee women.

Lack of healthcare knowledge also serves as a barrier to the access of healthcare for female refugees, and the unfamiliarity with the Turkish healthcare system along with the available services, may hinder access to care (Çavdar and Toktaş 2019, 129). Refugees may also not know how to navigate the system or how to navigate or access specialised care. Financial restraints are also a barrier to accessing healthcare for female Syrian refugees due to the high costs and limited access to healthcare insurance. Refugees may also prioritise other basic needs over healthcare due to financial constraints (WAST 2018). Female Syrian refugees also do not have access to maternal and reproductive healthcare, with limited access to prenatal care, birth control, and reproductive health services. This lack of access leads to high maternal mortality and morbidity rates amongst refugee women (UNFPA 2019; UNHCR 2020). This lack of access to healthcare also transfers to the lack of access of mental health services, which further exacerbates these women's trauma, as there is a stigma surrounding mental health services and as a result, refugees may experience anxiety, depression, and Post-Traumatic Stress Disorder due to their experiences (Mental Health Foundation 2019). This lack of access to healthcare service due to these multiple barriers, indicates that the physical and mental well-being of refugees, especially female refugees is not a priority of the host state in which they reside, and as a result the lives of many women are lost.

5.2.3 PROTECTION FROM GENDER-BASED VIOLENCE

Within refugee communities, gender-based violence is something that is commonly experienced and female refugees, specifically female Syrian refugees in Turkey are considered highly vulnerable to this violence. Due to the displacement and instability faced by female refugees, along with the loss of support networks, power dynamics, cultural and social norms, trauma and stress, inadequate protection, dependence on others, stigma and shame, sexual exploitation, forced marriage, and caregiving responsibilities, they are categorised as a vulnerable group who are more likely to experience gender-based violence as well as domestic violence (UNHCR 2020).

5.2.3.1 TYPES OF GBV FACED

Female Syrian refugees faced a broad spectrum of GBV that is driven by the vulnerabilities that are associated with displacement, instability, as well as deeply ingrained cultural norms. One of the types of GBV experienced is physical violence which includes beatings and other

bodily harm and has been deemed a severe threat to the security of female refugees (UNHCR 2020). Another type is emotional violence and consists of psychological abuse, which is often compounded with the trauma that these female refugees have already faced, and in turn completely undermines both their mental health and self-worth. Sexual violence is a prominent form of GBV faced by female Syrian refugees, and includes sexual assault and exploitation, which is highly prevalent in the precarious circumstances of refugee life and further exacerbates their exposure to such violations and exploitations (UNHCR 2020). Whilst not common in this aspect, the traditional practice of female genital mutation is still persistent and occurs in all societies, including refugee populations and communities. The last type of GBV faced is that of honour killings which is pertinent in certain cultural frameworks and has served as a grave threat to the lives of many women due to societal norms and systemic vulnerabilities, and despite it remaining an occurrence in certain cultural frameworks, the lack of quantitative evidence on this specific topic underscores the need for deeper and stronger research in the area (UNHCR 2020).

5.2.3.2 INITIATIVES AND PROGRAMMES

There are multiple initiatives and programmes within Turkey that aim at assisting to reduce levels of GBV and help victims of the violence. The first is the UNFPA's Safe Spaces programme which is aimed at providing psychosocial support, counselling, and referrals for GBV survivors. Along with this they also offer skills training, education, and economic empowerment opportunities, and overall aim to create a safe space and supportive environment for both refugee women and girls (UNHCR 2020). Another programme is the WFP's Cash-Based Transfers, which supports vulnerable women, including GBV survivors with cash assistance. This act enables women to purchase essential items and prioritise their needs and also fosters autonomy and independence (UNHCR 2020). The third is the Turkey Red Crescent's GBV Prevention and Response which aims to offer counselling, legal aid, and shelter services for GBV survivors. They also conduct outreach and awareness-raising activities in refugee communities and aim to collaborate with local government and NGOs to enhance the response to GBV (Turkish Red Crescent 2022). The last programme is WAST's Support Group and Advocacy which facilitates support groups for GBV survivors and allows them to share experiences in an attempt to heal from the ordeals faced (WAST 2018). The programme also aims to provide counselling, legal aid, and referrals for GBV survivors. In addition, they also advocate for policy changes and increased support for GBV survivors (WAST 2018).

5.2.3.3 BARRIERS TO PROTECTION

Whilst initiatives and programmes in essence seem to provide services and support to GBV survivors, most of them are only perfect in their aims and may face various challenges in the execution of their services, especially to the female Syrian refugees in Turkey. One challenge includes the limited access to GBV services and support, as well as inadequate funding, lack of trained staff, and insufficient facilities. Another challenge is the stigma and shame surrounding GBV, as there are cultural and societal norms that silences survivors and perpetuates violence (UNHCR 2020). Language barriers also serve as a challenge, along with cultural differences and are obstacles to accessing GBV services and support for non-Turkish speaking refugees. The last challenge is that of limited funding and resources for GBV programmes. The inadequate support for NGOs and UN agencies working to address GBV hinders the progress of these programmes and the support that is delivered along with the services. One is able to see the issues and challenges that are faced by female Syrian refugees and the way in which their lives are impacted beyond fleeing from their home states in order to avoid harm, trauma and persecution.

5.3 ANALYSIS OF TURKEY'S ALIGNMENT WITH INTERNATIONAL REFUGEE LAW AND HUMAN RIGHTS OBLIGATIONS

Turkey has been a significant player in the global refugee crisis, and as mentioned hosts over 3.7 million Syrian refugees since the year 2011. Its alignment with international refugee law and human rights obligations have resulted as a subject of debate amongst scholars as well as human rights organisations (UNHCR 2022). Despite its formal commitments to international refugee law, female Syrian refugees are still faced with systemic barriers in accessing necessities and services, like healthcare and education. The following section aims to discuss the legal framework that guides Turkey's refugee policies and the challenges of policy implementation, along with recommendations.

5.3.1.1 TURKEY'S LEGAL OBLIGATIONS UNDER INTERNATIONAL REFUGEE LAW

As per the 1951 Refugee Convention and its 1967 Protocol, Turkey is obligated to uphold the principles of international refugee law, including the principle of non-refoulement (UNHCR 2022). Turkey, in addition to being party to these conventions, has incorporated international obligations into their domestic law, however, it lacks comprehensive enforcement mechanisms.

In understanding this, Turkey must therefore ensure access to asylum procedures, basic services, protection of human rights such as education, healthcare, and legal recognition for refugees. Despite being party to these international conventions and including some obligations into their domestic law, Turkey has reservations on certain provisions of the 1951 Refugee Convention such as access to public relief and employment, which ultimately limits the full realisation of refugee rights within the borders of Turkey (Kagan 2011, 48).

5.3.1.2 CHALLENGES TO POLICY IMPLEMENTATION AND RECOMMENDATIONS

Turkey faces significant challenges in implementing effective refugee policies, such as insufficient funding, institutional capacity constraints, and sociopolitical pressures. Due to these challenges, refugees encounter delays in asylum processes, barriers to accessing education and healthcare, as well as economic marginalisation. An example of this is the language barriers and limited financial resources, that go on to hinder refugee children from attending school, as well as not being able to access healthcare due to bureaucratic hurdles and discrimination (Grabska 2006, 292).

Recommendations to these challenges present itself in strengthening co-operation between the government and international organisations to enhance both funding and technical capacities. Another recommendation is the establishment of localised support systems in order to address language and cultural barriers present. By increasing the transparency in refugee status determination processes with the aim of reducing delays and uncertainties may also help mitigate the challenges presented above (UNHCR 2020).

5.4 CONCLUSION

Turkey's response to the Syrian refugee crisis has been marked by both generosity and struggle. As the host to the largest number of Syrian refugees, Turkey has faced unprecedented pressure in meeting the complex needs of its incoming refugee population. Female Syrian refugees are particularly vulnerable to unique challenges which are inclusive of accessing fundamental rights such as education, healthcare, and the protection from gender-based violence. Significant gaps persist in implementing policies and programmes aimed at protecting refugee's rights and to address these challenges, it is essential that there is provision of language training facilities, promotion of entrepreneurship, and the streamlining of work permit application processes, in order to address the barriers such as language, bureaucratic procedures, and the lack of

education. There is also the need for the strengthening of protection mechanisms against gender-based violence, as well as increasing the access to education and healthcare. Ultimately, a multifaceted approach that prioritizes the needs and rights of female Syrian refugees to address the complex dynamics surrounding Turkey's response to the Syrian refugee crisis. By implementing recommendations, Turkey can better protect and support this vulnerable population, as well as ensuring their dignity and well-being. The following chapter serves as an analysis of another prominent state in the Syrian refugee crisis, Egypt. In analysing both these states, a deduction is able to be made on whether states, under international refugee law, are aligned and aim to protect the rights and security of female refugees within these states.

CHAPTER SIX

THE SITUATION OF FEMALE SYRIAN REFUGEES IN EGYPT

The Syrian refugee crisis has precipitated an extremely complex humanitarian emergency, one that has far-reaching consequences for host states across both the Middle East and North Africa. Egypt is considered a key player in the regional response and has received a significant amount of attention for its hosting of Syrian refugees. However, lying beneath this layer of hospitality, is a nuanced reality, particularly for female Syrian refugees. This chapter aims to delve into the multifaceted challenges faced by this already vulnerable population. It also aims at exploring the intersections of refugee status, gender, as well as vulnerability in Egypt.

This chapter presents the second case study in the comparative analysis of the lived experiences of female Syrian refugees in host states, more specifically in the Egyptian context, and follows the same analytical framework established in chapter 5 and detailed in chapter 7. The framework centres on four key variables: (1) the legal and institutional frameworks governing refugee protection; (2) access to education; (3) access to healthcare; and (4) protection from gender-based violence. This consistent structure allows for the direct comparison with the Turkish case study, ensuring that each state's approach to refugee protection is examined through a common set of criteria. The insights drawn here will contribute to the comparative synthesis in the subsequent chapter.

