

Countries with Asylum/Refugee Laws That Explicitly Protect those Fleeing Gender-Based Persecution

Country Name	Legislative Provisions
LATIN AMERICA	
Argentina	“Article 53 of General Law No. 26,165 (2006) on Refugee recognition and protection: The Commission shall, when it comes to women or minors - especially unaccompanied minors, who have been victims of violence, provide them with psychological care. In the process, the UNHCR recommendations contained in the guidelines for the protection of refugee women and the guidelines on gender-based persecution shall be applied. In the case of minors, guidelines for their protection and care shall be applied. The agencies with primary responsibility for vulnerable-group policies shall be kept informed, for the purposes of providing an efficient, rapid and effective containment solution to said people.” (See here)
Chile	Article 3 “In the interpretation of each element of the concept of refugee established in the preceding article, a perspective sensitive to gender, age or other special vulnerability condition shall be applied.” (See here)
Costa Rica	“ARTICLE 106: Refugee is an individual who: 1) Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, gender, membership of a certain group or political opinion, is outside his country of nationality and cannot, or does not want to (because of said fear,) avail himself of the protection of said country.” “ARTICLE 115.- A Refugee or an Asylum Seeker may not be deported to his country of origin when there is a well-founded fear of persecution due to race, religion, nationality, gender, membership of a certain group or political opinion, is outside his country of nationality and cannot, or does not want (because of said fear,) to avail himself of the protection of said country.” (See here)
Ecuador	“Article 2: No Deportation. An individual may not be deported or expelled to another country - whether or not the country of origin - where his rights to life, freedom or integrity and that of his relatives are under the risk of being violated due to ethnicity, religion, nationality, ideology, gender, sexual orientation, belonging to a certain social group, political opinions; or when there are good reasons to believe that the individual would be in danger of being subjected to serious human rights violations under this Law and international human rights agreements.” (See here)
El Salvador	“Article 4, Law to Establish Refugee Status No. 918 (2002): For the purposes of applying this Law, a Refugee is any individual who: a. Owing to a well-founded fear of being persecuted due to race, ethnicity, gender, religion or beliefs, nationality, belonging to a certain social group or political opinion, is outside his country of nationality, and cannot, or because of these fears, does not want to avail himself of the protection of said country; b. Has no nationality and, being outside his habitual country of residence due to a well-founded fear of being persecuted for reasons of race, ethnicity, gender, religion or beliefs, belonging to a certain social group or political opinion, cannot or, because of such fear, does not want to return to said country.” (See here)
Honduras	“Article 42, 3), Immigration and Alien Law No. 208-2003 (2004)

	<p>Refugee status shall be recognized for an individual who: (...) e) Has suffered persecution through sexual violence or other means of gender persecution based on the violation of human rights enshrined in international agreements.” (See here)</p>
Mexico	<p>“Refugees and Supplementary Protection Law (2011) Article 13.</p> <p>Refugee status shall be recognized for any foreigner who is on Mexican territory, under any of the following assumptions:</p> <p>I. Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, gender, belonging to a certain social group or political opinion, the individual is outside his country of nationality and is unable to, because of such fear, or does not want to avail himself of the protection of said country; or the individual has no nationality and, as a result of such events, is outside his habitual country of residence and cannot, or does not want to return to it, because of said fears; (...)</p> <p>III. Owing to circumstances that arose in his country of origin, or as result of activities carried out during his stay on Mexican territory, the individual has a well-founded fear of being persecuted for reasons of race, religion, nationality, gender, belonging to a certain social group or political opinion, or fear that his life, safety or freedom may be threatened by generalized violence, foreign assault, domestic conflicts, massive violation of human rights or other circumstances that seriously disrupt public order.</p> <p>Article 8. The Secretariat, without prejudice to the obligations pertaining to other authorities, and in coordination with them, shall adopt any available measures to prevent applicants, refugees, and individuals receiving supplementary protection from being subject to discrimination based on ethnic or national origin, gender, age, disability, social or economic status, health, pregnancy, religion, opinions, sexual orientation, marital status, or any another condition that may prevent recognition of the individual’s rights. To implement said measures the Secretariat shall examine proposals by international and social organizations specialized in the field.” (See here)</p>
Nicaragua	<p>“Article 1, Law No. 655 for the Protection of Refugees (2008)</p> <p>For the purposes of this Law, a Refugee is considered to be any individual for whom an authority with jurisdiction has acknowledged a Refugee condition due to any of the following circumstances:</p> <p>A) Due to a well-founded fear of being persecuted for reasons of race, religion, nationality, gender, belonging to a certain social group or political opinion, the individual is outside his country of nationality and is unable to, or does not want to avail itself of the protection of said a country, because of such fears.” (See here)</p>
Panama	<p>“Executive Decree 5, January 16, 2018, on the approval of the Refugee Status Convention and Protocol, establishes new provisions for the protection of Refugees</p>

