

Term Paper for Module B 2007

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Critically discuss whether the policies pursued by national and international actors have been adequate in addressing the specific issue of women refugees.

by Elizabeth Williams

"For human rights ideas to be effective... they need to be translated into local terms and situated within local contexts of power and meaning" (S. Merry 2006 cited in RWRP 2006 p.6)

Introduction

This essay argues that there are inherent gender biases in both current international and domestic asylum and human rights policy. It will also be demonstrated that with respect to guidelines and initiatives specifically designed to address the issue of women refugees, there remains a critical gap between policy and practice. Moreover, it will be shown that the implementation of current international and domestic policy succeed in marginalising, depoliticising and disenfranchising women refugees.

Women's experiences of refugeehood and displacement are multidimensional and dynamic, with women's national identity, social identity, gender relations, and roles constantly being redefined. As Turton explains, "there is no such thing as the 'refugee experience'... there are only the experiences and the voices of refugees" (Turton 2003. p7). In this way, this paper does not intend to generalise nor exhaust refugee women's issues. Moreover, this paper recognises that women's issues will be cross cut by class, caste, ethnicity and race, and that using gender to differentiate experiences of displacement is extremely problematic because there is a danger of categorizing experiences which are highly individualised.

Although the displacement cycle is not a common experience, distinct phases of the cycle can be identified: flight, displacement, exile, and in some cases resettlement or return. For some the process might repeat itself many times. Although women and girls might experience protection risks and human rights violations throughout their experience of displacement, for the purposes of this paper, attention will be focused on the issues that refugee women face during the exile stage. This will be addressed with specific reference to the Rohingya refugee caseloads in Bangladesh and the Bhutanese refugee caseloads in Nepal.

International refugee regime

The phenomenon of forced migration has led to the development of international legislative instruments, domestic policy and conceptual instruments which seek to shape state responses to refugee protection. International law attempts to define the minimum protection that should be offered to refugees. This can be seen in the 1951 Convention Relating to the Status of Refugees, its 1967 Protocol, the 1969 OAU Convention, and the mandate underpinning the UNHCR. The 1951 Convention defines those persons who are to be considered refugees and require that the parties accord a certain status to refugees in their respective territories (UNHCR 1950). However, neither Bangladesh nor Nepal, the refugee hosting countries of focus in this essay, have ratified the 1951 Convention Relating to the Status of Refugees, nor its related protocols. That is, persons who claim asylum in these countries will never be accorded Convention refugee status, and are therefore unlikely to ever be accorded full citizenship rights. Moreover, neither nation has domestic refugee policy in place. Consequently, both nations can be said to have attended to their refugee flows on an ad hoc basis.

However, persons claiming asylum in these countries may be afforded international protection if they fall under the mandate of the UNHCR. That is, a person who meets the criteria of the UNHCR Statute will qualify for the protection of the United Nations provided by the High Commissioner as a 'mandate refugee' regardless of whether they are in a country that has ratified the 1951 Convention. Although those refugee definitions contained in 1951 Convention and UNHCR mandate are very close (the latter has no temporal or geographical limitation), there is one crucial difference. That is, states assess eligibility, accord status and provide protection for 'convention refugees', whilst UNHCR assess eligibility, accords status and provides protection for 'mandate refugees.' However, states still have a responsibility "to cooperate with the High Commissioner in the performance of his or her functions concerning refugees falling under the competence of the Office" (UNHCR 1950, introductory note).

It is important to acknowledge that those rights enshrined in the 1951 Convention, the foremost international instrument relating to refugees, are defined so narrowly as to "impede consideration of women's rights" (Bunch 1990 cited in RWRP 2006). That is, although women experience persecution due to their sex, such as forced marriage, domestic violence, sexual violence or Forced Genital Mutilation, for example, the 1951 Convention Relating to the Status of Refugees does not provide for a separate category for women who face gender-specific persecution. It is argued that international law focuses the public sphere such as state violations of men's political and civil rights, not on the private sphere where many violations of women's human rights occur (Banerjee 2000). In this way, the international refugee law is inherently gender biased.

As the Refugee Women's Resource Project (RWRP) (2006 p.10) explains, the United Nations has put in place international human rights mechanisms to recognise this limitation such as the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) and the UN Declaration on the Elimination of Violence Against Women. Bangladesh became a state party to CEDAW in 1984, with Nepal joining in 1991. By accepting the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including:

- to incorporate the principle of equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women;
- to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and
- to ensure elimination of all acts of discrimination against women by persons, organizations or enterprises.

Whilst there are human rights instruments in place to which Bangladesh and Nepal have acceded to, it is not the case that the principles laid down in these mechanisms will necessarily be implemented in practice. This essay attempts to examine whether these principles are being adhered to, and to address any impediments to their realisation. UNHCR and its Executive Committee of which Bangladesh is a member has also attempted to recognise the specific issues of women refugees. In 1984 the EXCOM reported that women asylum seekers who 'face harsh or inhumane treatment due to their having transgressed the social modes of the society in which they live may be considered as a particular social group' within the meaning of Article 1A(2) of the 1951 Convention (RWRP 2006 p. 11). Furthermore, UNHCR has developed its own guidelines to ensure the protection of women refugees. These include the 1991 *Guidelines for the Protection of Refugee Women* and the 2003 *Sexual and Gender-Based Violence Against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response*.

Before the gaps between international and UNHCR policy and practice can be analysed, it must be recognised that the implementation (or not) of policies does not happen in a vacuum. That is, the international refugee regime dictates states' and UNHCR's response to protracted refugee situations, such as those experienced by the Rohingya in Bangladesh and the Bhutanese in Nepal. Whilst there are three preferred "durable solutions" to refugee situations; integration into the first country of asylum, repatriation to the country of origin, or resettlement in a third country, typically a first world state, in recent years, the three solutions have been placed in a hierarchy by the international community, with voluntary repatriation assuming growing precedence (Crisp:2004 p4). Although it is not possible to address the specific reasons for this preference in detail here, it is important to recognise that typically refugees are warehoused in camps, in order that they can be repatriated more easily. The following section will therefore address those specific risks associated with refugee camp life with specific reference to the Rohingya caseloads in Bangladesh and the Bhutanese caseloads in Nepal.

Bhutanese refugee caseload in Nepal

By the end of 1990 over 100,000 ethnic Nepalis were forcibly evicted or forced to flee Bhutan following a series of 'Bhutanization' measures aimed at enforcing a distinct national identity (HRW 2007a). The Bhutanese have now been living in camps in Nepal for over 15 years jointly administered by the Nepali government and UNHCR. Despite there being 15 rounds of bilateral talks since the displacement, the Bhutanese and Nepali governments have been unable to propose a durable solution for the refugees. Whilst most refugees wanted to repatriate, the government of Bhutan refuses them entry on the grounds that they are illegal migrants or "anti-nationals" (HRW 2003, p.20). For example, a Joint Verification Team found that only 2.5% of the refugees were Bhutanese citizens who had been forcibly expelled, which would entitle them to repatriate with full citizenship rights (HRW 2007a). Not only is this a marginal percentage of the refugee population, but it assumes that the conditions for voluntary repatriation are met, that is, fundamental changes in the conditions in the country of origin. Unfortunately, conditions in Nepal have not significantly improved for ethnic Nepalis (HRW 2007a). Moreover, local integration as a durable solution has not been employed by the government of Nepal. In fact, several measures are in place to prevent Bhutanese integration. However, the U.S has recently offered 60,000 resettlement places to the Bhutanese refugees. Human Rights Watch (2007b p.1) describes that some refugees 'see the resettlement offer as undercutting the prospects for repatriation and have increasingly resorted to threats and violence to prevent other refugees from advocating solutions other than return to Bhutan.'

Rohingya refugee caseload in Bangladesh

Between 1991 and 1992, over 250,000 people belonging to the mostly Muslim Rohingya minority escaped the Northern Rakhine State in Myanmar. They settled in 20 camps in the Cox's Bazar area which were administered by UNHCR and the Government of Bangladesh (UNHCR 2005). However, in 1994, forced repatriations by the Government of Bangladesh began which saw more than 230,000 return to Myanmar by the end of 1999 (USCRI 2002). In 2005 there were 20,500 Rohingyas from Burma registered as prima facie refugees in two government run camps: Kutu Palong and Nayapara (UNHCR 2005). However the USCRI (2007b) estimates that there are currently between 100,000 and 300,000 further unregistered Rohingyas residing in Bangladesh, many of which had re-entered Bangladesh following their forced repatriation. Moreover, a further 10,000 Rohingyas are living in slums in Cox's Bazar with no water or sanitation. Most people who live in the Tal makeshift camp were previous residents of the official UNHCR run camps. However, they were forcibly repatriated to Myanmar, and when they crossed back into Bangladesh, they were no longer recognised as refugees (MSF 2007).

Protection Failures

Refugee protection entails measures to ensure physical, social and legal security (UNHCR 1999 in WCRWC 2006, p.11). This section will analyse the failure of host states, the UNHCR and aid agencies to provide such protection.

Host State Failures to Protect Women Refugees

According to Human Rights Watch (2007c), "the Bangladeshi government is ignoring its obligations to protect Rohingya refugees and permit international relief agencies to assist with the humanitarian needs of Rohingya refugees." Human Rights Watch (2007c) cites the example of the Bangladeshi authorities destroying a large settlement of over 6,000 Rohingyas without providing alternative shelter. These Rohingyas are not recognised as refugees by the Bangladesh government given that there is no domestic refugee law in place, and Bangladesh is not a signatory to the 1951 Convention. Moreover, these Rohingyas remain unregistered by UNHCR, and therefore are not recognised as 'mandate refugees' either. These effectively stateless persons enjoy none of the rights enshrined in any international or domestic policy and therefore receive no legal or physical protection. This can be observed in that Ghosal (2000, p.14) states that those Rohingyas who settled outside of the refugee camps in Cox's Bazar or in the surrounding jungle areas are vulnerable to abduction, rape, sexual assault and at risk of being trafficked. Furthermore, the U.S State Department has reported that camp officials on occasion handed over unregistered Rohingyas to the police, who then imprisoned them under the Foreigners Act.

However, the fact that refugees are registered and housed in government and UNHCR administered camps does not necessarily amount to refugee women receiving more protection than those forced to live outside the camp, for it has been maintained that camp structures contribute to the risk of gender based violence. Vann (2002 cited in HRW 2003, p.36) has

stated that in refugee camps, disruptions to community support structures, unsafe physical surroundings, separation from families, and patriarchal governing structures often heighten women and children's vulnerability to gender-based violence. Indeed, the physical structure and location of a refugee or IDP camp itself can lead to increased violence against women. They can be geographically isolated from local populations which makes police protection difficult (Kaapanda and Fenn, 2000). Physical insecurity can be further compromised when women and girls forced to leave camps to collect water and firewood, structural design of camp: lack of privacy, latrines located far from dwelling. For example at the end of 2006 there remained no street lighting in any of the camps in Nepal (HRW 2003).

It is clear that refugee camps design and organisation emphasise supracitizen control and management. Refugees have little chance of influencing administrative decisions made about their life. (Kaapanda and Fenn, 2000) They are reliant on the 'expertise' of policy makers, government officials, UNHCR employees, humanitarian agencies, and legal professionals. That camp design has ignored the specific issue that refugee women face can be observed in that in Nepal, serious overcrowding in the Bhutanese refugee camps has meant that victims and perpetrators of violence are forced to live alongside each other (HRW 2003, p.9).

