

## Providing Tailored as a Human Rights Obligation: Feminist Lawyering as an Alternative Practice to Address Gender-Based Violence Against Women Refugees

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**Abstract :** International Human rights norms prescribe the obligation to protect refugee women against violence which requires, inter alia, state provision of justiciable, accessible, affordable and non-discriminatory access to justice. However, the interpretation and application of the law still lack gender sensitivity, intersectionality and a trauma-informed approach. Consequently, many refugee survivors face important structural obstacles preventing access to justice and often experience secondary traumatisation when navigating the legal system. This paper argues that the unique nature of the experiences of refugees with gender-based violence against women exacerbated throughout the migration journey calls for a tailored practice of the law to ensure adequate access to justice. The argument developed here is that the obligation to provide survivors with justiciable, accessible, affordable and non-discriminatory access to justice implies radically transforming the practice of the law altogether. This paper, therefore, proposes feminist lawyering as an alternative approach to the practice of the law when addressing gender-based violence against women refugees. First, this paper discusses the specific nature of gender-based violence against refugees with a particular focus on two aspects of the power-violence nexus: the analysis of the shift in gender roles and expectations following displacement as one of the causes of gender-based violence against women refugees and the argument that the asylum situation itself constitutes a form of state-sponsored and institutional violence. Second, the re-traumatising and re-victimising nature of the legal system is explored with the objective to demonstrate States' failure to comply with their legal obligation to provide refugee women with effective access to justice. Third, this paper discusses some key practical strategies that have been proposed and implemented to transform the practice of the law when dealing with gender-based violence outside of the refugee context. Lastly, this analysis is applied to the specificities of the experiences of refugee survivors of gender-based violence.

**Keywords :** feminist lawyering, feminist legal theory, gender-based violence, human rights law, intersectionality, refugee protection

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