

Review Note Assignment for Module B 2004

A short note/article based on Teresa Hayton's writing in Refugee Review "No Borders: The Case Against Immigration Control" that reflects on the experiences of trans-border migrant victims (how women as victims of forced displacement negotiate borders).

Shahzada M Akram

The 20th century witnessed migration of all kinds and in large numbers. Perhaps only a few countries did not face the challenges emerging from the impacts of large scale migration. Political and economic situations were the major causes behind such migration at both the source and receiving ends. In the process, the migrants had to go through suffering in different forms at different phases. However, this short-note will concentrate on the issue of the experiences of trans-border migrant victims with special emphasis on how women as victims of forced displacement negotiate borders.

Before going into the main discussion, it is important to understand the different categories of trans-border migrants. In this short note, we are only dealing with the group of people who leave their country of origin, cross an international border, and enter into another country. The reasons behind leaving their country of origin may differ from each other. In case of refugees/asylum seekers, the reasons generally include the fear of persecution in their country of origin due to their nationality, religion, race, political opinion or membership of a particular group, and inability or unwillingness to seek protection from the government of the country of origin.^[1] However, there may be other reasons as well. These reasons required for granting asylum/refugee status are essentially political and most of the times pose threat to the life of the asylum seeker or at least severe torture or capital punishment.

The second category of trans-border migrants comes to a relatively more developed country than their own to seek better life and livelihood. The reasons behind their leaving the country of origin are mainly economic. However, a large section of the group migrates through unofficial channels with the support from an organised group in exchange of money. Such support may include from preparation of forged documents, transportation from the country of origin to the transit and/or destination countries, immigration clearance, and up to settling in the destination country. Such migration can be both short and long term.

The third group of trans-border migrants constitutes trafficked in persons. This group of people may leave their country willingly to seek better livelihood in another country, but at the end are forced to engage themselves in undignified and illegal works.^[2] They are victims of organized groups operating at the international level.

The main similarity among the above-mentioned groups is the crossing an international border. All these groups have to go through the immigration process at the destination country. However, different groups face immigration authority at different places. Since most of the refugees find it convenient to flee to the bordering states of their own countries, they deal with the border security forces of the neighboring country. Those who can afford, manage transportation by aeroplanes to any developed country. There they have to face immigration at the airport. Migrants also face the immigration at the port of landing. In cases of the trafficked in persons, those who are trafficked through crossing the border do not have to face the immigration.

It has been witnessed that whatever the cause of leaving the country was, the decision of letting the migrants entering into the destination country was overwhelmingly political. Policies of immigration were developed not out of humanitarian grounds, but on political and economic grounds of the receiving country, a common notion about the incoming migrants is that they are migrating for sheer economic reasons. Therefore, the concept of immigration control emerged as a necessary means to curb or restrict the inflow. In implementing such policy, different measures have been developed, which result in harsh suffering on the migrants and refugees. Such suffering includes inhuman and degrading treatment, torture, arbitrary arrest and punishment, separation from family, and deportation.

Around 50% of the migrants and refugees are women. This gendered division often brings in different dimension to the women who are victims of forced displacement. Women refugees face more challenges than their male counterparts in the whole process, specially while negotiating the border. Refugee women are considered the most vulnerable section of the forcibly displaced. Sexual violence and exploitation are frequent experiences for most of the female refugees at different stages. Being member of a high risk group they also face human rights violation in the form of forced labours, extortion by the members of law enforcing agencies, rape, abduction, restriction n movement and so on. All these have severe impact on

most of the refugee women's psychological well being. They suffer from the trauma of their experiences, which in turn results in psychological disorder in many cases.

On the border or at the immigration, the refugee woman has to face unwelcoming and hostile male officials who need detail information of their reasons of flight and other experiences, which is not necessarily comfortable for her. They are forced to recapitulate their experiences of trauma to the male officials they do not know. The anxiety intensifies with the uncertainty of asylum and refugee status, and possibility of deportation. Various studies revealed that a good number of Rohingya women had been abused by BDR, police and other law enforcing agencies during their flight into Bangladesh. Even after receiving refugee status, a large number of refugee women have been subject to sexual exploitation in exchange of the subsistence ration they are to receive from the authority. Refugee women are thus equally vulnerable in every part of the world.

Immigration policies are developed on the basis of the nation of a states security. A state cannot be made obliged to maintain all humanitarian standards in dealing with the immigrants – be they are refugees or economic migrants. In most of the cases, the process is not gender sensitive, and special attention is not given to women refugees.