A further example of host states failing to protect refugee women can be seen in that women are less likely than men to possess identification documents which can present as a barrier to accessing services and affect distribution. In the case of Bhutanese women refugees, neither the Nepali government nor UNHCR provided the refugees with individual identity documents. Rather, identity cards were issued to families based on information solely about the senior identifies the registration and ration system as a key failure of the Nepali government to protect women's rights in the camps (HRW 2003, p.8). Human Rights Watch documents the testimonies of those women who, following domestic violence, had separated from their husbands, and were unable to obtain their own ration cards (ibid). By implementing discriminatory camp registration procedures that prevent refugee women from escaping abusive relationships, "the government of Nepal and UNHCR have failed to fulfil their joint obligation to prevent and effectively respond to gender-based violence" (HRW 2003, p.68).

That women don't receive their own registration cards also illustrates that women's rights may erode as a result of their displacement. That is, women who are typically responsible for household food rations find themselves marginalised from their role. As UNICEF explains "women in developing countries negotiate their lives within a construction of gender framed by their particular cultural groups. When lives drastically change, as in the case of forced displacement, women often lose their negotiated positions and revert to less equitable social statuses" (UNICEF 1998).

The U.S Committee for Refugees and Immigrants (2007 p.1) notes that in 2006 there were 174 reported incidents of sexual and gender based violence in the Nepali camps, a nine percent increase from the year before, 88 of them cases of domestic violence, a six percent increase from the year before but 52 percent higher than 2004. Banerjee (undated) argues that in patriarchal states where polices are weighted against women, international guidelines will in practice have little weight if they are left to the government to implement. This can be observed in that, despite UNHCR protests, the Bangladesh government did not investigate reports that police beat and attempted to rape four refugee women and two girls in the camps (USCRI 2007b).

Moreover, states not only fail to protect women, they can be directly involved in their human rights violations. Human Rights Watch (2007c) describes the abuse of women in the camps including sexual violence committed by Bangladeshi authorities to be 'widespread'. Furthermore, if women are separated from the husbands and other male family members, they become greater targets for abuse. For example, a Rohingya refugee mother of six was raped and murdered after camp guards sent her on an errand in return for allowing her brothers to visit her in the camp (USCRI, 2007b). Moreover, local Bangladeshis and Rohingya refugees were reported to have sexually abused Rohingya women and girls in the camps when their husbands and fathers left the camp illegally to work (USCRI, 2007b).

Domestic violence is often widespread in camp settings and is the most under-reported and ignored form of gender-based violence in refugee and IDP settings (WCRWC 2006 p.10). The Women's Commission for Refugee Women and Children (CRWC) reports that the traditional systems of justice often used in camps include mediation, resolution and punishment practices which are used in the country of origin and adapted to the refugee or IDP camp setting (WCRWC 2006, p.17). The same source states that such systems are usually undocumented and only regulated by the leaders of the community. Given that traditional leadership structures are male dominated, they are unlikely to be sensitive to women's specific issues. In Nepal for example, women who had experienced gender-based violence had no support services to turn to as leadership was male dominated. (HRW 2003). Moreover, there is no existing Nepalese law that addresses domestic violence and under Nepalese law there is a thirty five day statute of limitations for registering rape and sexual violence with the police which has enabled many assailants to escape prosecution (HRW 2003, p.9). Such limitations in law prevent women from realising full protection. Furthermore, host states have a key role to play in this situation: punishing national perpetrators in accordance with domestic law, provide displaced women with access legal systems including legal aid). This assumes domestic law is in place for women citizens of host country.

According to the 2007 U.S Department of State Trafficking in Persons Report, "Bangladesh is a source and transit country for men and women trafficked for the purposes of commercial sexual exploitation and involuntary servitude" (USSD 2007). This includes women from Burma who are typically trafficked on to India. The U.S State Department categorises Bangladesh as 'Tier 2' Trafficking Country (USSD 2007). That is, Bangladesh is a country whose government does not fully comply with the Trafficking Victims Protection Act's minimum standards, but are making significant efforts to bring itself into compliance with those standards. The U.S State Department reports on a further lack of state protection; that whilst victims of trafficking are not punished, the source notes that the government "does not offer victims legal alternatives to their removal to countries where they may face hardship or retribution" (USSD 2007). That is, given the number of unregistered Rohingya women in Bangladesh, it is reasonable to assume that if these women have been trafficked, they are unlikely to ask the Bangladesh government for protection for fear that they will be forcibly repatriated to Myanmar (USSD 2007). Indeed, as of July 2003, UNHCR had documented 35 missing women and girls that were feared to be victims of trafficking (HRW 2003, p.45).

Another example of states failing to protect women's rights can be found in Acharya (2000). The author reported on the active role that Bhutanese women refugees played in the Peace March which demanded their right to return. Reportedly, the peace marchers were detained by the Indian authorities as they were crossing over the border with Nepal. Those that did enter Bhutan following their release from prison were deported back to India, and from there back to Nepal (Acharya 2000).

UNHCR and Aid Agency Failures to Protect Women Refugees

Banerjee (undated) notes that women often have little or no say on policies that govern their lives and bodies even in camps run by the UNHCR. She argues that whilst the UNHCR concerns itself with the protection of these women, it does not work towards their agency. However, following a 2003 Inspector General Office report of 2003 in Nepal, UNHCR made an attempt to put into practice the report recommendations. Amongst these was the promotion of women's leadership in the camps. Human Rights Watch reports that women increased their participation in the camp to comprise fifty percent of the camp management committees. However, just because women are invited to participate in management structures, does not ensure that women's issues will be taken into account. As the case study shows, following the appointment of women onto the committees, social prejudices persisted which undermined women's leadership, despite them having the relevant skills and experience (HRW 2003, p.51). Cornwall (2004) has explored the nature of access and 'invited spaces' in which people are invited to participate. She suggests that the exercise of agency only becomes participation when the impetus or framework for a development activity is located *outside* people's life worlds. She distinguishes invited spaces from 'popular places', and asserts that they bring together, almost by definition, a very heterogeneous set of actors among whom there is likely to be unequal power relations. In the Bhutanese case, the unequal power relations persisted between men and women following women's participation in management structures. Spaces in which citizens are invited to participate, as well as those they create for themselves are never neutral. For as they are already infused with existing relations of power, interactions within them may come to reproduce rather than challenge hierarchies and inequalities (Cornwall 2004). Renegotiation of gender roles may create new sites of conflict. The portrayal of women as 'victims' who need 'empowering' through camp development initiatives such as income-generating activities can be seen as an intrusion to culturally constructed gender roles. Such initiatives can have a significant impact on women's experiences of displacement, such as empowering women, or disempowering them through the assumption of a 'bounded' household. There is also the danger that 'top down' development or aid agency interventions conceive of encamped refugees as passive agents waiting for the 'emancipatory intervention of development organisations (Green 2008: 68). Gender focused interventions therefore might contribute to the perpetuation of the very problems it seeks to resolve by failing to acknowledge the broader social and structural gender inequalities (Green 2000).

Moreover, Daley (1991, p.248) notes that "in periods of crisis or in new socio-economic environments patriarchy tends to intensify and women are said to assume lower social profiles." In May 2007 the World Food Programme warned that donor fatigue might force the organisation to cut the food rations that it provides to the Bhutanese refugees (IRIN 2007b). Given that women are typically the last in the family to receive food, it is likely that if these aid cuts go ahead, women will suffer most. According to a MSF nutritional assessment conducted on the Rohingya living in the Cox's Bazar area of Bangladesh, 40.2% of children measured during the assessment were admitted at least once to the MSF therapeutic feeding centre. MSF also found that the malnutrition figures were higher for girls than for boys which they suggested might be explained by a female bias: that is when there is not enough food available, boys tend to have more priority over girls (MSF 2007).

Human Rights Watch argues that whilst service provision might be adequate in the camps, women are subject to gender-based violence and discrimination (HRW 2003). Women, if not protected, are at risk from violence at the hands of police, security personnel, UN peacekeepers, aid workers, host community members, and other refugees (WCRWC 2006, p.14). UNHCR explains that "exploitation and abuse occur when this disparity of power is misused to the detriment of those persons who cannot negotiate or make decisions on an equal basis." (UNHCR, Sexual and Gender based violence). Following reports about sexual exploitation of children in the camps in Nepal, an Inspector General Office (IGO) report found that two Nepalese government officials and fifteen refugee men working for NGOs had been involved in eighteen cases of sexual violence, including rape and sexual harassment (HRW 2003, p.38). The same investigation found that other refugees, local Nepalis and intimate partners had also committed sexual violence against refugee women and girls (ibid). Women's lack of protection is compounded by the insufficient remedial mechanisms in place, lack of medical assistance, legal aid or counselling services (ibid p. 41). Oxfam, another agency that had worked in the camps also found that Bhutanese women were abused by male staff of service delivery agencies (Oxfam 2000 cited in HRW 2003, np.42). Human Rights Watch argues that UNHCR had an insufficient presence in the refugee camps, and that the agency did not take sufficient action to address gender-based violence, even when refugees approached them directly (HRW 2003, p.42).

Moreover, significantly fewer women tend to be employed by the UN and by international aid agencies which reinforces the relationship of female victim and male rescuer. This in turn perpetuates the disempowerment of women refugees. Moreover, the gender imbalance makes it much less likely that women will be able to seek protection from men, or that their concerns would be heard. For example in 2003 a U.S General Accounting Officer report found that most UNHCR staff and NGO partner staff have received no practical training on how to both identify and address sexual violence cases (GAO 2003 cited in WCRWC 2006, p.19).

Conclusion

This essay has demonstrated that with respect to the Rohingya caseload in Bangladesh, and the Bhutanese caseload in Nepal, the specific protection needs of women refugees are not being met. It was demonstrated that international law is inherently gender biased and that the international refugee regime is inherently predicated on states' interests. Moreover, it was shown that both states and UNHCR fail to provide women with physical, social and legal protection. It was shown that states failed to protect women by: destroying unofficial refugee settlements, failing to incorporate women into national legislation and camp management structures, failing to protect women from domestic violence and trafficking, and not providing support services. Critically, state agents themselves were found to be perpetrators of violence against women. With respect to UNHCR and international and domestic agencies failing in their duties to provide refugee women protection, serious protection failures were also demonstrated. These included: a failed attempts at empowering women which succeeded in women's further marginalization and depoliticization, the failure to recognise the impact of donor fatigue on women, and critically, the fact that NGO staff committed acts of violence and abuse against women.

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Is lack of control over resources a reason for women's displacement? Argue your case with reference to one particular group of women refugees/IDPs.

by James Khaksi

Introduction

Refugees conjure up an image of a featureless mass of people, mostly women and children, queuing to be fed and to be housed in temporary shelters in countries where they fled. The question why they fled to be helplessly dependent on others mostly can be answered in different ways. The causes of refugee flow are either any intentional discrimination and even oppression by the government to a group of people forcing them to migrate the border or the failure of the government to provide basic needs and security for its citizen. In both the cases reasons of forced migration might be viewed from varied perspectives but question of control over natural resource has been at the centre of these reasons. Even in displacements induced by conflicts, it is the question of resources that lies at the heart of most of the conflicts. The situation in South Asia is no exception. Another indifferent phenomenon in South Asia is to systematically suppress the women. They very often lack equal rights and control over resources. Women's control over resources can ensure pre-attempts to stop potential women refugee.

Over one percent of the total world population today consists of refugees. More than eighty percent of that number is made up of women and their dependent children. An overwhelming majority of these women come from the developing world. South Asia is the fourth largest refugee-producing region in the world. Again, a majority of these refugees are made up of women. The sheer number of women among the refugee population portrays the gendered nature of the issue. The matriarchal societies, male-dominated politics always discourage women to acquire control over resources. This deprivation may be society-imposed, family imposed and eventually State-imposed. In today's competitive resource politics, this sometimes becomes unavailing reason for women's displacement. The case study of Chittagong Hill Tracts (CHT) is here scrutinized to prove the hypothesis.