6.1 OVERVIEW OF REFUGEES IN EGYPT

6.1.1 HISTORICAL OVERVIEW OF THE REFUGEE SITUATION IN EGYPT

The refugee situation in Egypt, particularly involving Syrian refugees, is an evolving and complex issue, that not only intersects with Egypt's socio-political dynamics, but also with its international relations. Egypt has long been a destination for refugees from a variety of states, especially from the Middle Eastern and North African region, with the most recent and significant influx of refugees occurring after the start of the Syrian civil war in 2011. Following the start of this civil war, Egypt initially opened its borders to Syrians under a policy of hospitality, allowing them to enter the country without the need for a visa or security clearance (Awad 2017, 45). However, following the ongoing political unrest and military takeover within Egypt in 2013, the Egyptian government implemented stricter visa requirements which in turn slowed down the arrival of new refugees. By the year 2015, Egypt had become a key host state for Syrian refugees, many of whom viewed Egypt as a relatively safe state due the state's

neutrality in the Syrian conflict, along with its established Syrian expatriate community (Hassan 2016, 35).

As of 2023, the UNHCR reported that there are around 300 000 registered refugees and asylum seekers in Egypt, and of these approximately 145 000 are Syrians, making up the largest refugee population within the state (UNHCR 2023). It is important to note that these numbers only account for registered refugees, with estimates suggesting that the number of unregistered refugees is a lot higher. It is also noteworthy to point out that Egypt serves as a host state not only for refugees fleeing conflict, but also to those seeking economic opportunities, and many Syrian refugees have chosen to stay in Egypt for its relative affordability compared to other host states, though their economic prospects remain limited (Awad 2017, 49; Elsayed 2020, 121).

6.1.2 LIVING CONDITIONS AND CHALLENGES FACED BY REFUGEES

Despite Egypt's initial welcoming attitude towards Syrian refugees, the realities of residing in Egypt have proven to be challenging for displaced individuals. The integration of refugees into the Egyptian society is difficult due to the lack of formal refugee status, which goes on to limit their access to services, including healthcare, education, and employment (Khamissi 2015). Along with this limited access to services, are economic challenges, legal and social integration, and psychological and social challenges. Refugees that are in Egypt face significant barriers to formal employment, and Egyptian labour laws do not permit refugees to work legally without obtaining the work permits that are notoriously difficult to secure (Hassan 2016, 40). As a result, many Syrian refugees have resorted to working within the informal sector, which often involves precarious conditions and exploitation. It was also found that over 85% of Syrian refugees live below the poverty line, and struggle to meet basic needs, including housing, food, and medical care (UNHCR 2023). Along with these challenges is the overcrowding in informal settlements where resources are limited, which is caused as a result of urban integration of refugees in areas such as Greater Cairo and Alexandria (Elsayed 2020, 130).

Whilst refugees in Egypt have access to public healthcare, the system is overburdened, leading to long waiting times and more than often inadequate care. The healthcare facilities are under-resourced, particularly those that are in areas with large refugee population (Awad 2017, 48). Along with the limited access to healthcare, access to education also remains a critical issue for Syrian refugees. Although Egypt allows for refugee children to be enrolled in public

schools, there is still the issues of overcrowded classrooms and discriminatory practices which make it extremely difficult for many refugee children to receive quality education (Elsayed 2020, 132). As a result, many Syrian families turn to informal education options or private institutions, thus further straining their limited financial resources.

The refugees in Egypt often face legal uncertainty, as they have not been officially granted refugee status under Egyptian law and are instead considered “foreign nationals” under temporary residence permits that are issued by the UNHCR (UNHCR 2023). The lack of formal recognition limits refugee’s legal rights and leaves them vulnerable to arrest, detention, and deportation. Along with the legal logistics that are faced by refugees in Egypt, social integration is also deemed as highly problematic, with a large number of refugees encountering xenophobia and discrimination. Egyptian communities, particularly those in lower-income areas, often view refugees as competitors for resources that are already scarce, which further exacerbates tensions between host communities and refugee communities (Khamissi 2015). Refugees, especially children, in Egypt are exposed to extreme levels of psychological stress due to the trauma of displacement and the ongoing uncertainty about their futures and what it may hold. Within the refugee population in Egypt there have been many documented cases of depression, anxiety, and PTSD, however psychological services are limited, especially in areas with a large refugee population (Al Rifai 2017).

Whilst Egypt has shown some openness in accepting refugees, the long-term sustainability of the refugee population within the state is threatened by economic instability, legal and social barriers, as well limited access to public services, which is an extreme issue as Egypt remains a crucial host country for refugees from Syria and many other conflict-affected regions. Many scholars, such as Ibrahim Awad, Ahmed Hassan, and Heba Elsayed, have made significant contributions to understanding of the socio-economic and political challenges that are faced by refugees in Egypt, and have highlighted the need for a more structured and humane policy framework for managing refugees and asylum seekers.

6.2 SPECIFIC CHALLENGES FACED BY FEMALE SYRIAN REFUGEES IN EGYPT

6.2.1 ACCESS TO EDUCATION

The lack of access to education for female Syrian refugees within the state of Egypt is both an urgent and complex issue, that is shaped by a variety of socio-political, cultural, and economic

factors. These barriers not only hinder their social integration and development but also deprive Syrian refugee girls and women of their right to education. When analysing this issue, it is essential to explore both the barriers and existing initiatives that are aimed at addressing the problem.

The ability of refugees in host countries to access education is often complicated by legal frameworks that are present, and whilst Egypt has signed various international agreements on the rights of refugees as delved into above, the Egyptian government does not recognise Syrian refugees as such and refers to them as “guests” (Lindsay and Baida 2017, 47). As a result of this many Syrian families struggle to enrol their children into public schools. Along with this comes the bureaucratic red tape that includes the need for proper documentation such as proof of residence and prior education records from Syria, which all prove to pose a significant hurdle (Abu Helwa and Birch 2020, 115). Along with the legal and bureaucratic obstacles faced by refugees, are the economic constraints which are considered a huge obstacle for Syrian refugees, many of whom have utilised their savings and face legal obstacles that limit their ability to work in the formal Egyptian economy (Kapur 2019, 139). Refugee families, specifically those headed by women, prioritise immediate survival needs over education and even when public education is available, there are multiple hidden costs such as school supplies, transportation, and uniforms which makes education more inaccessible for multiple families. It is also worth noting that over 70% of Syrian refugee families in Egypt live below the poverty line, and girls are more likely to be kept out of school to help assist with household responsibilities and duties (UNHCR 2023).

Along with legal obstacles and economic hardships, social and cultural barriers also shape the access to education for Syrian refugee girls. Cultural norms and gender dynamics play a role in shaping the access to education for Syrian girls, and traditional views on gender roles may discourage families from sending their daughters to school, especially in conservative households where girls are expected to marry young (Fiddian-Qasmiyeh 2014, 85). Along with these traditional views is the security concerns present, including harassment or violence when travelling to and from school, which leads to families wanting to withdraw their daughters from educational settings (El-Arabi and Rahman 2020, 206). These barriers hinder the access to education for female Syrian refugees further.

Despite these challenges, there are several initiatives that have been implemented by international organisations, NGOs, and local communities to provide education to female

Syrian refugees in Egypt. The first from international organisations are educational programmes led by UNHCR and UNICEF, which have played leading roles in establishing educational programmes targeting refugee children in Egypt. One of the programmes is the Makani initiative, which creates learning spaces in refugee communities, where children are able to access non-formal education, psychosocial support, and life skills training (UNICEF 2018). These programmes, albeit trying to make a difference, often face underfunding and their reach is limited relative to the size of the refugee population.

Along with the UNHCR and UNICEF, local NGOs such as the Egyptian Foundation for Refugee Rights (EFRR) and Save the Children, have also developed initiatives to bridge the education gap. Both these organisations provide scholarships, school supplies, and transportation support to refugee families, and additionally organise vocational training programmes for adolescent girls who have aged out of the traditional school system (Culbertston et.al. 2016). Along with these programmes established by international organisations and NGOs, the Syrian refugee communities themselves have also created informal schooling networks to compensate for the lack of access to public schools. These specific community schools are often staffed by Syrian teachers and provide instruction in Arabic and follow a Syrian curriculum to help students maintain a sense of community, but long-term issues are bound to arise. The fact that these schools are not accredited by the Egyptian government sees students facing difficulties in transferring to formal education institutions (Dryden-Peterson 2017, 92).

Testimonies from female Syrian refugees have highlighted both the hope as well as the challenges of pursuing an education in Egypt. A 15-year-old girl, Aya, shared her struggles in an interview and described the difficulty of enrolling in a school due to the need for legal documents that would be needed from Syria, which are likely impossible to obtain, seeing that they left everything behind when they fled the state (UNHCR 2023). Another young girl Leila expressed that her family could not afford the transportation to the nearest school, and that even with education being free, the hidden costs in education leads to them being pulled out of school. Leila also explained that with all the hidden costs, that her father deemed it better to stay home and help her mother as opposed to attending school (Kapur 2019, 144). These testimonies illustrate the social and psychological impacts of being denied education, with many girls expressing feelings of frustration, isolation, and hopelessness. However, some also highlight the resilience and determination of refugee communities. This is highlighted by a 17-year-old Syrian student in Cairo named Rana, who expressing that even though it is difficult

she will continue to work hard to achieve her goals and fulfil her dream of becoming a doctor (Culbertson et. al. 2016, 137).

The barriers to education that are faced by female Syrian refugees in Egypt are multifaceted, and comprises of legal, economic, social, and cultural dimensions. Despite some initiatives by international organisations and local NGOs, the efforts remain underfunded and are unable to meet the educational needs of the growing refugee population. A multi-sectoral approach would be needed in order to address the structural and social barriers, along with sustained international financial support. As seen within the testimonies, Syrian girls see education not only as their right, but also as a source of hope and empowerment for their otherwise undetermined future.