[1] Article I (A) (2) of the 1951 UN Convention Relating to the Status of Refugees.

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, 2001.

Point out how single women (unaccompanied girl child or widow or unmarried single women) feature in selected refugee literature sent to you and comment whether they form a distinct category of victims.

Sreyashi Chowdhury

The Geneva Convention definition of refugee has recently come under fire from feminists for its neglect of gender as a critical consideration in refugee determination. By portraying as universal that which is in fact a male paradigm, it is argued, women refugees face rejection of their claims because their experiences of persecution go unrecognized. However as **B.S Chimni** points out in his book *International Refugee Law – A Reader*, feminists complaints go far beyond the language of the definition to the root of what gender based claims to persecution would look like were it possible to make them. **Doreen Indra** and others call for definition of persecution which acknowledges the feminist theory of social bifurcation. That society is divided into public and private spheres of activity, that the public sphere is male dominated and women are relegated to the private sphere. In other words women have less of a chance of obtaining refugee status as the key criteria for being a refugee are primarily drawn from the realm of public life, which in many societies, is still dominated by men. The Executive Committee of UNHCR has encouraged the states to consider women who are subjected to particular human rights violations to be covered under the “**social group**” but it is left to the discretion of countries to follow these recommendations.

The sheer number of women among the refugee population portrays that it is a gendered issue, both historical and current evidence bore testimony to that. **Ritu Menon** says that during the Partition of India, the government divided “**single women**” into 2 categories: dislocated, impoverished and widowed women and abducted women. Women belonging to both groups had lost their male relatives and the state had taken over the responsibility of protection. Widows within the Hindu caste system faced many discriminatory customs, widowhood was supposed to be form of ill fate. But as wife of martyrs Hindu refugee widows were not required to follow any of the customs. But it has to be remembered that these widows were single women and their sexuality related to the honour of the nation. To maintain that honour it became essential to keep these women under surveillance. The state urged that they be given training so that they may be economically self sufficient. But of course such training was largely gendered in nature. However the most underprivileged of the group of widows could not often access state aid. The abducted women were seen as symbols of community and were forcibly repatriated. It is clear that women did not have any political voice in the process of partition, division and resettlement.

No doubt on the whole single women refugees faced protection problems, but as **Bolan Gangopadhyay** shows that there were some institutions which came forward to make these women, who were the victims of Partition economically self reliant by training them in different types of crafts. Notable among them were Ananda Ashram, Nari Seva Sangha, Uday Villa and All Bengal Women's Home. But it was only Uday Villa, which distinguished itself by providing training and rehabilitation to a large number of displaced single women. Subsequently it became the largest rehabilitation centre in the eastern zone.

Ethnic tensions between Tamil minority and Simha majority have led to several waves of refugees from Sri Lanka, largely women with their dependents. Initially the state government provided these refugees with shelter and ration but after Rajiv Gandhi's assassination the politicians began to shun the refugees. The government turned a blind eye when touts came to recruit young women from the refugee camps in Tamilnadu to work as maids in Middle East. Most of these women were then smuggled out of India and sent to the Gulf countries. Often they were badly abused. Even when the situation is not so extreme it is still

traumatic for young women. When separated from other members of their family they are vulnerable to sexual abuse. The camps are not conducive for personal safety of women as they enjoy no privacy. But as **Paula Banerjee** portrays what is more worrying is that without any institutional support women become vulnerable to human traffickers and more lives get wrecked everyday.

From a reading of the articles and books given to us it is clear that single refugee women do form a distinct category of victims. They often face sexual violence prior to or during their flight and in some cases during repatriation operations. The perpetrators of these sexual abuse include military personnel, immigration personnel and rival ethnic groups. Even residing in refugee camp can magnify their problems that refugee women face. Women are targeted when they leave the camp to use the facilities which may be located away from the camp. Many refugee women, particularly those in urban context have had to adopt not only new familial roles but also new social and economic responsibilities. Lacking an effective male support these single women are sometimes forced to marry in order to secure a male protector and provider.

Despite the aforementioned difficulties as the literature portrays single refugee women are not powerless victims. "Forced by changing circumstances, they have assumed new and unfamiliar roles even in environments and communities that are characterized by an opposition to women's independence and self assertion and have a very low degree of tolerance for non conformity." (Gaim Kibreab, Eritrean Women Refugees in Khartoum, Sudan, 1970-1990, Journal of Refugee Studies)

Point out how single women (unaccompanied girl child / widow / unmarried single women) feature in selected refugee literature sent to you and comment whether they form a distinct category of victims.