Women's Displacement and its Causes:

Causes of people's displacement can be varied like development-induced displacement, conflict-induced displacement, displacement due to environmental degradation and competition for scarce resources. Usually displacement is forced upon communities who are already marginalized by systematic injustice, such as indigenous people and minority of a nation State. Women as marginalized entities within marginalized communities are often forced to shoulder the ordeal of displacement far more intensely.

The partition of the Indian subcontinent in 1947 witnessed probably the largest refugee movement in modern history. About 8 million Hindus and Sikhs left Pakistan to resettle in India while about 6-7 million Muslims went to Pakistan. Such transfer of population was accompanied by horrific violence. Some 50,000 Muslim women in India and 33,000 non-Muslim women in Pakistan were abducted, abandoned or separated from their families. Women's experiences of migration, abduction and destitution during partition and State's responses to it is a pointer to the relationship between women's position as marginal

participants in state politics and gender subordination as perpetrated by the State. In this context the experiences of abducted women and their often forcible repatriation by the State assumes enormous importance today when thousands of South Asian women are either refugees, migrants or stateless within the subcontinent.

Lack of Control over Resources is a Reason for Women's Displacement

Resources can be regarded as the conditions that nature has given to us which can be used for one's own survival including cultural survival, which are non-replenishable and hence perishable. Resource crisis occurs when there is loss of ownership or control over resources or change in resource use pattern. This is a question whether marginality of the people exposes them to the resource crisis or the resource crisis contributes to their marginalization. Answer depends on the particular incidents. But in both cases, women are the first victim. Because of their sexuality, women are always treated to be marginal; in another language, the marginality of women don't let them to possess any control over resources. This lack of control over resources is a reason for women's displacement.

Most women in developing countries live in rural areas and are managers of households. Natural resources are an integral part of their life. Most things a family needs, women obtain them from natural resources. They collect water from nearby waterhole or canal or rivers. Fuel woods are collected by them or by their children. They use plants as a medicine in case of illness. Women labour is now increasing day by day. But in natural resourceful area, today their survival is threatened because forests have been denuded and rivers are being polluted, land are being narrowed by different permanent use. Most importantly, women don't have any control over these resources. Thus they always dependent on either their male partner or on the mercy of the controller of these resources. The gender roles of women depend on the available resources, so when the resources are alienated from them, they become bound to move away.

Migration resulting from environmental degradation and development-dilemma are sometimes because of losing control over resources women are visibly dependent on. The case of water can be exemplified here. Women are the ones to be affected first in cases of depletion in the amount of water availability or a reduction in water quality. However when it comes to decision-making about water resource management, women are almost invisible. Thus there is clearly a gender imbalance in the water sector whereas the responsibilities, burdens and insecurities are for women.

The resource conflict and forced migration are closely inter-linked. In India, this operates at various levels and regions and is reflected in the developmental imbalances across sections of society regionally and nationally. The worst manifestation of this has been in the North East. The land use pattern in North East India has also contributed towards the ensuing conflict between various communities and environmental destruction. A large chunk of land is also inhabited by the various security agencies in the region that further aggravates the situation. The region has also suffered considerable environmental destruction due to large scale deforestation leading to frequent land slide, increased siltation of rivers, floods, and river erosion displacing a large number of people. The phenomenon of globalisation has further aggravated the resource crisis by creating new demands for the resources and introducing private corporations with large financial resources.^[i] This has brought them in direct conflict with the communities who were early enjoying these resources and are now being handed over to private corporations by state for a price. Governments are futile in rehabilitating IDPs citing paucity of land. There are also instances where the rivers are being privatized; water systems are being privatized and creating extraordinary demands on the existing resources leading to environmental destruction. The mindless exploitation of resources and unregulated discharge of harmful chemicals and waste materials are contributing to the environmental degradation. All these factors are together contributing towards resource and environmental crisis leading to forced migration of people – mainly the women. Because women have closer link to natural resources while they don't have control over these resources comparing to male.

Ethnic Women of Chittagong Hill Tracts losing control over resources

The Chakmas, a group from the CHT of Bangladesh, came into India in two distinct streams. The first came with the start of the construction of the Kaptai Dam on the Karnaphuli river in the CHT in 1964 and the second after 1979 when violence broke out in the CHT. The first refugee flow was because resources crisis contributed to their marginalization leading them to forced migration and the second flow was because marginality of the ethnic people exposed them to the resources crisis leading them to forced migration. In both the cases, women and their dependent children are the worst victim of suffering. Because of the Kaptai reservoir, approximately 100,000 indigenous peoples mostly Chakmas were forced off their lands.^[ii] 40,000 of them crossed over to India most of whom did never return to the CHT but eventually re-settled in India's Arunachal Pradesh as Stateless persons.^[iii] The reservoir inundated about 40% of its best agricultural lands. This drastic reduction in the stock of lands greatly increased the pressure on the remaining cultivable areas. In particular, swidden cultivation was immediately and dangerously intensified, leading to the over-exploitation of the soil and its consequential degradation. Poverty-generating mechanisms have depleted the total stock of resources, leading to "resource availability decline". The increasing scarcity of resources, in turn, has made distributive conflicts about them even more intense, activating the kind of "redistributive" mechanisms of poverty generation of which worst victim were the women. As women did not have ownership or control over the resources (they just used them being very available comparing to their demands), the unwanted competition for natural resources made them choose to move away. The food systems of the Hill Peoples, incorporating not only swidden and plough cultivation, but also hunting, trapping, fishing and animal husbandry, are inextricably bound up with their access to particular kinds of lands, forests and water resources. A survey on *Soil and Land Use in CHT* revealed that among 13,189 sq. km. CHT land area, only forestry possesses 73%, water bodies 5%, Horticulture and Forestry 1%, Mostly Horticulture and Partly Forestry 15%, Terrace Agriculture 3% and all Purpose Agriculture was 3%.^[iv] The precarious balance between population and land was kept under continuing pressure by the natural growth of the CHT Population and the increased rate of in-migration induced by the economic opportunities resulting from the project. However, it was the massive state-sponsored transmigration of Bengali settlers that pushed up the rate of population growth to extraordinarily high levels. 87:13 ratio between ethnic and Bengali population in 1961 got up to 81:19 in 1974 which indicate great decline of ethnic people in CHT^[v] resulting from displacement mostly outside of CHT. Women's lack of control over ever available resources like land, water, forest simply pushed them to displacement. Because these are the women who are more closely linked to the water collection, cultivation, wood collection etc. If women had permanent ownership (indigenous peoples of CHT mostly did not have permanent document of their land, it was run by customary land rights) and full control over these resources, it would be tougher to displace them.

In newly born Bangladesh, resource crisis had already made the ethnic people marginal. The marginalization process was intensified in 1972 by not mentioning the existence of indigenous peoples in the first constitution of Bangladesh. It was later again reconfirmed in 1977 by inserting some religious characteristics in the constitution. Confrontation between ethnic people demanding autonomy for the CHT and the new government virtually being busy to form monoculture nation was intensified after 1976. Shanti Bahini run by Parbatta Chattagram Janna Samhitya and government army came to direct arm conflict. The government began state-sponsored migration of Bengali Muslim settlers into the CHT since 1979, providing land grant, cash and rations. More than four hundred thousands of Bengali Muslims were transferred into CHT. Indeed, no cultivable land was vacant for settlement so the settlers started to forcibly occupy the land of indigenous Jumma people. With an aim to uproot the Jumma people from their ancestral land, the Bengali settlers with the direct help of military forces perpetrated a long series of massacres and genocides. Land of CHT was and is also being confiscated by the government in the name of military installation, Eco-park, reserved forest, Social Forestry and leases granted to non-resident individuals and companies.^[vi] Thus the already marginal and resourceless indigenous peoples migrated to India. Many became internally displaced. By a conservative estimate, Bangladesh has 500,000 individuals or 128,364 displaced people in CHT.^[vii] Indigenous women's status in CHT is low in terms of the rights to inheritance, legal and political rights, decision-making powers and other spheres. They have no rights to inheritance to property. A survey revealed that the adult literacy rate for peoples' of CHT (Bengali, Chakma, Marma, Tripura and Mro) were 42% for male and 20% for female.^[viii] Indigenous women lack proactive participations in politics and other decision making platforms. For example, in both types of the political organizations, the indigenous and the state's political structures, the indigenous women are excluded from important roles. Over the past centuries only 10 out of the 384 headmen were women in the CHT.^[ix] Even after signing the Peace Accord in 1997, there is no female member in the three interim HDCs. Unlike in the plains region, rural indigenous Jumma women are used to marketing their product independently of their male partners and relatives. However, Bengali settlers and traders are hampering this age-old tradition and rights to sell-produce due to violence against indigenous women. Abduction, forced marriage of indigenous woman, rape and killing by settlers and army force were a well-planned process of assimilation where it is used as mechanism of state oppression. Even after the signing of the Accord from 1998 to 2005, the security forces and Bengali settlers raped 36 women, molested 13 women, kidnapped 9 women and tortured more than 25 women.^[x] Loss of forest land, arable land, lack of control over resources along with violence of ethnic conflict were steering force to force the indigenous peoples to leave their ancestral land.

Resistance is better than Cure

Lack of control over resource is a reason for women's displacement. Proactive steps should be chosen to lessen this kind of displacement. In South Asia leaders have more voice than women even in women's affairs. But this is not because they want the equal justice of women, but because they want to sustain the patriarchal rule over women. Social justice does not apply to the internal workings of the family unit. State's apparatus is male dominated and male centric. Women become minorities within minorities. All dynamics portray the patriarchal attitude that inhibits the discourse on women's rights, their control over resources. So gender issues should be more prevalent agenda to ensure the equal access to ownership and control over resources. South Asian States had ratified the 1979 Convention on the Elimination of all Forms of Discrimination Against Women. This should be followed by more pragmatic and feminist development approach.

Even as refugee, women should be extra care to ensure their equal access to resources. None of the South Asian states are signatories to the 1951 Convention relating to the Status of Refugees or the 1967 Protocol. As India is the largest South Asian state it should be interesting to see how women refugees are dealt with here. In the guiding Principles for IDPs a concerted attempt was made to prioritize gender issues. Principle 20 stated that both men and women had equal rights to obtain government documents in their own names. It is very important to possess control over resources as refugee.

Although the CHT peace accord was signed in 1997, the majority of IDPs still remain displaced, including women. Much to the consternation of the Jumma people, the Task Force identified 90,208 Jumma families as displaced and 38,156 settlers as displaced, giving legal recognition to the settlers as residents. The Task Force did not compensate the displaced people according to the accord. So they are still displaced. The compensation was in many cases inadequate and in about all cases the beneficiaries were male. Thus the control over resources of displaced tribal women is not recognized leaving them to possibility to be again displaced. It should be ensured that indigenous women have representation in the prevailing local power structure. The national government, local government bodies, NGOs and major donor and lending agencies should, in consultation with women representatives of indigenous peoples, formulate policies and strategies to address issues that exclusively concern the people or community concerned, including family law and the administration of justice ensuring they have possession and control over resources.

Conclusion

It has to be recognized that the situation of women refugee or internally displaced women will change substantially only when states in South Asia identify women as equal partners in governance, in resource allocation. In the process of development process in South Asia, it is often the indigenous peoples and the minority communities who get displaced. Among these communities, the more victimized such as women get further abused and marginalized. It should be ensured that they have rational control over the resources they are supposed to possess. Otherwise the lack of control over resources might lead many of them to forced migration or IDPs. Internally displaced indigenous women of CHT should be provided rational share of the resources that they should be provided. The community inheritance law should recognize the ownership and control of resources by women. But permanent solution of CHT conflict is more political in which territory and control over its resources is a predominant factor.