6.2.2 ACCESS TO HEALTHCARE

The access to healthcare for female Syrian refugees in Egypt is a significant humanitarian concern with multiple layers of challenges that range from legal barriers to financial constraints. This analysis explores these obstacles and also reviews the existing healthcare programmes, initiatives, and the lived experiences of refugee women in Syria.

Despite Egypt being signatory to international treaties, such as the 1951 Refugee Convention, the state is yet to fully integrate these obligations into its domestic healthcare system. Female Syrian refugees are often categorised as “guests” and do not enjoy the same legal protections as refugees in other host countries (Abu Helwa and Birch 2020, 92). For female refugees, access to public healthcare services is limited, especially for those without the necessary documentation or residency permits, and thus not only does this hinder access to education but also hinders the access to healthcare (Sika and Milner 2019, 47). In many cases, Syrian refugees must seek care at private institutions where fees are prohibitive, or not receive any healthcare for their ailments, which in turn possesses a whole array of other issues including death.

Along with legal and administrative barriers, economic hardship remains one of the most significant obstacles to Syrian refugees in accessing healthcare in Egypt. Nearly 70% of refugee households live below the poverty line, with women disproportionately affected (UNHCR 2023). The financial burden of healthcare, including consultation fees, medication, and transportation fees often prevents women from seeking medical attention, with many refugees unable to access maternal healthcare, which is vital for pregnant women and new mothers (UNHCR 2023). It was also found that over 50% of pregnant Syrian women in Egypt

could not afford necessary prenatal care, thus exacerbating the issue further (Abdel Aziz 2018, 116).

Cultural norms that regard gender roles can and also have previously limited female refugees' access to healthcare. In conservative households, women may require male relatives' permission to seek medical help, particularly for reproductive health issues (El-Arabi and Rahman 2020, 213). Along with these cultural norms, there is also a social stigma around certain health issues such as mental health, which further prevents women from accessing care, despite the fact that displacement often escalates issues such as depression, anxiety, and PTSD (Al-Sharmani 2017, 132).

Along with the above barriers, there is also an overburdening of the public health system that has been exacerbated due to the influx of refugees in an already under-resourced Egypt. Many Syrian refugees, particularly women, experience long wait times, inadequate facilities, and shortages of medical supplies (Salem 2017, 83). In addition to these shortcomings, hospitals are often overcrowded, and refugee women, especially those without proper documentation, may face discrimination from healthcare staff, further dissuading them from seeking medical care and exacerbating the issue and stigma (Abu Helwa and Birch 2020, 121).

Despite these barriers, there are several initiatives in place that are aimed at improving healthcare access for female Syrian refugees in Egypt. One of these programmes is a collaboration with the UNHCR and the Egyptian Ministry of Health and aims to provide free primary healthcare services to Syrian refugees. These services include vaccinations, maternal health services, and emergency care (UNHCR 2023). However, it should be noted that these services are often limited to certain areas and many refugees are unaware of the services that are available to them, due to a lack of outreach and communication (Abdel Aziz 2018, 210). Along with this programme by international organisations, NGOs such as Médecins Sans Frontières (MSF) and Save the Children have established health clinics specifically targeting vulnerable populations, including female refugees. These organisations provide free or low-cost reproductive healthcare services, mental health support, and treatment for chronic conditions (Culbertson et.al. 2016, 176). The Refuge Egypt programme, operated by the Anglican Diocese of Egypt, offers healthcare services, including prenatal and postnatal care for refugee women (El-Arabi and Rahman 2020, 223). Several NGOs, including Terre des Hommes and the Cairo Institute of Psychiatry provide psychosocial support and mental health services tailored to female refugees (Al-Sharmani 2017, 135). Various mental health initiatives

offer counselling for trauma, stress, and depression, with a specific focus on women who have experienced gender-based violence. However, mental healthcare services remain underfunded and are not accessible to all refugee women in need (Sika and Milner 2019, 78).

Personal testimonies from female Syrian refugees have illustrated both the struggle and resilience of those seeking healthcare assistance in Egypt, with one refugee describing the frustration of trying to seek treatment for her ill daughter from a public healthcare facility when she was denied help due to having the incorrect documents and was told to seek help at a private institution, which she could not afford (UNHCR 2023). Similarly, another refugee could not access prenatal care as they were unable to afford it, and she was therefore left scared for both her baby and herself as she did not have another option (Abdel Aziz 2018, 123). Many women have expressed frustration over the difficulty of accessing even basic healthcare, with one refugee explaining that she requires medication monthly for her diabetes, but it is not a smooth approach as they either do not have it or ask for fees that she cannot afford (Sika and Milner 2019, 52). Along with these stories of frustration are stories of hope, where female refugees have received care through the MSF clinic for their mental health and received support after going through trauma caused by the civil war (Culbertson et. al. 2016, 179).

Female Syrian refugees living in Egypt face substantial barriers to accessing healthcare including legal restrictions, economic hardships, and cultural dynamics that exacerbate their vulnerability. Despite the efforts of international organisations and NGOs, the healthcare needs of women remain largely unmet, more specifically in the areas of maternal and mental healthcare. To address these gaps, there needs to be sustained financial support as well as more inclusive policies that prioritise the health of all refugees. Through the testimonies given by the Syrian women, one is able to clearly see that the access to healthcare is not only a medical issue but also an issue posed to their dignity and survival.

6.2.3 PROTECTION FROM GENDER-BASED VIOLENCE (GBV)

Protection from gender-based violence (GBV) for female Syrian refugees in Egypt is a widespread critical concern due to the heightened vulnerabilities that they face due to displacement, poverty, and social marginalisation. They are subjected to multiple forms of GBV, including domestic violence, early and forced marriages, sexual harassment, and exploitation. This analysis examines the various types of GBV, the challenges in protection, and the initiatives aimed at addressing the issue.

6.2.3.1 TYPES OF GBV FACED BY FEMALE SYRIAN REFUGEES IN EGYPT

Domestic violence is one of the most pervasive forms of GBV that is faced by female Syrian refugees. The trauma of displacement, added to the economic and psychological stress of life in exile, has exacerbated tensions within families, and has led to increased incidents of intimate partner violence (IPV). Women are often hesitant to report domestic violence due to cultural norms that view family matters as private, along with fears of retaliation and ostracization (Al-Sharmani 2017, 140). It has also been reported that nearly 60% of Syrian refugee women in Egypt have experienced some form of domestic violence (UNFPA 2016). Both early and forced marriage are prevalent amongst Syrian refugee communities in Egypt and are often seen by families as a means of economic survival or protection for their daughters (Sika and Milner 2019, 82). The marrying off of young girls can often be perceived as a way in which to safeguard their honour and reduce the financial burden on families, but early marriage exposes young girls to an array of risks such as domestic abuse, sexual violence, and the denial of educational opportunities (Culbertson et. al. 2016, 185). The legal framework that is present in Egypt, which sets a minimum age for marriage at 18, is often a times circumvented through informal or customary marriages which leaves young girls without legal protection (Fiddian-Qasmiyeh 2014, 93).

In a disturbing but honest reality, sexual harassment is an everyday reality for many female Syrian refugees in Egypt, particularly in public spaces such as markets, public transportation, and refugee camps (El-Masry 2018, 112). This harassment, in fear of reprisal, victim-blaming, or distrust of authorities, is often unreported and undocumented. Female refugees are also vulnerable to sexual exploitation by landlords, employers, and others in positions of power who may take advantage of their precarious legal and financial situations (Abu Helwa and Birch 2020, 130). Along with sexual harassment, sexual violence within the context of employment, more especially in informal work sectors, has been documented by multiple reports, with perpetrators exploiting refugees' lack of legal protection and exploiting their vulnerabilities (Salem 2017, 92). Syrian refugee women, especially those without legal residency, are at risk of human trafficking and survival sex. Traffickers target vulnerable women and girls, luring them in with promises of work or marriage, only to exploit them into forced labour or prostitution (Sika and Milner 2019, 45). The lack of economic opportunities forces some women into what is referred to as survival sex, which sees them engaging in sexual relationships in exchange for money, shelter, or food (UNHCR 2023). To further exploit these

vulnerabilities, there is a stigma surrounding sexual exploitation, combined with the fear of deportation or legal consequences, which makes it extremely difficult for these women to seek the necessary help.

6.2.3.2 BARRIERS TO PROTECTION FROM GENDER-BASED VIOLENCE

Egypt's legal framework does not adequately provide protection for refugees, which is especially true for female Syrian refugees that are facing GBV. Whilst Egypt has signed international conventions on refugees which include the rights of women, reinforcement of these obligations under these conventions is weak, and the state lacks specific laws that address GBV against refugees (Abdel Aziz 2018, 122). A fair number of Syrian women are unaware of their rights under Egyptian law, and even those who may be aware of these rights are often hesitant to report this violence due to the fear of legal repercussions for their undocumented status (El-Masry 2018, 115). Cultural norms surrounding family honour and gender roles can often deter women from reporting GBV, as in many Syrian refugee communities there is deep-rooted stigma attached to survivors of sexual violence, which often results in victim blaming or ostracization. Women who end up reporting violence, especially sexual violence, may end up being accused of bringing dishonour and shame to their families, which further discourages these victims from seeking help (Al-Sharmani 2017, 142). These cultural and social pressures are exacerbated by fears of reprisal from perpetrators, especially in cases of domestic violence where the abuser is a family member.