Parveen Abdul Gaffar

Women have been found to be the largest category of persons affected by displacement. As statistics have shown, close to 80% of the displaced in any situation are women and children. While it is recognized that the displaced are not homogenous groups and gender categorizations not stable it is clear that certain unique features in the experience that specifically single women under go unites them as one group.

Within a patriarchal society the plight of single women is of significance as they are without the thought to be essential "man" in their life and are therefore considered more vulnerable and helpless. This view is reflected specifically in the narratives on post partition India, which highlight the special focus given to the care of single women. Ashrams were set up and the state took upon itself the role of custodian and guardian of these women. The state was responsible for making these women economically independent and providing them with security and relief measures. It is interesting to note that the state was even responsible for finding suitable partners for marriage! The state is featured as the self appointed "paternal" figure and the women a group that could not have survived without the "male figure".

Despite the fact that women make up the largest number in refugee camps, it is noted that the relief provided is not sensitive to their needs. It has been highlighted that refugee camp structures do not often take in to consideration the security and privacy needs of women and as a result much abuse of women is reported to take place within camps. Single women are seen to be especially placed in a vulnerable situation within camps due to the lack of security and proper relief measures. It is stated that many are forced to at times use sex as a means of obtaining favours to supplement the relief provided. They are also vulnerable to trafficking as depicted in the narrative on the Rohingya refugees. These women who are forcibly taken are sold in to sexual slavery in the destination places. Treated as a commodity their pricing is based on their beauty, virginity and level of education etc.

The literature also highlight the tough situation that displaced single women often face in having not only to adapt to new circumstances but also ensure that they remain within accepted social boundaries of their communities. In the case of widows in India, despite the fact that they are in a displaced situation they cannot break traditions and for example live with their daughters, as that would not have been acceptable in society at large. Similar when it comes to working, single women, who are often desperate for a source of income, have to limit their choice of employment to those that befit their "class" in spite of the urgency of the situation. Among Afghan refugees it is stated that community customs do not allow young women to leave the house for any form of employment making the situation indeed difficult for those who may be sole breadwinners for the family.

In relation to obtaining asylum too single women are in a disadvantaged position, as the system does not cater to their needs or circumstances. It is the male refugee who is given preference and priority in the application process. This forces the single female refugee to often resort to entering non-consensual relationships for the sake of asylum and protection. While

this is at times helpful in the process of seeking asylum, there have also been situations where women have lost the own chances due to the weak claims of the husband whom they married out of necessity.

Gender based violence such as rape and other forms of sexual abuse are perpetrated on a mass scale against women as it has been widely recognized as an effective weapon of war. In the narrative on Rohingya refugees it is clear that sexual attacks on young girls was a tactic to chase people from the area. Attack on women hits at the core of patriarchal society as the protection of women's honour is given prominence among many communities and nation. This very fact is presented as the reason behind many girls being killed off before the enemy could get at them during the period of partition violence between India and Pakistan. Women who were thus killed were referred to as "martyrs" by the men as they sacrificed their lives in order to protect the honour of the community.

As identified in many of the texts, displacement disempowers women as it takes away their agency. However it is necessary to realize that it is often not her "gender" that makes her disempowered but rather the social definition of her "gender" and the existing social structure around her that places her in this vulnerable position. In most instances the single woman is not given an opportunity to voice her opinion. Matters are often decided for her by the "men" in her life, which in the case of single women is the state.

At the same time displacement also becomes an opportunity for women to assert themselves, break the restrictive nature of traditional society and venture in to new fields of life. This has been especially true with regard to single women. In a society where a widow is treated as inauspicious, helpless and of no use to society, many have risen to the challenge faced and made the best use of the opportunities provided to them. Many single women have also taken up non-traditional roles and set an example in many instances of rising above all odds and restrictive social practices. Displacement has thus opened up new spaces for them.

Yes, single women can be categorized as a distinct group of "victims" based on the fact that they are victimized by the same category of persons and similar circumstances. However, keeping in mind that labeling them as "victims" can lead to them being marginalized once again and treated as helpless subjects, I would prefer the situation faced by displaced single women referred to as a dimension of displacement and identified as a dimension that needs greater focus within the whole discourse of displacement.