The overwhelming presence of women among displaced populations is not an accident of history. It is a way by which states have made women political non-subjects. It is a way by which patriarchal society has made women resourceless. Marginal peoples are always the first target of displacement both in development-induced displacement and conflict-induced displacement. Here lack of control of women over resources ensures the marginality of women which makes their displacement just a follow-up consequence. Collective responsibility lies with the civil society, media, the legislative-courts,

and all who authentically want women to access their rights to ownership, citizenship and finally control over resources in equal notion and make a more just world for women.

Endnotes:

[i] For example, Orissa had acquired 40,000 ha for industries during 1951-1995 but plans to acquire 100,000 ha in a decade. Andhra Pradesh has acquired in five years half as much land for industry as it did in 45 years. Similar quantities are being acquired in Jharkhand for mines that foreign companies are eyeing. Goa had acquired 3.5 per cent of the state's landmass in 1965-1995 and plans to acquire 7.2 per cent of it during this decade.

[ii] Amana Mohsin, 1997, *The Politics of Nationalism: The Case of the CHT, Bangladesh*, The University Press Limited, Dhaka, p-103

[iii] Ranabir Samaddar, *Refugee and the State*, Sage Publication, 2003, p- 255

[iv] Shapan Adnan, p-112

[v] Shapan Adnan, p-57

[vi] The Bangladesh army and air force declared to acquire no less than 30,444 acres of land in Bandarban district for artillery training grounds. If these plans materialize this again means that 25,000 people will be evicted from their land. Moreover, the army plans to acquire another 9,560 acres of land for the expansion of Ruma Cantonment and 184 acres of land to expand its brigade headquarter in Bandarban town without any prior consent either from the HDCs or from the CHTRC. This will uproot another 4000 people. Protests by local people have so far not resulted in any concessions by the governments.[vi] In Chimbuk of Bandarban district, a total of 5,000 acres of land have been started to acquire in the name of constructing an Eco-park of Forest Department. The government has started a process to acquire 5,500 acres of land in Sangu Mouza of Bandarban district in the name of creating an "Abhoyarannyo" (animal sanctuary).[vi] The Ministry of Environment and Forests declared a total area of almost 220,000 acres in the three Hill District as additional reserved forests under different schemes in 1992, large parts of which contain human settlements and farmlands, some of which are registered in the DC's office. This means above all that another 200,000 people will be affected and their rights over land and forests resources will be denied. In total 40,077 acres of lands of 1,605 rubber and horticulture plots were leased out only in four upazilas in Bandarban district. A large part of these lands contained homesteads and farmlands used and occupied by indigenous people who did not possess formal ownership documents to these lands. The CHT Accord of 1997 states that the leases granted to non-residents will be cancelled where the concerned lands were left unutilised for ten years or more.

[vii] Data gathered from *Compilation of the information available in the Global IDP Database of the Norwegian Refugee Council*, www.idpproject.org

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Select UNICEF Policy Recommendation on the Gender Dimensions of Internal Displacement http://www.safhr.org/refugee_watch10&11_92.htm

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RW.: Dislocated Subjects : The Story of Refugee Women

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Women

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- [viii] BRAC Research and Evaluation Division, 1999. Socio-economic and Health Profile of Chittagong Hill Tracts, August 1999
- [ix] Oishwarja Chakma (2004), *Situationer on Indigenous Women of Bangladesh*, in the proceedings of 2nd Asian Indigenous Women's Conference, *Heightening Asian Indigenous Women's Empowerment and Solidarity*, March 4-8, Philippines.
- [x] PCJSS webpage: www.pcjss.org

How does the privileging of majoritarian, male and monolithic cultural values in the nation states deny the space for women refugees/displacees in situations of forced migration?

by *Laxmi Srestha*

The International Association for the Study of Forced Migration (ISFM) defines forced migration as: 'a general term that refers to the movements of refugees and internally displaced people (those displaced by conflicts) as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects (<http://www.forcedmigration.org>).

The United Nations considers internally displaced people to be people or groups of people who have seen themselves forced or obligated to escape or flee from their homes or from their places of habitual residence, in particular as a result, or to avoid the effects, of an armed conflict, situations of generalized violence, human rights violations or natural disasters or disasters provoked by humans, and who have not crossed an internationally recognized national border.

People all over the world are constantly being forced to leave their home and hearth for many reasons: natural calamities, man made disaster, state sponsored programme of population transfer, giant commercial projects, abuse of human rights and the threat of violence from state and non-state forces. More than 52 countries world wide have been affected by conflict-induced internal displacement causing around 25 million people's displacement in the form of internal refugees (Norwegian Refugee Council, 2004). According to the United Nations War and conflict has displaced 35 million people worldwide; 70 percent of these refugees and displaced persons are women. (Peace Media, 2005). According to UNHCR and Refugee International, by 2001 some 800, 000 people were displaced in Sri Lanka (Pual Banergee, 2005). The state versus community conflict in Kashmir has resulted in the displacement of over 250,000 Kashmiri Pundits Valley into Jammu and Delhi (Paula Banerjee, 2005). United Nations High Commissioner for Refugees estimates that women and children comprise 70-80% of the world's refugee and internally displaced population.

Thousands of people were constantly being forced to leave their homes during the 12 years long armed conflict in Nepal. Many were killed, abducted and tortured in a decade-long armed conflict. More than 13,000 people have been killed, most of them were civilians (The Amnesty International dossier, 2006). The population size of the Internally Displaced Persons (IDPs) in Nepal has been estimated between 100,000 and 200,000 ((Norwegian Refugee Council, 2004). After the peace process, in July 2007, UN estimated that between 50,000 and 70,000 people are currently remained internally displaced in Nepal. However, the Ministry of Peace and Reconstruction Claims that there are only 25000 IDPs in Nepal who have been registered in the government book (CREHPA, 2007). There is no accurate data on IDP women in Nepal since gender sensitive study on displacement has not been undertaken so far. The Nepal IDP Research Initiative also fails to pay sufficient attention to this aspect. According to a survey carried out by National Red Cross Society Of the total registered IDPs in 2002, 52 percent were male and 48% were female (Martinez, 2002).

During the armed conflict, the pervasive fear of generalized violence, food scarcity and increased deprivation has undermined community networks contributed to displacement of people seeking peace and security. Displacement leads to the breakdown of social structure where traditional networks and support systems are destroyed as families are separated, killed and abducted. The major causes of the conflict induced displacement are in Nepal are: acts of violence or threats against the population, practices of forced recruitment and extortion by the Maoists armed group, fear of reprisals by the security force for allegedly providing food or shelter to Maoists, destructions of house and property, and a generalized climate of insecurity (CSWC, 2004). The displaced persons lost their homes, lands, animals, and also suffered from a lack of basic services such as potable water, energy, health, and education, as well as situations of overcrowding. Their main problem is the lack of lands to cultivate and as such, the scarcity of basic foodstuffs. The displaced persons are those who suffer from the psycho-social effects such as trauma, depression, fear, sadness, and physical harassment. They continue to suffer from threats and harassment due to lack of safety and security. The situation will be more devastating, if the displaced persons belong to the poor and marginalized community. Even in cases of displacement caused by man made disaster, it has been observed that it is the poor and marginalized who suffer the most. The major consequences of displacement have been identified as landlessness, joblessness, homelessness, marginalization loss of health, food insecurity loss of common property resources and the unraveling of the social fabric in general. The experiences of the countries of South Asia show that the internally displaced persons who are poor and belong to the minority communities have hardly resettled.

The impact of conflict is experienced in different ways by men, women, children and the elderly and women are the most affected civilian population. Experiences of conflict affected countries such as Sri Lanka, Burma and India show that women and girls become more vulnerable to exploitation and abuse in displacement due to lack of access to resources and power due to privileging of majoritarian, male and monolithic cultural values in the nations. Therefore, situation of displaced women needs to be understood in the context of women's status in the nation. In Nepal, where strong patriarchy exists, women are considered as second class citizen by the judiciary and the society at large. In such situation, without a viable social or economic support network and often without protection, displaced women are highly vulnerable to exploitation and abuse. The types of exploitation and abuse experienced by the displaced women and girls in Nepal are several. However, only few data are available in the extent and nature of the problems. For example, in a temporary settlement of IDPs in Mid-western region of Nepal, young girls were frequently harassed by local boys when they left the shelter in search for food for work as laborers on daily basis. One young woman reported, "*even though we knew this was likely to happened but we continued going for work because our children were hungry and had no choice*" (CARRITAS, 2005).

Among the displaced women, women are from marginalized groups are particularly at more risk due to lack of education, language problems, lack of access to any resources and power. These women also face the traditional stigma and discrimination as so called "untouchable" Regarding this, a young Dalit woman shares her experience: "*the neighbors act*

suspiciously; they do not prefer to talk to IDPs and the shopkeepers do not give food or fuel supplies on credit. "The people of the local community behave badly with us. We are a lower caste group. They feel that we using up their local resources" (HIMRIGHTS, 2005) In the recent history of the South Asia, low level and sometimes full scale conflicts that occurred in Afghanistan, Nepal, Myanmar, Sri Lanka, and India. All of which have been characterized by the disproportionate victimization of women and children. In the book *Internal Displacement South Asia*, in the chapter "Women IDPs in South Asia" Dr. Paula Banerjee has presented the several evidences of how the women and girls are victimized by the conflict. It is apparent that women and girls are subjected to widespread and, at times, systematic forms of human rights. The violence experienced by women include illegal detention, abduction, disappearances, forced recruitment into fighting forces, slavery, and other inhuman treatment such as a wide range of physical and sexual violations and forced prostitution. Such violations have negative implications on women's mental, emotional, spiritual, physical and psycho-social well beings. Sexual violence has a profound short term and long term emotional, psycho-social, physical and maternal health consequences both immediately and many years after the assaults (WHO 2002).

In the nations where privileging of majoritarian, male and monolithic cultural value exist, women are considered as a weaker section of the society and easily subjected to severe violence and abuse at the time of conflict and war. Women are suffered the most in multiple ways:

Sexual and other physical violence in the source side: Although rape as a weapon of war violates the Geneva Conventions and is identified as war crimes, women continue to be raped in the conflict. While sexual violence is during conflict is often directly linked with to armed groups or security forces. It is also apparent from the context of Sri Lanka and Burma, women faced severe sexual violence during conflicts. Rape and other forms of sexual violence are used against women as a weapon of war, in order to dehumanize the women and displace them from their homes. For example, the literature shows, about 60 percent of the displaced women in Burma are the women and girls escaping from threats to their life and to their bodies from the Burmese armies. As compare to India and Srilanka, the situation of women is deteriorating in Burma as the Burmese military regime systematically used rape as a weapon of war and more than 25 percent of the women raped are killed. (Dr. Paula Banerjee, 2005).

In the context of Nepal, many women faced similar violence during the armed conflict. Moreover, the sexual violence faced by the women in Nepal during conflict presents somewhat horrific scenario. Throughout the conflict, thousands of women and girls were subjected to widespread and systematic sexual violence. For example, in 2004, plainclothes army officers raped and shot dead an unarmed 18-years old girl of Kavre district. Her body was found near her family's home. She had suffered bullet wounds to her head, chest and eyes. She had been in captivity for approximately five hours before her death, restrained in a cowshed. Members of her family heard her screaming during that time, but they were threatened and stopped to get inside the shed. It is not only the case, many girls and women were brutally raped and killed. Another girl of age 16 was also shot dead in the same night in the same village (Advocacy forum, 2004).