Economic vulnerability is seen as an exacerbating factor in the risk of GBV for female Syrian refugees, as many of these women are financially dependent on male family members which leaves them with a limited number of options to escape abusive relationships (Culbertson et. al. 2016, 188). Women who engage in informal labour often do so without legal protections, making them more susceptible to sexual harassment, exploitation, and trafficking (UNFPA 2016). Along with these factors, the absence of safe shelters for women fleeing violence further limits their options and thus forces many women to remain in abusive environments. Despite these barriers to the protection from gender-based violence, there have been initiatives and programmes set out by international organisations, NGOs, and community-based organisations which have aimed to reduce gender-based violence and increase the protection of female Syrian refugees. Both the UNHCR and the UNFPA have established multiple programmes that are aimed at preventing and responding to GBV amongst Syrian refugees in Egypt. These

initiatives are inclusive of the establishment of safe spaces for women and girls, where they are able to access psychosocial support, legal assistance, and medical care (UNFPA 2016). UNFPA also additionally conducts awareness campaigns to educate refugee communities about GBV and the available resources for survivors, however, these programmes are often underfunded and struggle to meet the increasing demand (Abdel Aziz 2018, 124).

Along with these international organisations, several non-governmental organisations and community-based organisations work on the ground in order to support Syrian refugee women that are facing GBV. The EFRR and the International Organisation for Migration (IOM) provide legal assistance for survivors and assist them in navigating the Egyptian legal system as well as securing protection orders (El-Masry 2018, 117). In addition, NGOs such as CARE and Terre des Hommes offer vocational training and livelihood programmes which aim at empowering women economically, which will in turn reduce their dependence on abusive relationships (Al-Sharmani 2017, 145). Unfortunately, these services are often limited to urban areas which leaves refugee women in rural areas with little to no support. In addition to these international initiatives and NGO and community-based programmes, there are also organisations that ensure in providing mental health support and psychosocial support, which is critical for survivors of GBV, many of whom experience long-term psychological trauma. Organisations such as the MSF and Save the Children provide counselling services, group therapy, as well as trauma-informed care for survivors (Salem 2017, 95). However, the cultural stigma surrounding mental health, particularly amongst conservative refugee communities, remains as a significant barrier to accessing these services (UNHCR 2023).

The types of gender-based violence that is faced by female Syrian refugees in Egypt are diverse and pervasive, encompassing domestic violence, early and forced marriage, sexual harassment, and trafficking. These women face significant barriers to protection, including weak legal frameworks, cultural norms that perpetuate silence, and economic vulnerability. Whilst international organisations, NGOs, and community groups have made conscious efforts in addressing GBV, the scale of the problem far exceeds the resources available. In order for lasting change to occur, greater investment in legal protections, economic empowerment programmes, and mental health services is needed, alongside efforts to challenge the cultural stigmas that inevitably silence survivors.

6.3 ANALYSIS OF EGYPT'S ALIGNMENT WITH INTERNATIONAL REFUGEE LAW AND HUMAN RIGHTS OBLIGATIONS

6.3.1.1 AN OVERVIEW OF EGYPT'S ALIGNMENT WITH INTERNATIONAL REFUGEE LAW AND HUMAN RIGHTS OBLIGATIONS

Following the outbreak of the Syrian civil war in 2011, Egypt has become a host state for thousands of Syrian refugees. Amongst these refugees, Syrian women face unique challenges and experiences shaped by both their gender and displacement. Despite Egypt's formal commitments to international refugee law, female Syrian refugees encounter systemic barriers in accessing essential services, such as education and healthcare, which are in alignment with international human rights standards. The following section serves to delve into the legal framework guiding Egypt's refugee policies as well as the challenges of policy implementation, along with recommendations.

6.3.1.2 EGYPT'S LEGAL OBLIGATIONS UNDER INTERNATIONAL REFUGEE LAW

Egypt is a signatory to the 1951 Refugee Convention and its 1967 Protocol, thus committing the state to uphold the rights of refugees, including the right to education and the protection from refoulement (Hathaway 2005, 162). In addition to these commitments, Egypt is party to several human rights treaties such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which obligates states to ensure the equal access to education for all individuals, regardless of their status (UNHCR 2021). Regardless of being party to these conventions and treaties, Egypt maintains reservations that limit refugees' access to public services, including employment and education. For female Syrian refugees, who often carry the dual burden of gendered discrimination and the refugee status, these restrictions exacerbate vulnerabilities (Afeef 2009, 89).

6.3.1.3 CHALLENGES TO POLICY IMPLEMENTATION AND RECOMMENDATIONS

Egypt's inability to fully implement its refugee and human rights obligations for female Syrian refugees is rooted in both structural and societal issues. Economic hardship, limited government capacity, and cultural barriers all contribute to the continued marginalisation of

refugee women. A shift towards a developmental approach, rather than a purely humanitarian one, would help in integrating refugees into local economies and reduce their dependence on external aid (Betts and Collier 2017, 140). In addition, more targeted interventions, such as scholarships for Syrian girls and community-based outreach programmes addressing gender norms, would help in ensuring that female Syrian refugees are not left out or behind within the education, economic, and political spheres. Moreover, training for teachers and educational staff on how to work with refugee students, particularly girls, is crucial to improving the school environment and the reduction of xenophobic behaviour (Afeef 2009, 90).

Female Syrian refugees in Egypt face significant barriers to accessing basic needs and services, and it is shaped by the intersection of gender, refugee status, and socio-economic conditions. Despite Egypt's commitments to international refugee law, Syrian girls continue to experience discrimination, economic hardship, and cultural pressures that hinder their access to these services. Whilst initiatives by international organisation and NGOs have provided some support, these efforts are underfunded and lack long-term sustainability. For Egypt to fully align with its international obligations, it must adopt more inclusive policies that effectively address the specific needs of female Syrian refugees and promotes their rights.

6.4 CONCLUSION

An institutionalist analysis of policy implementation for female Syrian refugees in Egypt reveals significant gaps between formal commitments and practical outcomes. Government policies, whilst established, often face implementation challenges due to bureaucratic inefficiencies, resource constraints, and social barriers. International organisations and NGOs play a critical role in bridging these gaps, but their efforts are often constrained by funding and systemic issues. To improve the effectiveness of refugee protection policies, Egypt must address these implementation gaps through clearer legal frameworks, increased resources, and targeted interventions that address the specific needs of female Syrian refugees. Collaborative efforts between the government, international organisations, and NGOs are essential to creating a more inclusive and effective system for refugee protection.

CHAPTER SEVEN

COMPARATIVE ANALYSIS BETWEEN TURKEY AND EGYPT

The Syrian refugee crisis has profoundly impacted neighbouring countries, specifically that of Turkey and Egypt, which have become major hosts for displaced populations. As they grapple with the complexities of managing refugee flows, both states have established distinct institutional frameworks and policy approaches to address the needs of these vulnerable groups. The following chapter makes use of a comparative analysis of the experiences of female Syrian refugees in both Turkey and Egypt, with a particular focus on how each state addresses its international obligations and domestic responsibilities, particularly in regard to refugee protection. Whilst previous chapters have examined each state's context individually, this section draws both case studies into a conversation with one another and does so through a structured analytical framework. This framework is designed to move beyond a descriptive narrative and instead enables a consistent and comparative assessment across both states.

The analysis is structured around four core independent variables that directly influence the lived realities of female Syrian refugees. The first is legal and institutional frameworks, the second, delves into access to education, the third looks at access to healthcare, whilst the fourth discusses protection from gender-based violence. These four variables were selected due to their relevance to both international refugee and human rights law, as well as their salience in shaping gendered experiences of displacement. Each variable is accompanied by guiding questions and indicators that help structure the comparative inquiry and ensure that the same analytical lens is applied in both state contexts. By applying this comparative framework, the chapter systematically analyses each variable across the Turkish and Egyptian contexts. This not only allows for an evaluation of the strengths and weaknesses of each state's refugee response, but also highlights shared structural challenges, context-specific divergences, and potential areas for policy improvement. The findings are summarised within a discussion at the end of the chapter, helping to visualise where alignment with international obligations is evident and where critical gaps remain in the protection of female Syrian refugees.

Additionally, this chapter delves into the specific gaps in protection and services for female Syrian refugees, a group particularly vulnerable to both exploitation and discrimination. Through an institutionalist analysis, the role of international organisations and regimes in both Turkey and Egypt is examined, highlighting the ways in which global actors contribute to or hinder the protection of women and girls. This chapter aims to identify the key areas where

improvements are needed and propose recommendations for enhancing the rights and services available to female refugees.

7.1 COMPARISON OF REFUGEE SITUATIONS IN TURKEY AND EGYPT

The refugee situations in Turkey and Egypt are influenced by geographic proximity to conflict zones, historical relationships, with neighbouring states, and varying degrees of international involvement. Although both states host large refugee populations, particularly from Syria, Iraq, and sub-Saharan Africa, their institutional frameworks, policies, and implementations diverge significantly due to their differing political, economic, and social contexts.

7.1.1 REFUGEE POPULATIONS AND CONTEXTS

Turkey, which is a key host state for Syrian refugees, shares a border with Syria which results in the spillover from the Syrian conflict, which has had a direct and profound impact on the host state. As of 2023, Turkey hosts the largest refugee population in the world, with an approximate 3.6 million Syrians under temporary care, in addition to smaller numbers of Iraqis, Afghans, and other nationalities. Turkey's close proximity to conflict zones, has allowed it to become a critical buffer zone for Europe, which has further shaped its policies and international relationships (İçduygu and Şimşek 2016, 59).

Egypt on the other hand, whilst not bordering Syria, also hosts a significant refugee population, despite the numbers of refugees being smaller than those present in Turkey. As of 2023, over 300 000 registered refugees and asylum seekers, including Syrians, Sudanese, Ethiopians, and others from sub-Saharan Africa. Egypt's position as a crossroads between Africa and the Middle East has long made it a destination for refugees from various of conflict-ridden regions (Zohry 2017, 102).