	Article 5.1. (A well-founded, gender-based, fear of persecution).” (See here)
Paraguay	<p>“Article 1, General Law on Refugees No. 1,938 (2002)</p> <p>Article 1.- For the purposes of this Law, the term Refugee shall apply to any individual who:</p> <p>a) Is outside his country of nationality due to a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of certain social group or political opinion.” (See here)</p>
Uruguay	<p>“Article 2, Law on Refugee Status No. 18.076 (2006)</p> <p>Any individual who:</p> <p>A) Owing to a well-founded fear of being persecuted for reasons of belonging to a certain ethnic or social group, gender, race, religion, nationality, or opinions policies is outside his country of nationality and cannot, or does not want - - because of said fear - to avail himself of the protection of said country; or has no nationality and, as a result of such events, is outside his country of habitual residence, and cannot or does not want to go back to it - because of said fear.” (See here)</p>
Venezuela	<p>“Organic Law on Refugees and Refugee Status, Article 5.</p> <p>The Venezuelan State shall consider any individual a Refugee when an authority with jurisdiction has recognized such condition, and the individual entered Venezuelan territory due to a well-founded fear of being persecuted for reasons of race, gender, religion, nationality, belonging to a certain social group or political opinion.” (See here)</p>
EUROPE	
European Union	Article 9. “Acts of persecution as qualified in Paragraph 1 may, inter alia, take the form of: (f) acts of a gender-specific or child-specific nature.” (See here , page 8)
France	<p>To the criteria of race, religion, nationality, or political opinion as the reason for persecution, French law adds gender and sexual orientation as factors to consider.</p> <p>Article L711-2: “With regard to the grounds for persecution, gender and sexual orientation aspects are duly taken into account for the purposes of recognizing membership in a certain social group or identifying a characteristic of such a group.” (See here at p. 121 and here)</p>
Macedonia	Article 4c “Acts of persecution in paragraph 1 of this Article, can, inter alia, take the form of: acts of a gender-specific or child-specific nature.” (See here , page 2)
Moldova	“Article 45. Acts of persecution that can be qualified as such, pursuant to para. (1), may be in the form of:

	f) acts and abuses of gender-specific discrimination nature , as well as acts and abuses of child-specific discrimination nature.” (See here , page 13)
Spain	Under the Law Regulating the Right of Asylum and Subsidiary, Article 3, a refugee is an individual from a non-EU country with a “well-founded fear of being persecuted in his or her country for reasons of race, religion, nationality, political opinion, membership of a certain social group, gender, or sexual orientation... ” (See here and here)
Sweden	Sweden is a signatory to the Geneva Convention Relating to the Status of Refugees and its Protocol. Refugees are defined in Swedish law as persons who are refugees according to this Protocol, that is, a person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, sex, sexual orientation or membership of a particular social group or political opinion...” (See here)
AFRICA	
Kenya	The Refugees Act recognizes two classes of refugees: statutory and prima facie refugees. The former category applies to a person who has “a well-founded fear of being persecuted for reasons of race, religion, sex , nationality, membership of a particular social group or political opinion... (See here , page 203)
South Sudan	“(d) based on well- founded fear of persecution due to gender discriminating practices, ” “ Gender discriminating practices includes strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities ” (See here , pages 5 and 7)
Uganda	“(d) owing to a well-founded fear of persecution for failing to conform to gender discriminating practices, ” “ Gender discriminating practices includes strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities. ” (See here , page 4)