Physical and Sexual violence at the destination side (displacement): Due to lack of strong social network and safty net, the young IDP women are highly vulnerable and easy targets for sexual exploitation. In this regard, a young bar girl of age 16 narrates a story about her colleague who was sexually assaulted: *"last year my friend, who works in a restaurant, was returning back from work late at night. Few people caught hold of her and took her somewhere in a taxi. When she came back, she had bruises all over her body and was crying badly. We had to rush her to the hospital. She survived. These types of cases often happen to us. When we come to Kathmandu, we do not understand such things and urban people exploit us"* (HIMRIGHTS, 2005) The displaced women faced severe physical sexual violence.

In a study conducted by CREHPA, 145 IDP girls were contacted among them 23 were interviewed in-depth. Most of the girls were working in domestic helpers, carpet factories, brick kiln and tea-stall or local liquor shop. The girls domestic helpers and carpet factory workers frequently mentioned about the sexual harassment they experienced at their work place. Regarding this, a 16 years old girl narrates her experience as:

"My uncle who is my employer, often meets with his friends to play cards. I have to prepare food and tea for all of them. They drink alcohol, get drunk and make noise. My employer has sexually harassed me many times and I feel very insecure in my work place but I have no choice. I cannot go back to my village due to fear of abduction by Maoist. I also have no one in this city to go."

Another 16 years old displaced girl who works in a local liquor shop shares her experience of physical harassment by her employer:

"My employer always shouts at me and beats me. I have to get up early in the morning, at 3:00 a.m., otherwise they pour a pan of water on me. The employer's children also discriminate against me, saying, 'you are a servant! Go away from me.' I don't want to work here but I have no where else to go. I also don't have money to go any other places."

Economic Hardship: The economic impact of armed conflict on manifest itself in gender specific ways. Women's burden during the conflict has become especially heavy as they take responsibility for household work and obligations, as well as supplement the finances of absent male relatives or male members. Many women are forced to become the sole provider for the families which compel them to work in a informal employment sectors which place them at increased health and security risk. The economic hardship in displacement has led many women at risk. For example, a 20 years old women Reema Thapa works in a cabin restaurant. She has already been arrested twice by police for sitting with a her clients in the cubicle of the restaurant. She fled from her village in Ramechhap, 150 KM east of Kathmandu, after her husband was killed by the rebels. As she had no relatives and friends in Kathmandu she started to work in a cabin restaurant to support her five years old son and herself. She shares her bitter experience of her work place as: *"the workst part is when my son sees me clients grabbing me. He always asks me, 'why they are doing it to you?'"* with tears streaming down her face. Reena has been desperately seeking an alternative but since she is not educated, all she can find is a work at a carpet factory which is equally an exploitative labour condition (CARRITAS, 2005).

Impact on girls' Education: Educational attainment among girls children in Nepal remains lower than that of boys in general. One study has revealed that 77 percent of girls between 6 and 15 years leave school. If resources are not adequate, boys are sent to school, whereas the girls have to stay at home to do the household chores (Prativa Subedi, Nepali Women Rising, 1997). In the context of the displacement most of the children are deprived of educational opportunities. In displacement parents are unable to afford the school expenses- admission fees, books, stationary, dress etc. Similar to the

context of Burma as cited by Dr. Banerjee, when the resources are scarce then boys are sent to school rather than girls. The girls children in Nepal where patriarchy exists the women share the similar experiences. Even if the displaced parents can offered the schooling of some children then preference will be given to the male children. A displaced girl child expressed her desire to continue her education:

"We stay in Tundikhel. I don't go to school. I just stay idle the whole day. I used to study in standard two when I was in my village. I still want to study. But my parents cannot afford to send me to school now". - A 13-year-old Tamang girl, Sindhupalchowk (HIMRIGHTS, 2005)

During the conflict the girls' children were even more deprived of educational opportunity. They were restricted from attending schools due to fear of abduction and sexual and other physical harassment by both the armed forces. Some incidences of sexual violence against young school going girls worsened the education of girls' children. There is an example of sexual violence against a young school going girl. According to a News report in December, 2003, the two armed police officers, dressed in civilian clothes and pretended to be Maoists and raped a 16-year-old girl of class 8 in Saraswati High School, Baisagoan village of Baijapur VDC, in Banke district Samacharpatra, a National Daily, 2003). Such incidence of sexual violence against young girls during armed conflicted deprived many girls from the education opportunity.

Living condition: Women are not only displaced but they also forced to live sub-human life (Pual Banerjee). The Case of the Line of Control (LOC), situation of displaced women in Gujrat and the situation of displaced women in other countries of in South Asia region shows the living condition of displaced women is pathetic since they are provided a cramped, dumpy, cold, cracked accommodation with poor hygiene and sanitation for their living with insufficient and proper and food, inadequate drinking water and lack of other basic needs. The lives of displaced mother of new born babies are even more pathetic because of lack of nutritious food, lack of intensive care and lack of access to health care.

HIMRIGHTS and population council in collaboration with Plan Nepal have jointly undertaken a rapid assessment in 2005 among internally displaced persons. According to the report, living condition of IDPs in Kathmandu Valley is very poor having single and cramped room in which 5-8 family members live, unhygienic bathrooms, lack of garbage management, shortage of water, some are depended upon relatives/friends for food and fuel from wholesale stores on credit. Those women IDPs who were living in a temporary shelter have leaking roofs, no water facility, no bathroom facility, sewage problem, lack of garbage management, unhygienic kitchen, continuous harassment by 'gundas' and drunkards and dependent on GOs and NGOs for food and fuel supply. According to the study report the young women and girls IDPs complained about the hostile, unwelcoming and unaccommodating living environment during their interviews. Regarding this, a 18 years old displaced girl describes about her place of living as:

"I stay in a small room along with six other members of the family. The area, where we stay, has huge water shortage. This creates a major sanitation problem and we are unable to clean our bathrooms regularly"

The local hooligan and drunkards continuously harasses the IDPs girls and women in the temporary resettlement. According to a 13-years old IDP girl:

" Last week, few drunkards came inside our tent at night. We were all sleeping. They started shouting at us. They said 'you have come here to take away our resources. You are not the Maoist victims. You are just making up stories and trying to get money from the government"

Impacts on Health of Displaced women: The Global IDP data base of Norwegian Refugee Council 2005 revealed that IDPs in Dailekh district of Nepal are compelled to live in a public building. Sanitary conditions are reported to be inadequate for nursing mothers, with little food and access to health care. "Nursing mothers, among the displaced families sheltering at a government higher secondary schools at the district headquarter are living a very miserable life. Among the 443 families living in that place there are nine women with new born babies. Living in the cold and damp rooms of the school building, and further aggravated by malnutrition and unhygienic living conditions, the women desperately need immediate intensive care and nourishment. Their faces have swollen due to lack of access to health care treatment. One of them lost her new born baby on the way while traveling to the headquarters. *"She had twins, one of them died while on our way here. We buried him in the forest,"* says the women's father-in-law. In this place, the women are sharing accommodations with 1,923 people who have been crammed inside the 12 rooms of the building. The young women and girls have also the problems of finding safe accommodation to stay. All the young girls do not tell anyone that they are the victims of armed conflict due to fear of stigma and discrimination (Norwegian Refugee Council, 2005).

The internally displaced women and children do not have access even to the basic health facilities. There has been a severe impact on women's health, particularly in regards to the childbirth and post-natal care. Furthermore, women are likely to get malnourished when food becomes scarce in the process of being displaced. This is because culturally, they are typically the last ones to eat and thus, hardly get to eat anything after feeding others. These women and children thus suffer from various psychological problems such as depression, frustration, irritation, homesickness and solitary stress (especially school going IDP children). Most importantly, these displaced groups do not have access to hospitals, clinics and medical stores mainly due to the lack of money to afford basic medical expenses. Regarding this, a displaced woman of 40 years shares her experience of health related problems:

"My village is in Mugu district. After I got displaced and have started living in Kathmandu, I fall sick regularly. The climate and water of Kathmandu does not suit me. These days, I have severe stomachaches, headaches and fever. I have also developed rashes in my skin. Till now, I have not visited any doctors. I cannot afford the medical expenses. Moreover, I don't know how to speak in Nepali and others don't understand my language." (HIMRIGHTS, 2005)

Another story:

Nineteen years old Mankali's Nepali's second son, who was born in the camp on December 17, is suffereing from a terrible cough. Along with the lack of post natal care they do not have anything to keep themselves worm in the fridged winter. The coupe had been forced to flee their homes in Jaisidanda, Naumule - 4, and arrived on the headquarters on Nov 20. " We can't find wood to light a fire. Fearing that the shelter will catch fire by the sparks, I havn't been able to provide heat to the mother and the child," said Mankali's husband.

Mankali is not only the sufferer, There are around eighteen women belonging to displaced families who have just given birth in the camp going through the same plight. In a next door of Mankali's, twenty years old Setu Nepali gave birth to her third

child on the dusty floor. After the delivery, eight other people sharing the hut with Setu are having tough time. (CARITAS, 2005)

Trafficking and Sexual Slavery: The economic hardship and lack of education and skills, many women are forced to cross the border to seek better and secure life. Many women who crossed the Indian border often ended up their life in the brothels of India. Moreover, these women have to work in slavery like in the brothels of India. The young IDP women are highly vulnerable and get lured by traffickers. The human trafficking business is not new in Nepal. "What is new is that the conflict has displaced many women, many of them are young, typically between 20 to 35 years old," Rana said." In many cases, these women are married but do not have their husbands around. They need to look after their families. These women are prime targets for traffickers. Many of them go across the border. They are not educated and consider going across border as one way to earn a living (IRIN, 2005)

Exposure to HIV/AIDS: Most of the girls working in cabins and restaurants in the capital are reported to be displaced from their homes. Many of the displaced girls reportedly end up working in the sex business. Most of the victims working in cabin and dance restaurants are illiterate villagers who had fled their homes in the wake of Maoist abductions and torture. As jobs are not easily available in other sectors, they join cabin and dance restaurants to make their livings in the capital. The context of Burma shows that women in displacement are forced to cross the border and involve in prostitution which increased the exposure to HIV/AIDS. There is a growing number of HIV positive women among the displaced in Burma (Paula Benerjee, 2004). According to an article Published in the *Nepali Times*, "Selling Sex to Survive." Much of this activity has shifted to massage parlors, cabin restaurants and cheap lodges. Women and girls in cabin restaurants interviewed by the journalist said they had fled their villages for fear of the Maoists who were trying to force them to join military training. A 19 years old girl Radha, fled from her village to escape from forced military recruitment by Maoist rebels. She arrived in Kathmandu Valley hoping security and even for decent job but finally she ended up in cabin restaurant. Radha is one of the thousands of Nepalese girls who were fled from their village. According to an ethnographic research study conducted by CREHPA among the cabin girls, cabin girls are more likely to contract HIV/AIDS since the clients refuse to wear condoms and pay extra money (CREHPA, 2003).

Moreover, the combination of displacement, prostitution and unprotected sex increases the threat of HIV/AIDS. A reliable source in Nepal described to Watch List the case of a young girl from Kanchanpur district who fled from her home due to the armed conflict. She eventually found temporary shelter in a hotel, where she was also forced into commercial sex work. After some time, she tested positive for HIV, but was forced to continue the commercial sex work. " (Watchlist, 26 January 2005)

Single Women: In the context where privileging majoritarian and monolithic cultural value exist the displaced women share the similar bitter experiences. As in other countries in South Asia, thousands of women in Nepal have also lost their husbands, many have been raped and some have been forced to involve in the jobs they dislike (INSEC, 2005). Those women who have lost their husbands have more burden of finding regular sources of income to feed their children or families. Work place harassment and abuse, vulnerability, personal safety and security and questions of sustainability of any income/assistance have become a daily challenge (SAFHR, 2005).