7.1.2 LEGAL AND INSTITUTIONAL FRAMEWORKS

This variable examines the legal regimes and institutional arrangements that underpin refugee protection. It additionally asks the question as to whether the host state is a signatory to the 1951 Refugee Convention and its 1967 Protocol, and whether any reservations have been made. The variable also considers the existence, or absence, of national asylum procedures, the degree of state versus international institutional responsibility, and the extent to which refugee rights, particularly those of women, are codified and implemented into domestic law. This component establishes structural and normative context in which protection is either enable or constrained.

Turkey's refugee policy operates within the framework of the Temporary Protection regime, which was established for Syrians, and the 2013 Law on Foreigners and International Protection (LFIP), which provides a legal foundation for the managing of refugees (Kirişci 2014, 21). Turkey, as mentioned is a signatory to the 1951 Refugee Convention, but with a geographic limit, meaning it only grants full refugee status to those fleeing events that occurred in Europe. This has relegated non-Europeans refugees, including Syrians, to a temporary protection regime that does not grant them full refugee status. Temporary protection grants limited rights, such as access to health care and education, but does not offer long-term settlement or integration options (Özden 2013, 10).

Turkey's DGMM, under the Ministry of Interior, is responsible for implementing refugee policies. With substantial support from the European Union, particularly through the EU-Turkey deal of 2016, Turkey has received significant funding to host refugees in exchange for controlling migration flows to Europe (İçduygu and Nimer 2020, 276). However, the heavy focus on border control and limited long-term integration options have raised concerns about the sustainability of Turkey's refugee framework.

Egypt's approach to refugees, however, is different, and whilst Egypt is a signatory to the 1951 Refugee Convention, and the 1969 Organisation of African Unity (OAU) Convention, its domestic legal framework does not include comprehensive refugee legislation. The management of refugees is largely delegated to the UNHCR, which oversees the registration, status determination, and the provision of basic services to refugees in Egypt (Zohry 2017, 105). This reliance on international organisations contrasts with Turkey's more state-centred approach. Egypt's institutional capacity to manage refugees is weaker when compared to Turkey. The government has placed restrictions on refugee's access to formal employment, leaving many to work in the informal economy, which increases their vulnerability (Grabska 2006, 303). In addition, Egypt's institutional framework has been criticised for its lack of a coherent national refugee policy and its limited role in refugee integration, with most services being provided by international organisations.

7.1.3 POLICY IMPLEMENTATION: SIMILARITIES AND DIFFERENCES

7.1.3.1 SIMILARITIES

Both Turkey and Egypt have adopted a policy of non-integration regarding refugees, which is reflected in their reluctance to grant permanent settlement rights. In both cases, refugees remain vulnerable to exploitation in the informal labour market, and there are limitations on their ability to secure stable livelihoods. More so, the role of international actors, such as the UNHCR and the EU, is prominent in both states, although to a varying degree. Another similarity is the significant impact of geopolitics on their refugee policies. For Turkey, its strategic position as a gateway to Europe has served as a critical factor in shaping its refugee policies, particularly in relation to the EU. Egypt's refugee policies are also shaped by its geopolitical interests, with the government using its role as a refugee host, as a bargaining chip in international negotiations for foreign aid and political support (Grabska 2006, 308).

7.1.3.2 DIFFERENCES

A key difference between the states of Turkey and Egypt lies in the extent of state involvement in refugee management. Turkey has developed a more structured, albeit temporary, institutional framework for managing refugees through the DGMM, which directly oversees the implementation of refugee policies. In stark contrast, Egypt has largely outsourced its refugee management to the UNHCR, which limits its domestic institution's role in refugee governance. Additionally, Turkey's Temporary Protection regime for Syrians grants a higher degree of access to public services, including education and healthcare, than what is available to refugees in Egypt. This is exemplified through the way in which Syrian children in Turkey are entitled to attend public schools, whereas in Egypt, refugees face significant barriers to accessing education and healthcare services due to bureaucratic hurdles and underfunded public systems (İçduygu and Şimşek 2016, 63).

Another significant divergence is the level of international funding and support. Turkey, due to its critical role in the prevention of refugees reaching Europe, has received significant financial and political support, most notably from the EU (Kirişçi 2014, 23). On the other hand, Egypt receives less international funding, and its refugee management is more dependent on the limited resources of the UNHCR and other international organisations (Zohry 2017, 108).

In conclusion, whilst both Turkey and Egypt face similar challenges in managing large refugee populations, their institutional frameworks and policy implementations differ significantly. Turkey's more centralised approach and reliance on temporary protection mechanisms contrast

Egypt's reliance on international organisations, such as the UNHCR. Both states, however, demonstrate a reluctance to fully integrate refugees, and their policies reflect broader geopolitical dynamics. The sustainability of these frameworks remains in question, particularly as international funding and political opinion fluctuate.

7.2 COMMON CHALLENGES AND BEST PRACTICES IN REFUGEE MANAGEMENT IN TURKEY AND EGYPT

Both Turkey and Egypt, as major host states for refugees, face significant challenges in managing their refugee populations. These challenges range from economic burdens to social integration and access to services. However, both states have developed certain best practices, either through government initiatives or in collaboration with international organisations, to mitigate some of these challenges.

7.2.1 COMMON CHALLENGES

7.2.1.1 ECONOMIC STRAIN

The most immediate challenge for both Turkey and Egypt is the significant economic burden posed by hosting large refugee populations. Refugees often strain already overstretched public services, including healthcare, education, housing, and employment markets. Turkey, which hosts over 3.6 million Syrians, has reported significant strain on its local economies, particularly in regions with high refugee concentrations such as Gaziantep and Hatay (İçduygu and Aksel 2019, 9). The influx of refugees has led to increased competition for jobs, particularly in low-skilled sectors, where refugees often accept lower wages, fuelling tensions with local populations (Baban et. al. 2017, 44). Although Turkey receives substantial financial support from the EU, through mechanisms such as the EU Facility for Refugees in Turkey, the long-term sustainability of this support remains uncertain. Similarly, Egypt has experienced economic pressures from hosting approximately 300 000 refugees. The state's already struggling economy, coupled with political instability and high rates of unemployment, makes it difficult to allocate adequate resources for refugees. Refugees in Egypt often work in the informal economy due to restrictions on formal employment, which leads to precarious work conditions, exploitation, and an inability to access labour rights (Grabska 2006, 300).

7.2.1.2 SOCIAL TENSIONS AND INTEGRATION

Both countries face challenges in fostering social cohesion between refugees and local populations. In Turkey, the sheer number of refugees has led to rising social tensions,

particularly within economically deprived areas, with host communities often perceiving refugees as competitors for already scarce resources, such as jobs and public services. Anti-refugee sentiments have occasionally erupted in violence, and political discourse increasingly frames refugees as a national security threat (İçduygu and Nimer 2020, 280). Within Egypt, refugees often face discrimination and xenophobia. Local communities frequently view refugees as outsiders who exacerbate both social and economic problems. Additionally, the lack of formal integration policies and the government's limited engagement in refugee affairs contribute to the marginalisation of refugees. Refugees are seen as a transient population, despite many living in the country for several years, which hampers their social integration (Zohry 2017, 110).

7.2.1.3 ACCESS TO SERVICES

Access to healthcare, education, and housing continue to be persistent challenges that are present in both Turkey and Egypt, although the degree and nature of these challenges differ. In Turkey, whilst under the Temporary Protection regime refugees have access to education and public healthcare, the system is overburdened. Public schools struggle with overcrowding, and language barriers pose significant obstacles to Syrian children's full participation in the education system (Kirişci 2014, 24). Similarly, the healthcare system, despite receiving international support, is under considerable strain due to the high demand from both refugees and local populations. In Egypt, however, refugees have less access to public services and must often rely on international organisations, such as the UNHCR, for healthcare and education. Public hospitals and schools are overcrowded and underfunded, and refugees face additional bureaucratic hurdles in accessing these services (Grabska 2006, 305). Moreover, many refugees cannot afford private services, leaving them without essential healthcare or education for their children.

7.2.2 BEST PRACTICES

7.2.2.1 COLLABORATION WITH INTERNATIONAL ORGANISATIONS

Despite these challenges, both Turkey and Egypt have implemented or facilitated practices that have shown some success in improving the lives of refugees. Both Turkey and Egypt have benefitted from extensive co-operation with international organisations, particularly the UNHCR along with other international NGOs. In Turkey, the existing partnership between the government and the UNHCR has allowed for efficient and effective distribution of resources and services, mainly in health and education. Turkey has also worked with the EU to establish

programmes that aim at providing vocational training and social assistance to refugees (İçduygu and Şimşek 2016, 64). These programmes would serve to reduce the economic burden felt by host communities by improving refugees' self-reliance. In Egypt, the government has less institutional involvement in refugee affairs, emphasising the role of the UNHCR further. The UNHCR and its partners manage registration, protection, and the provision of basic services to refugees. In addition, Egypt has benefitted from partnerships with NGOs and civil society organisations, which provide vocational training, legal aid, and psychosocial support to refugees (Zohry 2017, 107). Despite the limited government engagement present in Egypt, these partnerships have ensured that refugees receive minimal services at least.

7.2.2.2 EDUCATION INITIATIVES

In Turkey, education has been a major focus for refugee policy, where the Turkish government, in co-operation with international donors, has worked to integrate Syrian children into the public education system. This is seen with the statistic of around 700 000 Syrian children enrolled in Turkish schools as of 2023 (UNHCR 2024). Whilst challenges such as language barriers and overcrowding remain, the government's commitment to education has aimed at preventing a 'lost generation' of Syrian children in the education system. Moreover, Turkey has introduced initiatives that serve as 'catch-up' programmes and Turkish language courses to help refugees integrate more effectively into the school system (İçduygu and Şimşek 2016, 66). On the other side, the education for refugees in Egypt is largely provided through NGOs and international organisations. Although the Egyptian government permits refugees to attend public schools, they still face imminent barriers such as overcrowding and discrimination. With the aims of addressing this, NGOs and community-based organisations offer informal education programmes and scholarships in order to help refugee children access education (Grabska 2006, 306). Whilst this approach is less comprehensive than that present in Turkey, these initiatives provide an essential safety net for refugee children in Egypt, who might otherwise be excluded from the education system.

7.2.2.3 COMMUNITY-BASED SUPPORT SYSTEMS

Both Turkey and Egypt have effectively fostered community-based support systems that help refugees navigate life in their host countries. In Turkey, Syrian-led organisations and community centres have been offered support by international donors and play a crucial role in providing services such as language courses, psychosocial support, and legal advice. These centres serve as bridges between refugees and host communities and aim to help reduce social

tensions and facilitate integration (Baban et. al. 2017, 49). Similarly in Egypt, refugee-led organisations also play an instrumental role in filling gaps that are left by the government and international organisations. These groups provide services that range from vocational training to cultural activities, which help refugees maintain their dignity and assist in building their lives in exile (Zohry 2017, 109).

In summary, whilst Turkey and Egypt both face significant challenges in managing large refugee populations, which is inclusive of economic burdens, social tensions, and limited access to services, they have also developed important best practices. Collaboration that is present with international organisations, along with a focus on education, and the development of community-based support systems, have all been crucial in alleviating some of the pressures associated with hosting refugees. However, it is important to note that long term solutions, particularly those regarding refugee integration and economic sustainability, remain critical for both Turkey and Egypt.

7.3 GAPS IN PROTECTION AND SERVICES FOR FEMALE SYRIAN REFUGEES: AN ANALYSIS OF TURKEY AND EGYPT

Female Syrian refugees in both Turkey and Egypt face distinct challenges that exacerbate their vulnerability. These include issues such as gender-based violence, lack of access to healthcare, limited livelihood opportunities, and barriers to education. Whilst international organisations and national policies attempt to address these challenges, significant gaps in protection and services remain. This analysis explores these gaps, the specific vulnerabilities faced by female refugees, and the role of international organisations and regimes in bridging or exacerbating these gaps in both states.

7.3.2 GENDER-SPECIFIC VULNERABILITIES

7.3.1.1 GENDER-BASED VIOLENCE AND EXPLOITATION

One of the most pressing challenges faced by female Syrian refugees both in Turkey and Egypt is the heightened risk of gender-based violence, including domestic violence, sexual exploitation, and trafficking. In Turkey, reports indicate that female refugees are particularly vulnerable to sexual harassment, forced marriage, and exploitative labour conditions (Baban et. al. 2017, 49). The precarious legal status of many refugees under the Temporary Protection regime exacerbates these risks as women lack adequate legal protection or knowledge of their rights. Additionally, social norms within refugee communities often prevent women from

reporting incidents of violence, in fear of stigmatisation or retaliation (İçduygu and Aksel 2019, 13). Whilst Turkey's legal framework includes protections against GBV, in practice, female refugees struggle to access these services, especially those living in informal settlements and remote areas.

Similarly in Egypt, female refugees face substantial risks of sexual GBV. Discrimination against refugees, combined patriarchal societal norms, creates an environment where women are particularly vulnerable. For instance, many female refugees, particularly those from Sub-Saharan Africa, report frequent harassment, sexual assault, and exploitation in the workplace (Grabska 2006, 307). The lack of formal employment opportunities for refugees forces many women into precarious informal work, where they are at a greater risk of exploitation and abuse. In addition, the lack of access to legal protection and fear of deportation often prevents women from reporting incidents of abuse (Zohry 2017, 112).

7.3.1.2 HEALTHCARE ACCESS AND REPRODUCTIVE HEALTH SERVICES

Female refugees in both Turkey and Egypt face significant gaps in accessing healthcare, particularly reproductive health services. In Turkey, whilst refugees under the Temporary Protection regime have access to public healthcare services, the system is significantly overwhelmed by the large number of refugees. This overcrowding in the system results in long waiting times, overcrowded facilities, and inadequate resources to address specific needs of women, such as prenatal care, contraception, and psychosocial support of sexual violence (Kirişci 2014, 25). In Egypt, the situation presents as a more dire one due to the country's strained public healthcare and limited refugee access. While the UNHCR and other NGOs provide some health services, including reproductive healthcare, they are insufficient to meet the needs of the entire refugee population (Grabska 2006, 310). Female refugees often face financial barriers to accessing private healthcare, and public services are underfunded and overcrowded. Additionally, refugees in Egypt report frequent discrimination and mistreatment in public health facilities, which deters many women from seeking care (Zohry 2017, 114).

7.3.1.3 LIVELIHOODS AND ECONOMIC EMPOWERMENT

Female Syrian refugees in both states struggle with access to employment and economic opportunities, and access to education, which leaves many dependent on humanitarian aid or informal work. The lack of access to education further limits their ability to gain skills that would help in accessing more opportunities to better employment, which further entrenches economic precarity and increases their vulnerability to exploitation and abuse. In Turkey, while

refugees have limited access to formal employment, many women are relegated to low-paying and unregulated jobs in the informal sector. Women, particularly those who are single heads of households, often take on roles in domestic work or textile production, where they are faced with the challenges of low wages, poor working conditions, and a lack of legal protection (Baban et. al. 2017, 51). Cultural norms within Syrian communities often restrict women's participation in the labour force, as they are expected to remain at home and take care of the children and other domestic tasks. Likewise in Egypt, female refugees also have limited access to formal employment due to legal restrictions and societal discrimination. Many women are forced into informal work, where they are often underpaid and at a higher risk of exploitation. A study showed that refugee women in Cairo, work primarily in domestic service with few rights or protections (Zohry 2017, 114). This not only leaves them economically vulnerable but also exposes them to harassment and abuse in the workplace.

7.3.2 THE ROLE OF INTERNATIONAL ORGANISATIONS AND REGIMES

International organisations and humanitarian regimes play a critical role in providing services and protection to female Syrian refugees in both Turkey and Egypt. However, these efforts often fall short due to underfunding, political constraints, as well as gaps in the co-ordination between national governments and international actors.

7.3.2.1 TURKEY: A STATE-CENTRED APPROACH WITH INTERNATIONAL SUPPORT

In Turkey, the refugee response is highly state-centred, with international organisations playing a supporting role. The Turkish government, acting through the DGMM, is a primary actor that is responsible for managing refugee services, whilst organisations such as the UNHCR, the IOM, and various NGOs, provide complementary support. The EU-Turkey deal of 2016 significantly bolstered Turkey's capacity to manage its refugee population, with billions of euros in funding earmarked for humanitarian assistance, which is inclusive of programmes that are aimed at supporting women and girls (İçduygu and Aksel 2019, 14). This funding has helped expand access to healthcare, education, and livelihoods for refugees, including female refugees. An instance of this is that some EU-funded programmes focus specifically on gender-sensitive interventions, such as providing psychosocial support for survivors of GBV and creating safe spaces for women. Despite these programmes, there are significant gaps in the implementation. The Turkish government's emphasis on border security and controlling

refugee flows has sometimes overshadowed the focus on protection and services for vulnerable groups, including women (Kirişci 2014, 27). Additionally, the sheer scale of the refugee population has overwhelmed the capacity of international organisations and NGOs to provide adequate support, particularly in rural areas where women face greater isolation and fewer services (Baban et. al. 2017, 52).

7.3.2.2 EGYPT: HEAVY RELIANCE ON INTERNATIONAL ORGANISATIONS

In Egypt, the UNHCR and international NGOs play a more central role in managing refugee protection and services due to the government's limited institutional capacity. The Egyptian government has delegated much of the responsibility for refugee management to the UNHCR, which oversees registration, protection, and the provision of basic services (Zohry 2017, 108). The UNHCR, in co-ordination with NGOs, provides services specifically targeted at women, including reproductive healthcare, legal assistance, and support for survivors of GBV. However, the scope of these services is limited by funding shortfalls and the sheer number of refugees in need. Furthermore, while the UNHCR offers some protection services, the absence of robust national legal framework for refugees in Egypt means that many women remain vulnerable to exploitation and abuse (Grabska 2006, 312). One major gap in Egypt's refugee response is the lack of co-ordination between the government and international organisations. Unlike Turkey, where the government actively engages with international actors, Egypt's hands-off approach has resulted in a fragmented and under-resourced protection system (Zohry 2017, 115). This leaves many female refugees reliant on ad-hoc services from NGOs, which are often insufficient to meet their long-term needs, especially in the areas of economic empowerment and legal protection.

7.4 CONCLUSION

The comparative analysis of Turkey and Egypt's institutional frameworks and refugee policies within this chapter highlights both the shared challenges as well as unique approaches that these states have employed in response to the Syrian refugee crisis. Both nations, as major hosts of the displaced populations, have developed distinct strategies to manage the complex needs of refugees, yet they face common challenges such as capacity limitations and socio-political pressures. Whilst best practices have emerged, especially in areas of service delivery and community engagement, the gaps in protection for vulnerable groups like female Syrian refugees, remain significant. The institutional analysis underscores the critical role that international organisations and global governance regimes play in shaping refugee policies but

also reveals the limitations and inconsistencies in their contributions to the protection of women and girls. The analysis of both states shows that while there have been successes, there is still much to be done to ensure that female refugees receive adequate protection from exploitation and discrimination.

Ultimately, the findings of this chapter point to the need for more inclusive and gender-sensitive policies, stronger institutional capacity, and enhanced international co-operation to improve the protection and services available to Syrian refugees in both Turkey and Egypt. By learning from the successes and addressing the shortcomings in both contexts, future strategies can be better designed to respond to the complexities of refugee crises in a way that prioritises the rights and needs of the most vulnerable populations. The complete findings of this paper in relation to the research questions will be discussed in the upcoming chapter, and the paper in itself will be concluded.