Although the displaced single women have been ignored and continued to be tragic victims of violence in the conflict environments their voices are not heard. There are no accurate statistics on conflict made single women (widows) and no systematic surveys on research neither of their demographic profile, life style, basic needs, aspirations, coping strategies, legal situation, nor of their potential role in peace building process. A study conducted by Women for Human Rights Group (WHRG) shows that most of the single women are traumatized by the dual affects of losing a husband and feeling insecure due to the security personnel and Maoists' torture. When a woman becomes single, it is not only the loss of the loved one which troubles her, but multidimensional issues like economic, social and physical effects torment her. According to WHRG, poverty, homelessness, exposure to sexual violence and abuse from relatives further stigmatize single women who is already suffering from harmful traditional practices and economic exploitation. According to the organization, it is most necessary to be aware of the negative impacts that single women's poverty has on their children, depriving them of all their fundamental rights. The continuing poverty cycle will most likely cause further conflicts in the future. A 35-years old Brahmin single woman who has been displaced in Kathmandu narrates her story in a following way:

"They kept harassing my children and me. We had no choice but to run away from home. Today, I am going through the toughest time of my life. I have no support. Isn't it the government's responsibility to help us? Sometimes, I really wonder if I am the citizen of this country or not".

During a Pilot Survey on Internally Displaced Persons conducted by SAFHR in 2005, 53 displaced women were contacted. According to a woman, "we left home due to the threats from the Maoists five years ago. Less than a year and a half ago my husband was abducted and I don't have any news about him. Recently I too have been threatened." The study result also revealed that some women reportedly **doubly** displaced. A woman reported that she was displaced firstly by the Maoist insurgency and secondly after she received some compensation amount on the death of her husband from the government her in-laws threw her out of house.

Documentation of Women's Human rights abuses: Many victims of gender-based violence during armed conflict are found reluctant to talk about their suffering. Pressures from parties of the conflict, the government, the family or community all serve to intimidate many women into silence. Continuing violence or conflict has often prevented women from reporting due to fear of discrimination, social stigma and reprisal. For example, according to a news report, a 16 years old girl was returning to her home after a marriage ceremony in her village the police officers captured her. They took her to the bank of the Rapti River and raped her for two hours. The local residents were threatened that their village would be bombed if they spoke out about the incident and were forbidden to take the girl to the city for medical treatment. She was treated for minor injuries at a small, private clinic. (Samacharpatra, a National Daily, 2003)

Summary and Conclusion: Therefore, human rights problems and violations faced by the IDP women in Nepal is almost similar to the countries which have the similar socio-economic background. The displaced women are lack of security and protection, face discrimination, deprived of adequate food and proper shelter, suffer from lack of access to health care and education, face trouble when they lack personal and property identification documents, face gender-based violence and sexual abuse. Such vulnerable situation has placed many IDP women and girls at risk of increasing female prostitution, trafficking and HIV/AIDS. Due to lack of any legal documents, the state prevents them to obtain the facilities provided by the

government and other organizations. Although the new policy developed by the Ministry of Peace and Reconstruction has somewhat focused on the protection of human rights of women and children, to address their specific needs, there are not any specific programmes to protect the rights of IDP women and to address their specific needs. These are all done through the privileging majoritarian, male and monolithic cultural values existing on the nations.

Programmes need to be sensitive to the quality of life and security of women within the camps or areas where displaced women are concentrated. The national and international communities who have programmes focusing on women should have sustainable programmes specially focusing on IDP women. For women who survive conflict, widowhood and the loss of family support, specific programme should be design to support these women. The IDP women should be included in decision making and peace keeping process by the state. It is equally important to analyze and observe the situation of IDPs women and providing any support to them accordingly.

Discussion : Whether the policies pursued by National and International Actor have adequate in addressing specific issue of women, refugees / displacees.

by *M.S.Yadav*

Introduction :-

Before discussing the issue, first I will mention who is refugee or displacee what are the circumstances under which a person is displaced or have to take shelter in the refugee camps. Which are the policies, existing at the national and international levels to deal with the problems of women refugees / displacees and to bring the improvement in their overall conditions. What are the difficulties being faced by national and international actors to implement these policies in addressing the issues relating to the women refugees / displacees. What are the issues which needs further attention and what more can be done to bring improvement in the issues related to women refugees / displacees. Why I consider these policies sufficient or inadequate in addressing the issues.

2. Who is Refugee?

The definition of refugee in the international law is of critical importance for it can mean the difference between life and death for an individual seeking asylum. Definition in the international law, it may be noted depart from the ordinary meaning of world refugee. In every speech the world refugee is used to describe a person who is forced to flee his or her home for any reason for which the individual was not responsible, be it persecution, public disorder, Civil war, famine, earth quake, drought, environmental degradation, ethnic clashes, terrorism, other natural calamities or other such reasons.

However, in the international law, a refugee is a person who is forced to leave home for certain specific reasons and who further more is outside the country of his or her origin and does not have its protection. Persons who are compelled to move but do not cross international boarder are classified as internally displaced persons.

A refugee can be defined in three ways as under :-

- a) In terms of legality as provided in national and international laws
- b) In political term as interpreted to meet political exigencies.
- c) Sociologically as reflecting an empirical reality.

Definition :- The 1951 Convention has stated that any person as result of events occurring before 1.1.1951 and owing to well founded fear of being persecuted for reason of race, religion, nationality, members of a particular social groups or political opinion, is out side the country of his nationality and his unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or who not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fear is unwilling to return to it, is a refugee. The above definition was further expanded by the OAU Convention. It includes person fleeing their country of origin due to external aggression, occupation, foreign domination, or events seriously disturbing public order in either a part or the whole of the country of origin or nationality. The additional employee a move away from 1951 Convention's well founded fear of persecution, standard etc. The refugees have been distinguished from stateless persons by the Convention of 1954.

3. Who are the displaced person ?

As per the UN Guiding Principles on the Internally Displaced Persons, the definition has been quoted that the person or group of person who have been forced or obliged to flee to leave their homes or place of habitual residence in particular as a result of or in order to avoid the affects of armed conflicts, situation of general violence, violation of human rights or natural or men made disasters, and who have not crossed the internationally recognized state border, are displaced person.

The primary element therefore of the guiding principles definition is that the persons disturbed do not cross the borders. It includes the person forced from their home by Govt. Armed forces like- Karenni in Mymmer and includes those who flee due to affects of armed conflicts as was in the case of war in Afganistan in 2003, the person flee due to fear of Maoist in Nepal and Bengali's in Meghalaya and includes the people who flee due to natural disaster whether gradual or sudden, as happened due to erosion on Jamuna River in Bangladesh as well as happened in Pakistan and in India due to development projects.

4. The problems of Refugee / Displaced in South Asia

Over one percent of the world population today consists of refugees. And more than 80% of that number is made up of women and their dependent children. And overwhelming majority of these women come from the developing world. South Asia is the fourth largest refugees producing region of the world. Again the majority of these refugees are women. So, I will be discussing the topic in light of the conditions and problems mostly being faced by the women refugees/ displacees of South Asia and the policies /instruments made available by national / international authorities and if these are sufficient to address their issue.

4 (a). Indian Sub-Continent

The Indian Sub-Continent in 1947 witnessed probably the largest refugee movements in modern history. About 8 million Hindus and Sikhs left Pakistan and about 6-7 million Muslim left India to resettle in India and Pakistan respectively. Such transfer of population was accompanied by horrific violence. About 50,000 Muslim women in India and 33,000 non-Muslim women in Pakistan were abducted, abandoned and shifted from their families. Women's experiences of migration, abduction and destitution during partition and states responses to it is a pointer to the relationship between women's positions as marginal participants in the politics and genders subordination as perpetrated by the States. All choices are denied to the women.

Refugee women from other parts of South Asia reflect trauma-aced by women belonging to communities considered as disorderly by the state. Ethnic tensions between the Tamil minority and Sinhala majority leading to armed conflict since 1980s have led to several waves of refugees from Sri Lanka. By 1989 there were about 160,000 refugees from Sri Lanka to India, again largely Tamil women with their dependents. Initially the State Government provided these refugees with shelter and rations, but still many of them preferred to live outside the camps. They were registered and issued with refugee certificates. In terms of education and health both registered and unregistered refugees enjoy the same rights as the nationals. Nevertheless in absence of specific legislation their legal status remained ambiguous. The precarious nature of their status became clearer in the aftermath of Rajiv Gandhi's assassination. All sympathy for these women disappeared after Gandhi's assassination and in the Indian state perception they were tarnished by a collective guilt and so became expendable.

Earlier these women are initially considered harmless but with the number of female suicide bomber's swelling there was a marked change in Govt. of India attitude to women refugees. By April, 1993 refugee's camps were reduced to 132 from 237 in Tamil Nadu. The legal status of refugees in Indian can be examined with the reference imposed by International legal obligations. Indian is not a party to 1951 convention and the 1967 protocol. Foreigner Act is applicable to aliens and refugees alike. Article 21 of Indian Constitution Guarantee against executive action without any support of law, though decision like *Mithun V/s State of Punjab* has expanded the scope of article 21.

As far International Actors UNHCR is acquiring some importance in the region for their efforts regarding refugees and internally displaced. There are about 20,000 refugees who are protected by UNHCR in India, of whom majority of Afgan. The UNHCR has a guideline for protection of refugees but it is left to the discretion to the countries to follow these recommendations. If these guidelines are left to the discretion to the Govt., it will not succeed in its purpose. Further, the women have little to say in the policies that govern their lives and bodies even in the camps run by the UNHCR and many of their policies like repatriation can work, and resettlement women. A case to point out, is Angela Kings Mission to Peshawar and Islamabad, where Afgan woman requested the UN through Ms King that they should be tried to mobilize, and educate Afgan women in the peace making but they were advised for applying for the UN posts. Thus, the gender biased found in the state policies can also be reflected in the policies of International agencies.

4 (b). The Situation in some South Asian Countries :-

None of the South Asian State is signatory to the 1951 Convention relating to the status of refugees or 1967 Protocol. In India Article 14, 20, 21, 25 under fundamental rights, guarantee the right to equality, right to life, right to liberty, freedom of religion of citizen etc. like the other South Asian States India has rectified the 1979 Convention on the elimination of all forms of discriminations against women in 1993. Although there is no incorporation of International treaty obligations in the Indian Laws, still rights accruing to the refugee in India under article 14, 21 & 25 can be enforced in the Supreme Court under article 32 and in the High Court under article 226. The other guiding principle for refugees are the executive orders that have been passed under the foreigners Act 1946 and Passport Act 1967. The National Human Rights Commission has also taken up questions regarding the protection of refugees under article 32 of Indian Constitution and expulsion of Chackma refugees from North East were stopped. Yet all these orders are adhoc in nature and legal position remains nebulous. This is true not only in the Indian scenario but in respect of all South Asian countries.

Pakistan also operate under the 1946 Foreigners Act according the provisions of the Act, no foreigner could enter Pakistan without a valid Passport or visa such an act can be detrimental for all persons fleeing for their lives and specially for women who are unused to handling documentation providing citizenship. After partition the Act was supplemented by registration of claims act 1956 and displaced person compensation and rehabilitation Act 1958. Such act does not act as legal regime for Pakistan. Sri Lanka does not have any special act that helps or privilege internally displaced women who are vulnerable to abuse because of their gender. Nepal has an immigration act 1992 which also regulate the entry into the Nepal. Most of the South Asian states have punitive measures for immigration offences but hardly any measures for helping displaced people. Further none of these states have made any special provision for helping the displaced people including women.