CHAPTER EIGHT

FINDINGS AND CONCLUSION

This chapter synthesises the key findings from the comparative analysis of the refugee situations in Turkey and Egypt, focusing on the institutional frameworks and the protection gaps for the female Syrian refugees. By revisiting the institutionalist perspectives explored throughout the research, this chapter aims to draw conclusions about the effectiveness of each state's approach to managing the refugee population. This chapter will also assess the successes and shortcomings in addressing the needs of female refugees, particularly in the areas of healthcare, education, and protection from gender-based violence. The findings will highlight the common challenges faced by both Turkey and Egypt, whilst also pointing out state-specific issues that are shaped by their unique political, legal, and social contexts. In addition, the role of international organisations and regimes will be re-examined to determine their impact on the implementation of refugee protection measures in both states.

Finally, the conclusion will offer recommendations for improving refugee policies and institutional responses, with particular emphasis on closing the protection gaps present for women and girls. By reflecting on the lessons learnt from both contexts, this chapter will propose pathways for future research and policy development, aimed at enhancing the rights and services for female refugees across the region.

8.1 RESEARCH QUESTION 1: To What Extent Have Turkey and Egypt Implemented Policies and Programmes to Protect the Human Rights of Female Syrian Refugees?

8.1.1 TURKEY'S REFUGEE REGIME AND GENDER-SEPCIFIC POLICIES

Turkey is a signatory to key international conventions that protect refugees, including the 1951 Refugee Convention and its 1967 Protocol. However, Turkey maintains a geographical limitation that grants full refugee status only to those fleeing from events that occurred in Europe, whilst others, including Syrians, are placed under Temporary Protection status. This regime provides limited rights and protection of all refugees, and while international law obligates Turkey to ensure the human rights of all refugees, the legal framework for non-European refugees remains weak (Kirişci 2014, 25).

For female Syrian refugees, Turkey's Temporary Protection system includes access to healthcare, education, and some legal protections, but significant gender-specific gaps persist. The Turkish government, in co-operation with the EU and international organisations, have implemented programmes aimed at supporting vulnerable groups, including women and girls. These include EU-funded initiatives such as the Facility for Refugees in Turkey, which allocates funding for health and psychosocial services for women (İçduygu and Aksel 2019, 14). In addition, the UN Women and the Turkish Red Crescent have launched safe spaces and psychosocial programmes with the aim to address gender-based violence.

Despite these efforts, there are critical weaknesses in the implementation of these policies. Female refugees continue to face challenges in accessing services, specifically in areas where the refugee population is high, and public services are overstretched (Baban et. al. 2017, 52). Moreso, cultural and linguistic barriers, as well as social norms that discourage women from reporting incidents of GBV, further exacerbate their vulnerability. While international law mandates that Turkey protect the human right of refugees, the practical implementation of these policies remains inconsistent, particularly outside urban centres where international organisations have less presence.

8.1.2 EGYPT'S REFUGEE POLICY AND IMPLEMENTATION OF GENDER-SENSITIVE PROGRAMMES

Egypt is also a signatory of the 1951 Refugee Convention along with its 1967 Protocol, however, much like Turkey, Egypt has imposed reservations on certain provisions, inclusive of those related to employment, education, and public relief (Zohry 2017, 108). As a result, female Syrian refugees in Egypt face significant barriers to accessing essential services, and the government has largely delegated responsibility for refugee protection to international organisations, particularly the UNHCR.

In Egypt, policies and programmes aimed at protecting the rights of female refugees are primarily implemented by international organisations rather than the government itself. The UNHCR, along with various NGOs, provides critical services such as reproductive healthcare, legal aid, and protection from GBV. An example of this is its programmes such as Women's and Girl's Safe Spaces, established by the UNHCR and its partners, which provides safe environments for survivors of violence to receive psychosocial and legal support (Grabska 2006, 309). However, these programmes are limited in scope and are often underfunded,

leaving many women without access to necessary services, particularly in rural or marginalised urban areas.

Although Egypt is obligated under international law to protect the human rights of refugees, the state's limited involvement in refugee affairs has resulted in significant gaps in policy implementation. Many female refugees face discrimination, harassment, and violence, with little recourse to legal protections (Zohry 2017, 115). This hands-off approach by the Egyptian government has resulted in a fragmented system where international organisations attempt to fill the gaps, but without comprehensive state support, these programmes remain inadequate.

8.1.3 COMPARATIVE ANALYSIS OF IMPLEMENTATION

In comparing Turkey and Egypt, it is evident that both countries have implemented policies and programmes to protect the human rights of female Syrian refugees, yet there are still persistent gaps. Turkey's state-centred approach allows for more comprehensive services in collaboration with international partners. However, the scale of the refugee population and resource constraints in Turkey undermine the consistent delivery of these services. In contrast, Egypt's reliance on international organisations without substantial government engagement results in fragmented and inadequate protections for women, leaving significant gaps in human rights protections.

8.2 RESEARCH QUESTION 2: How Effectively Have Turkey and Egypt Addressed Drivers of Human Rights Violations, and Has This Resulted in a Decrease?

8.2.1 TURKEY'S EFFECTIVENESS IN ADDRESSING DRIVERS OF HUMAN RIGHTS VIOLATIONS

In Turkey, the main drivers of human rights violations against female Syrian refugees include gender-based violence, economic exploitation, and limited access to healthcare and education. The Turkish government, with the support of international organisations and institutions such as the UNHCR and the EU, have taken steps to address these issues, however, their effectiveness has been mixed.

GBV remains a significant issue for female refugees in Turkey. Although there are legal frameworks in place to address GBV, including access to shelters and psychosocial support, these services are often under-resourced and difficult to access, especially for women living in

informal settlements or rural areas (Kirişci 2014, 27). Programmes funded by the EU have provided some relief by establishing safe spaces and hotlines for survivors of GBV, but cultural and language barriers prevent many women from utilising these services (Baban et. al. 2017, 50). Thus, while Turkey has taken steps to address human rights violations against women, the lack of accessibility and cultural sensitivity in these programmes has limited their overall effectiveness.

In terms of economic exploitation, Turkey's policies only allowing limited access to the labour market have had mixed results. While Syrian women can apply for work permits, in practice, many are confined to the informal economy, where they are vulnerable to exploitation and abuse. Efforts to provide vocational training and employment support for women have been insufficient to significantly improve their economic situation, as many are still excluded from formal labour markets (İçduygu and Aksel 2019, 15). Therefore, the economic vulnerabilities faced by female refugees continue to drive human rights violations, and Turkey's policies, while well-intentioned, have failed to fully mitigate these risks.

8.2.2 EGYPT'S EFFECTIVENESS IN ADDRESSING DRIVERS OF HUMAN RIGHTS VIOLATIONS

Egypt's refugee policies are similarly characterised by gaps in protection and service provision for female refugees. The main drivers of human rights violations in Egypt include the absence of legal protections, GBV, and economic marginalisation. The Egyptian government's limited involvement in refugee affairs has left these issues largely unaddressed.

International organisations, particularly the UNHCR, have made some strides in addressing GBV through the establishment of safe spaces and the provision of psychosocial support. The lack of government enforcement on anti-violence laws, combined with the pervasive discrimination faced by female refugees, has however, meant that these efforts have not significantly reduced incidents of violence (Grabska 2006, 310). Moreover, the underfunding of these programmes has limited their reach, and many women remain unaware of, or are unable to access these services.

In terms of economic exploitation, Egypt's restrictive labour market policies prevent refugees from accessing formal employment, forcing many women into precarious informal work. International organisations have implemented livelihood programmes aimed at empowering female refugees, such as vocational training and small grants for entrepreneurship. These

initiatives, however, are not widespread enough to have a significant impact, and the lack of legal protections for workers leaves many women vulnerable to exploitation (Zohry 2017, 114).

8.2.3 COMPARATIVE ANALYSIS OF EFFECTIVENESS

Both Turkey and Egypt have made some efforts to address the drivers of human rights violations against female Syrian refugees, but these efforts have been insufficient in fully mitigating the risks. In Turkey, whilst there is a more comprehensive policy framework and greater engagement with international organisations, the scale of the refugee population and cultural barriers limit the effectiveness of these initiatives. In Egypt, the lack of government involvement and the heavy reliance on international organisations create a fragmented and under-resourced protection system, leaving many women without access to adequate protection or services.

The analysis of Turkey and Egypt's practices in relation to their obligations under international law reveals significant gaps in the protection and services that are provided to female Syrian refugees. Whilst policies and programmes have been implemented in both states to address the vulnerabilities of female refugees, these efforts are often hindered by limited resources, cultural barriers, and legal restrictions. International organisations such as the UNHCR, play a crucial role in addressing these gaps, but their efforts are constrained by funding shortfalls and a lack of co-ordination with host governments. Ultimately, neither Turkey nor Egypt have fully aligned their practices with their international obligations to protect the human rights of female Syrian refugees, leaving significant room for improvement in addressing the drivers of human rights violations and ensuring comprehensive protection.

8.3 CONCLUSION

This research paper set out to examine the extent to which Turkey and Egypt, as host states, align their practices with international obligations to protect the human rights of female Syrian refugees. The findings indicate that whilst both states have made some progress in implementing policies and programmes that cater to refugees, significant gaps remain, particularly concerning the protection of female refugees. This conclusion synthesises the key findings from the institutional frameworks in both states, their alignment with international law, and the effectiveness of international organisations in addressing the human rights violations faced by female Syrian refugees.

8.3.1 ALIGNMENT WITH INTERNATIONAL ORGANISATIONS

As mentioned, both Turkey and Egypt are signatories to the 1951 Refugee Convention and its 1967 Protocol, which obliges them to protect the rights of refugees, including female refugees. However, the domestic policies and institutional frameworks of both states reflect divergent approaches to meeting these obligations.