4 (c). Development Induced Displacement:

The internal displacement in the South Asian countries is encouraged by Development plans of their respective countries and the women are the multiple sufferer of such displacement. The persons displaced by mega projects are left without any job, the home and the fear of survival. They are not being paid compensation timely and rehabilitated properly which can be seen in the project like Tehri Dam in Uttranachal, the Narmada Dam in Gujarat and M.P. in India, whereas Kalabagh Dam, National Motorway Network Project etc. in Pakistan. The project in North-East India also have displaced the persons. Besides this there are other factors in different part of India for Internal displacement, like Terrorism in J&K where Hindu ethnic have fled out of J&K, the communal disturbances in Godhra, earth-quack in Bhuj etc. in Gujarat have displaced the people. The Inadequate measures, relief have increased the misery of such displaced persons who were kept in the camps and females being the vulnerable targets have to suffer maximum.

In West Bengal the recent atrocities on the natives of Nandigram by various groups having vested interest is the recent example of displacement people from their ancestral residences in the name of development and failure of State mechanism to protect the people fighting for their survival. The young girls were reportedly sent to safe places by their family members and some of them were shown on the T.V. News Channel. The loss of earning family members or displacement from a normal residence causes maximum agony and misery to the women who are primarily looking after their families.

Bangladesh is facing internal displacement by river erosion, armed conflict in Chitgaon hills. The Political rivalry and religious minorities in Bangladesh, particularly the Hindus have been the victim of hardliners and have to flee in safer places within the country or cross the border to India.

5. The problems being faced by internally displaced women / women refugees

On the basis of above stated facts, it has been experienced that South Asia has emerged one of the most conflict prone Zone of the world with thousands killed and many more displaced which is increasing day by day. Among the displaced either they crossed border or take shelter in other parts of their country. The most of the victims are women and they have been victim of rape, separated from their family, gender discrimination and losing their husband and children. The women are not involved in planning and management of their relief, re-location, rehabilitation, repatriation and restoration of their dignity and privacy. The women have to face difficulties to prove their identity when separated from the family, as they are not a habit of carrying / handling the documents relating to their citizenship / residence proof. They do not anticipate the problems they would face if being out of country or within the country as in India, head of the family is mostly male. For the survival some female willingly or others under force in the prostitution and sexual exploitation. Sometimes they are victim of forced labour. The refugee camps / grouping places of displacees become the soft target of terrorist or religious hardliners and instances of some one put the whole group into trouble as was in the case of Rajiv Gandhi assassination where terrorist used female suicide bomber.

6. The instruments available for the refugees / displacees women in the international and national instruments

i) **The 1951 Convention and 1967 Protocol relating to the Status of the Refugees** - It describes in details the civic and socio-economic rights of refugees which must be respected.

ii) **The United Nations High Commissioner for Refugees** - The Functions of UNHCR are providing international protection and seeking permanent solution to the problem of refugees by way of voluntary repatriation or assimilation in new national communities. It is mainly providing assistance to the refugees and its work in cooperation with the Non Govt. Organizations. The work of UNHCR are entirely non-political, it shall be humanitarian and social and shall relate as a rule to group and category of refugees. The UNHCR are playing vital role in implementation of various protective measures for the benefit of refugees / displacee.

iii) **The UNHCR Executive Committee on 45th Session** - Aug.,1994 deal with the protection of UNHCR activity on the behalf of internally displaced person. The UNHCR have been frequently called upon to address the need of persons who have been forced to flee their home for the same region as refugees, but who have not left their own country and are not considered as refugee under the UNHCR statue (General Resolution 428). The UNHCR involvement with the internally displaced have often been in the context of volunteer repatriation of refugees, rehabilitation and resettlement. This is important because, this helps in preventing the displacee in turning to refugees. Thus, the role of UNHCR is very selective and limited to undertake humanitarian assistant and protect activity on the behalf of the displaced. The two mandatory requirements for UNHCR action in favour of internally displaced are specific request from the Secretary General or a competent principal organs of the UN i.e. General Assembly, Security Council or ECOSOC and the consent of concerned State.

iv) **ICRC** - It deals with the problems of civil victims during the arms conflicts or disturbance or due to their direct affects. It works under the International Humanitarian Law. It works as a subsidiary to the UNHCR.

v) Guiding Principles of internal displacement (Resolution of Council of Deligates, No.297/1993)

These guiding principles needs of internally displacement person worldwide. They identify the rights and guarantees relevant to the protection of person forced displacee and to their protection and assistance during displacement as well as during return or resettlement and reintegration. These principles are applicable to the internally displaced person or group of person who have been forced to oblige to flee or to leave their home or places of habitual residence. These principles reflects and are consistent with Internal Human Rights Law and International Humanitarian Law. These principles provide guidance to representative of UN working on internally displaced person, State facing the problem of internally displaced person and all other authorities / groups / persons working on or addressing internal displacements. The General Principles are enumerated in details:

General Principles

Principle 1

Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

Principle 2

These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Principles Relating to Protection from Displacement

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement :
 - (a) When it is based on policies of apartheid, 'ethnic cleansing' or similar practices aimed at / or resulting in altering the ethnic, religious or racial composition of the affected population;
 - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
 - (e) When it is used as a collective punishment.
3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.
2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.
3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with :
 - (a) A specific decision shall be taken by a State authority empowered by law to order such measures;
 - (b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
 - (c) The free and informed consent of those to be displaced shall be sought;
 - (d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
 - (e) Law enforcement measures, where required shall be carried out by competent legal authorities; and
 - (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respect.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Principles Relating to Protection during Displacement

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:
 - (a) Genocide;
 - (b) Murder;
 - (c) Summary or arbitrary executions; and
 - (d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.Threats and incitement to commit any of the foregoing acts shall be prohibited.
2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:
 - (a) Direction or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;

- (b) Starvation as a method of combat;
- (c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
- (d) Attacks against their camps or settlements; and
- (e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.
 2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:
 - (a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
 - (b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
 - (c) Acts of violence intended to spread terror among internally displaced persons.
- Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right the liberty and security of person. No one shall be subjected to arbitrary arrest or detention.
 2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.
 3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.
- In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.
2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.
2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

- (a) The right to seek safety in another part of the country.
- (b) The right to leave their country;
- (c) The right to seek asylum in another country; and
- (d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and / or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate the relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitated the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organisations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with an ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.

Principle 19

1. All wounded and sick internally displaced person as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction and any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.
2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counseling for victims of sexual and other abuses.
3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to cognition everywhere as a person before the law.
2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.
3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.
2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:
 - (a) Pillage;
 - (b) Direct or indiscriminate attacks or other acts of violence;
 - (c) Being used to shield military operations or objectives;
 - (d) Being made the object of reprisal; and
 - (e) Being destroyed or appropriated as a form of collective punishment.
3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:
 - (a) The rights to freedom of thought, conscience, religion of belief, opinion and expression;
 - (b) The right to seek freely opportunities for employment and to participate in economic activities;
 - (c) The right to associate freely and participate equally in community affairs;
 - (d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and
 - (e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.
2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.
3. Special efforts should be made to ensure the full and equal participation of women and girls in education programmes.
4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Principles Relating to Humanitarian Assistance

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.
2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.
2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.
3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate acts when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.
2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

Principles Relating to Return, Resettlement and Reintegration

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

The above Guidance Principles are not legal binding treaty. In the above Principles efforts have been made to prioritise gender issue. Principle 4, 7 and 9 have strongly emphasised the issue related to women. Principles 18, 19 and 20 have also supported the women entitling her protection against exploitation and discrimination.

vi) The Convention of 1979 for Elimination of all forms of Discrimination Against Women (CEDAW) and 1999 Optional Protocol set out specific steps for States for become proactive in their effort to eliminate discrimination against displaced women.

B. National Instruments in India :-

- i) National Human Rights Commission and State Human Rights Commission
- ii) The National Commission for Women and State Commission for Women.
- iii) The Minority Commission
- iv) India has ratified in 1979, the Convention of Civil, Political, Economic, Social and Cultural Rights (1966).

Besides that the Indian citizenship Act, 1955, The Foreigner Act, 1966. In 1992 India accepted the Convention on the Right of Child (1989) which deals with the refugee's children and reunification (Article 22). India ratified in 1993 the convention of Elimination of all forms of discrimination against women. In 1969 India ratified the convention of 1963 relating to elimination of all forms of racial discrimination.

v) Indian Constitution :- The Fundamental Rights under Article 14, 21 and 25 are available to non-citizens also. The Directive Principles of State Policy in chapter IV of the Constitution are fundamentals to the State Policy to the Govt. of the country. The people can approach Supreme Court under Article 32 and in the High Court under Article 226 for restoration of Fundamental Rights.

7. If the above national and international instruments are adequate in addressing special issue of women refugees / displacees.

On the basis of above stated facts and national / international instruments available to address the above issue related to women refugees / displacees, it is observed that a number of remedial instruments are available to deal with the issue. However, the problem of commitment and attitude in implementing the policy and enactments has contributed to the extent of failure of the available mechanism and providing relief to the victims to the extent it is necessary.

At the implementation level generally we go by words. Whereas in each parts of the particular country, in each incident of the displacement/ armed conflicts or other causes of flee, there are different circumstances and no identical / uniform procedure of law can be adopted by UN or its agencies or nations / the States. The existing international instruments and agencies working in the field of refugees / displacees women can be the guidelines for adopting a minimum standard for treatment to the affected people, but the State or the Union Govt. has to pass the legislation to deal particular situations. This needs political commitments, strong will power and to shed away the policy of pleasing to get the votes and fairness without fear is the basic need of actors involved in legislation and execution. The humanitarian approach and view point, the certified integrity. The secular approach in the States and the doctrine of 'one world one family' can help the affected victims. We may discuss a lot in one term or other but holistic approach of rulers, the legislators and the executors needs to be developed. The violators of national / international instruments should be dealt with strong hands. In India, in spite of all available instruments the incidence of displacement due to development projects, ethnic violence, dominance of terrorist, religious fundamentalism, political ideologies and lack of dealing the violators with strong hands are increasing day by day.

In South Asia, the problem of refugees is one of the most serious issue needs to be addressed to. The religious fundamentalism, intolerance of cultural diversity, terrorism in the name of ideology / religious fundamentalism, poverty and illiteracy are the root cause of increasing of refugees and fighting between the groups and nations. I am of the opinion that no policy can be implemented in its true spirit to achieve the desired goals unless the people of that area or country support it. The executors / actors must keep this thing in mind. The following further suggestions are made to address the problem of women refugees / displacees.

- i) All persons displaced due to any development projects, group violence, armed conflicts etc., the representative of affected people particularly the women should be actively involved in providing protection, relief, rehabilitation, resettlement of such people, particularly the women. This type of legislation / international resolution should be made by the UN and it should be mandatory for the member country to implement and the other country also.
- ii) The planning of development should include the mandatory provision for adequate rehabilitation including alternative job opportunities to avoid displacement. This should be done in advance.
- iii) The strong law and equal thrust on implementation should be made so that people have confidence in the law of the land and do not flee.
- iv) Each country should have proper legislation at par with the international obligation to deal the situation if arises out of any such unforeseen situations.
- v) The international community should lay down the minimum standard of treatment as mentioned in the guiding principles for implementation and these should have the force of law and should not be discretionary.
- vi) The UNHCR should be the sole agency to deal the refugees and its subsidiary for displace. For women refugees, the affected women should be associated at all level and in finding the solution also.
- vii) Study of the past experiences in different situations relating to the problem of women refugees as well as displacees should be carried out the UN with the association of national agencies and a well made out plan should be framed for each country to act accordingly in the particular situations.
- viii) The role of Media and code of conduct should be framed which should help the displacees/refugees women and should not be utilized for selling the hot news. As some time the flashing of atrocities on a woman not only increases her misery but also develop revengeful attitude. The media should encourage and publicize how to help the needy and not to telecast the cause of such displacement.
- ix) The involved countries should have standing core group to work in close cooperation for the safety and betterment of refugees.