In Turkey, the establishment of the Temporary Protection regime for Syrian refugees, supported by significant international funding, has provided a legal structure for refugee management. This framework grants refugees the access to healthcare, education, and some legal protections, despite these advancements, however, gender-specific vulnerabilities such as GBV, economic exploitation, and barriers to healthcare remain inadequately addressed. The state-centred approach present in Turkey's refugee policies, whilst offering a more structured system than that present in Egypt, often falls short in its practical implementation, especially in regions where refugees are most concentrated. Cultural and linguistic barriers further hinder women's access to services, leaving a substantial gap between Turkey's obligations under international law and the on-the-ground reality for female refugees.

In Egypt, the reliance on international organisations such as the UNHCR to manage refugee affairs, has resulted in a fragmented system of protection. While international actors provide critical services to female refugees, including healthcare and protection from GBV, the lack of state involvement in implementing these programmes and initiatives has left significant gaps. Female refugees in Egypt face extreme vulnerabilities due to legal restriction on employment, limited access to public protection, particularly for women, indicates a clear misalignment with its obligations under international law. Without a comprehensive legal framework for refugees, the Egyptian state's reliance on international organisations has been insufficient to meet the growing needs of female Syrian refugees.

8.3.2 EFFECTIVENESS OF POLICY IMPLEMENTATION AND INTERNATIONAL ORGANISATIONS

The effectiveness of the policies and programmes implemented by Turkey and Egypt to protect female Syrian refugees has been mixed. In Turkey, international organisations such as the UNHCR, the IOM, and the EU, have played an instrumental role in providing financial and technical support for refugee services. Programmes focussing on gender-sensitive interventions such as safe spaces for women, and vocational training, have been introduced with varying levels of success. However, the sheer scale of the refugee population in combination with

overstretched public services and a lack of focus on long-term integration, has limited the impact of these initiatives. Whilst Turkey's collaboration with international organisations has helped in the mitigation of some challenges, specifically in education and healthcare, many female refugees continue to face exploitation and abuse, which indicates the need for a more robust enforcement and support mechanisms.

In Egypt, the effectiveness of international organisations are constrained by a lack of governmental support and funding shortfalls. While the UNHCR and NGOs provide essential services, such as reproductive healthcare and legal aid to survivors of GBV, their reach is limited to financial constraints and a lack of co-ordination with the Egyptian government. Female refugees remain vulnerable to exploitation, harassment, and violence. The limited scale of livelihood programmes and the lack of formal employment opportunities exacerbate the economic precarity of female refugees. Despite the continued efforts of international organisations, the absence of comprehensive state policies leaves female Syrian refugees in Egypt with adequate protection or long-term solutions.

8.3.3 ADDRESSING HUMAN RIGHTS VIOLATIONS AND THEIR DRIVERS

This research paper also examined the extent to which Turkey and Egypt have addressed the drivers of human rights violations against female Syrian refugees. Both states face significant challenges in addressing the root causes of these violations, such as GBV, economic marginalisation, and restricted access to services.

In Turkey, GBV remains a critical issue, despite the existence of legal frameworks aimed at addressing it. The prevalence of cultural norms that discourage women from reporting incidents of violence, combined with the lack of accessible services in some regions, has limited the effectiveness of GBV interventions. Economic exploitation also remains a significant challenge, with many female refugees confined to the informal labour market, where they are vulnerable to abuse and poor working conditions. Whilst Turkey has taken some steps to address these issues, the persistent barriers faced by female refugees indicate that the measures implemented have not sufficiently reduced the drivers of human rights violations.

In Egypt, the situation is even more challenging. The absence of formal employment opportunities, combined with societal discrimination and the government's limited involvement in refugee affairs, has created an environment where female refugees are highly vulnerable to human rights abuses. Efforts by international organisations to address GBV and

provide economic opportunities have not been sufficient to offset the lack of state engagement. The drivers of human rights violations, particularly economic exploitation and social marginalisation, remain largely unaddressed, resulting in continued vulnerability for female Syrian refugees in Egypt.

8.3.4 INSTITUTIONALISM & ITS RELEVANCE IN REFUGEE POLICY ANALYSIS

Institutionalism provides a critical lens in understanding how cultural norms and rational decision-making processes shape refugee policies and their implementation. By applying this framework to both Turkey and Egypt's responses to the Syrian refugee crisis, it highlights the interplay of domestic institutions and international norms. The following aims to summarise the relevance of RCI and SI in this context.

8.3.4.1 SOCIOLOGICAL INSTITUTIONALISM

SI explores how cultural norms, social values, and international standards influence institutional practices. Through this perspective a vital understanding of how global refugee regimes shape policy implementation in Turkey and Egypt is gained. In Turkey, the adoption of the TP reflects its alignment with international norms under EU influence. In addition, the EU-Turkey Deal of 2016 provided financial support in exchange for curbing refugee flows to Europe, which exemplifies how external pressures can and do shape domestic policies (İçduygu and Nimer, 2020, 276). Along with the adoption of these deals, cultural factors within the Turkish society, such as strong familial and community networks, have facilitated grassroots support systems for refugees, which goes on to compliment state efforts (Baban et. al. 2017, 49).

Similarly in Egypt, societal norms and cultural perceptions of refugees influence their marginalisation. Refugees face xenophobia and discrimination which limits their access to social services and economic opportunities (Grabska 2006, 307). Additionally, the reliance of Egypt on the UNHCR and other NGOs to provide services serves as a reflection of Egypt's sociological tendency in viewing refugees as temporary guests, as opposed to integrated members of society.

8.3.4.2 RATIONAL CHOICE INSTITUTIONALISM

RCI examines how actors are constrained by institutional frameworks and make decisions that are strategic and will ensure the maximisation of the benefits received. This perspective is

relevant in analysing Turkey and Egypt's refugee policies and the ways in which these policies are shaped.

In Turkey, the strategic use of its geographical position, often seen as the gateway to Europe, highlights rational decision-making, where refugee policies are leveraged for political and economic gain. The EU-Turkey Deal illustrates this as Turkey secured significant funding and political leverage in return for agreeing to manage migration flows (Kirişci 2014, 23). In the domestic sense, the TP regime balances international obligations with national interests and limits long-term integration in order to preserve social cohesion whilst fulfilling humanitarian commitments.

On the other hand, in Egypt, the delegation of refugee management to the UNHCR, reflects a cost-minimisation strategy. This approach aligns with Egypt's broader rational choice calculus, which prioritises domestic stability over comprehensive refugee integration. The outsourcing of responsibilities highlights the state's avoidance of financial and administrative burdens, and the lack of direct involvement whilst benefitting from international aid and support (Zohry 2017, 108).

8.3.4.3 IMPLICATIONS FOR REFUGEE POLICY

Institutional frameworks reveal critical insights into the challenges and opportunities in both Turkey and Egypt's refugee management systems. By incorporating sociological insights into policy design can enhance refugee integration by addressing societal attitudes and leveraging community support networks. Balancing national interests with international obligations requires adaptive strategies that align with rational decision-making principles.

In understanding refugee policies through an Institutionalist lens, the complexity of managing displacement in diverse contexts such as political, social, and economic, is understood. By analysing the interplay of cultural norms and strategic decision-making processes, policymakers can develop more effective and sustainable frameworks in order to address the Syrian refugee crisis in Turkey and Egypt.

8.3.5 OVERALL CONCLUSION

In conclusion, whilst both Turkey and Egypt have made efforts to align their policies with their international obligations to protect female Syrian refugees, significant gaps remain in both state's approaches. Turkey's state-centred refugee regime, supported by international funding, has implemented several gender-sensitive programmes, but the scale of the refugee crisis and

cultural barriers continue to undermine their effectiveness. In Egypt, the heavy reliance on international organisations without substantial government involvement has resulted in a fragmented and insufficient protection system. In both states, the drivers of human rights violations such as, GBV economic exploitation, and limited access to services, remain persistent challenges, particularly for female refugees.

As mentioned, despite the change in political landscape in Syria as of December 2024, the findings of this paper are able to help us understand both Turkey and Egypt's future handling of refugees, even those that should come from other parts of the world, as they are both likely to remain transit states given their geographical location. The findings of this paper may also inform other states on the best approaches when dealing with massive refugee influxes, and there are lessons which can be learnt from the two case studies explored in the above paper. The findings of this research paper suggest that both Turkey and Egypt need to enhance their legal frameworks, expand the reach of gender-sensitive services, and address the root causes of human rights violations in order to meet their obligations under international law. More robust co-operation between host governments and international organisations, as well as targeted efforts to address the specific vulnerabilities of female refugees will be essential to improving the human rights situation for female Syrian refugees in both states.

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APPENDICES

APPENDIX A: RIGHTS OF REFUGEES UNDER INTERNATIONAL LAW

I. 1951 Refugee Convention

- **Right to Seek Asylum** (Art. 14, UDHR)
- **Non-Refoulement** (Art. 33)
- **Protection from Persecution** (Art. 1)
- **Right to Education** (Art. 22)
- **Right to Employment** (Art. 17)
- **Right to Housing** (Art. 21)
- **Right to Public Relief** (Art. 23)

II. 1967 Protocol Relating to the Status of Refugees

- **Expanded Definition of a Refugee** (Art. 1)
- **Protection from Discrimination** (Art. 3)

III. International Covenant on Civil and Political Rights (ICCPR)

- **Right to Life** (Art. 6)
- **Freedom from Torture** (Art. 7)
- **Right to Liberty and Security** (Art. 9)
- **Right to a Fair Trial** (Art. 14)

IV. Convention Against Torture (CAT)

- **Protection from Torture** (Art. 3)
- **Right to Remedies** (Art. 14)

V. Other Relevant Instruments

- **Universal Declaration of Human Rights (UDHR)**: Arts. 3, 5, 9, 13, 15, 17, 20
- **International Covenant on Economic, Social and Cultural Rights (ICESCR)**: Arts. 2, 6, 11, 12