In the end, I am of the opinion that above suggestions should have national and international force of law to deal with the women refugees / displacees. The existing national and international instruments in South Asian countries are not sufficient to deal with the problems of women refugees / displacees. However, as I have said earlier no law can be implemented in true spirit, unless it has the support of people involved, the strong political will, the religious spirit of execution of such law and impartial legislation. We talk a lot when question of victimization of a woman is alleged in any form but do a very little in practical. The passing of reservation bill for women in Parliament and State Legislative Assemblies is the burning example of our commitments and attitude. It is also the reality where women are heading the Panchayats only 10% of the total such women are self-equipped, otherwise their husbands exercise the powers. The sexual exploitation of refugees women and UN peace keepers is no longer a secret. The actors in rehabilitation of displacees women in the settlement colonies / camps also use women for their sexual needs. The involvement of the women in law enforcement certainly needs to be increased. (The suggestions / conclusions are based on my personal opinion and in no way it reflects my official capacity and should not be used for quotation at any other platform. The other material is based on the reading of various books and reading materials provided by mcrg, for which I extend my sincere thanks).

Cultural values versus displaced women in South Asia

by *Radha Adhikari*

All the countries of South Asia countries are the parties to the CEDAW with or without some reservations and are hence bound to be having gender sensitive attitude and programs for the citizens yet this region has been affected by the deep-rooted monolithic cultural values which are unwilling to change for the betterment of the society. South Asia has been recorded of being the fourth largest refugee-producing region in the world with more than 80% of these refugees comprising of women. This reflects the fact that the different state sponsored policies and projects have led to the identification of citizens according to the desire and role of the elite and privileged groups in the society which is largely weighted against the women and the communities belonging to the minorities on the basis of ethnicity, caste, religion and political consciousness completely ignoring the existence of the section of population. These sections of the population are often subjugated to the secondary class of citizen by harmful traditions of the history. Threats of violations of human rights affecting these minority class of people particularly women are fundamental factors leading to the displacement and impact their escape, their time during displacement whether internally or across the international border. These risks will have record of recurrence through all phases of displacement. The repetition further traumatizes and marginalizes women creating further abuses and risks. Their sexual and reproductive capacities are given importance and all other capacities are either ignored or suppressed as a result of which women are confined within the domesticity. The culture in this part of the world provokes males to be free, brave, argumentative and wise while females are considered to be weak, shy, submissive and tender. These patriarchal cultural values have decided the discriminatory rules between men and women. A woman's role is recognized by the social status of a man. Although a woman adopts a profession successfully, she still has to be concerned for her family thus the traditional schemes and cultural values has by and large obstructed the career of women by defining their role in society. Patriarchy has not prohibited women to involve in income-generating activities and as a result of this women are making the optimum contribution to the nation's treasury while there are many foundations of barriers laid by the customary practices since ages for women to reach a decision making level or gain recognition in the same footings as that of men.

Women's physique, culture and roles assigned to women in South Asia have been under the scheme of male dominated course of actions which has been depriving the women for their participation in the mainstream of the state affairs. Although women have embraced supreme power as president and head of the state, the general women of these countries are still struggling for basic needs. The general women's status has not improved so far which can be very clear from the statistics of the participation of women in the parliament in South Asian countries (according to the report published in the quarterly bulletin of "WE" by Jagaran Nepal during March 2007). According to which 27.31% women parliamentarians in Afghanistan, 15.07% in Bangladesh, 2.67% in Bhutan, 8.26% in India 12.00% in Maldives, 17.57% in Nepal, 21.35% in Pakistan and 4.89% in Sri Lanka. This shows that the participation of women in politics is very low which is the need of the hour as legislature is a law making body and until and unless women participation is maintained in these bodies the women friendly law will not be enforced. In case such laws are passed due to international pressure the pace of transformation is too slow due to the patriarchal perception and hence consciousness has to be brought about so that women start breaking the barriers of home and ensure their participation in the parliaments so that they can check for the implementation of the women related policies and see its enforcement in the day to day lives of human beings.

Threats to displaced women:

It is widely understood at the given point of time that women are at increased risk and most vulnerable but less is known on the reduction of such violations or risk. It is needless to mention about the unavailability of the protection mechanisms.

Internally Displaced Persons receive far less attention and fewer resources subsequently add to the far lesser services than refugees. They do not fall under the protection mandate of the external humanitarian agencies and do not have an international convention. Their situation is more complicated due to the issue of state sovereignty which may impact the likelihood of international intervention and assistance when the state itself has been the result of persecution and causing displacement. This increases the risk of access to the delivery assistance and necessary protection. In most cases very few staff from the international communities is present and thus they lack enough donor agencies or funding services.

The risk involved with women for which they are in need of specific protection mechanisms in addition to those of the existing general mechanisms are related with the following violations of human rights namely, rape, sexual harassment, abuses, domestic violence, child abuse, child labor, trafficking, harmful traditional practices, exploitative labor practices, compulsory recruitment to militia, servants, cooks or sex slaves in case of armed conflict, torture, abandonment, lack of safe food and water as well as other basic necessities for both mother and child, arbitrary arrest, detention, extortion, acute poverty, HIV/AIDS, lack of family and community support, unwanted pregnancies, lack of privacy, exclusion of women with respect to her recognition, fraud, deception, persecution due to gender based violence and so on.

Conflict situation:

Although all conflict affected population are at risk in terms of their physical and social protection, women are at greater levels of risk more often victims of sexual and gender-based violence. Further, they do not have same established protection mechanisms available to them as men. In case of crossing the international border, women have to assume new roles while coping with the reasons of their flight and confront with the new challenges like providing themselves and their children in situation of particular hardship as well as other forms of violence and risks in the country of refuge.

Men are likely to carry weapons and be party to the conflict while women are civilian casualties in most cases and are innocent victims of war and recipients of male violence and aggression. Women in conflict or war conditions experiences higher risk of persecution based on their gender, religion, ethnicity, spousal and family relationships.

Social exclusion:

Women in South Asia face social exclusion and thus are often less likely to possess identity documents than men.

In case of Bhutanese refugee issue, UNHCR has maintained to ensure 50% participation of women in the camp management committee since January 2003. Despite this system of women's participation in camp committees and leadership structures, discriminatory attitudes of the community continues to marginalize their roles which undermine their leadership. They are provided fewer opportunities to speak and their input are ignored in several instances. The refugee community is reluctant to accept the decisions made by women and their representation is taken as a mere fill up of the 'quota' requirements.

The cultural and social norms are to be made for the betterment of humanity. Even today all Hindus pray to "Goddess Durga" whenever they are in need of strength or power to fight in the difficulties as the kings in the history have been found to be doing. There are many more ancient history and fables that show the women's power and cleverness. The ancient leaders and the rulers who feared the nature of commitment the women could show to the task she is involved in, she would surely be more successful and hence in order to obstruct the power getting transferred into the hands of women, the society of some genius hermits of ancient age along with ancient leaders and the rulers could have made this inequality and discrimination in the name of social-cultural norms in the society to meet their selfish motives which has now become the traditional beliefs in the present society.

Women are often persecuted because of the involvement of their husbands or fathers in political activity. This has been well evidenced in the case of the mass expulsion of Bhutanese of Nepali speaking community in the early 90s by the state sponsored ethnic cleansing policies of the Bhutanese government. In this case the Lhotshampas had peacefully demonstrated their dissatisfaction against the policies adopted by the government, instead of giving an attention to the need of its citizens, the government arbitrarily arrested the demonstrators and expelled their innocent family members by confiscating properties, documents of identification etc.

Gender based violence:

Refugee and IDP women are at a risk of rape and other forms of sexual and gender based violence both during the situation of crisis within the country, during the course of flight and the countries of asylum or area of relocation. The impact is further worsened by the lack of adequate protection which heightens the abuse and trauma. Resource shortage, limited female field personnel results the failure of the needs of women. Also women and girls want to protect their image and reputation of the families therefore the fact goes unheard which further jeopardizes the protection mechanism. The absence of systematic

reporting and response mechanism can further place women at the risk of obstructing the legal and medical assistance which can make impact on the immediate as well as long term security. The investigation and judicial response becomes slow, inefficient and lacking in response to such sexual and gender based violence cases. Such slow process leaves women to repeated attacks and intimidation by the perpetrators. In most cases the domestic laws of the host countries can be very weak to deal with such vulnerable issues. Therefore domestic legal systems and legal aid needs to be strengthened by keeping the importance of confidentiality for the victim's safety and privacy for minimizing the social stigma. The stricter domestic laws must be enforced fully to protect the women and girls from such violence.

Abusing the power of aid workers is another area of concern which exploits women and girls.

Lack of presence of female and international staff creates the problem of unidentified issues related with women and girls.

Poverty:

The displaced women due to the environmental catastrophe like drought, floods, earthquake, Tsunami etc deprives them from the access to food, shelter and timely health services as a result of which they are faced with malnutrition. Lack of economic opportunities and economic dependency on the others lead to a lot of protection problems. Economically dependent women have difficulties in leaving and avoiding risky relationship. The financial vulnerability of women and girls are linked to the lack of access to resources like land, property, training and education. Thus extreme poverty too invites all types of exploitation including trafficking.

In addition the longstanding refugee situation too forces the women and girls to be involved in the anti-social activities. To be elaborative about this fact an example in the context of seventeen year long standing refugee situation of Bhutanese in eastern Nepal should be self explanatory, 'if I am an elder daughter of a particular hut and am not educated to get reasonable job or opportunity for earning and my father is a patient of asthma, high blood pressure/ chronic heart disease/ cancer and is bed ridden continuously without any priority of medicinal aid in the name of incurable disease from the medicine supply agency, is it possible to let my ailing father lay at such condition for such a long period of time? It will surely entice me to find avenues for reaching normal condition, therefore I finally land up fulfilling the need by the involvement in illegitimate deeds and in such condition the option of forced trafficking becomes acceptable'.

Furthermore, the desire of better livelihood lures teenage girls out of the refugee camps to restaurants and bars and promotes child marriage.

Traditional Gender Inequality and situation of Bhutanese Refugee:

The traditionalism still prevails in the mind of the refugees which is seen in the elected committee of BRRRC where the 15-member committee does not have a single woman to represent the most important issue of repatriation. The refugee women have already faced with the complication of registration procedures and availability of independent ration cards. The absence of women representation in the committee has sidelined the women issues, as there has been limited participation of women in the verification interviews.

The cases of domestic violence receives weak response from the counseling board of the camp management in the garb of putting them into the category of 'petty cases' that has led to the continuity of leaving the women at risk through the whole period of time. Superstition and traditionalism still prevails among the majority of the population with the exception of few well-educated families. Women still surrender to traditional customs that have enslaved them for generations. Bigamy is quite common though it is being marginalized due to the provision in the Nepalese law whose enforcement is quite weak.

The Bhutanese refugee leaders should understand that the achievement of democracy presupposes a genuine partnership between man and woman in the conduct of the affairs of society in which they work in equality drawing mutual enrichment from the differences. It is the political parties and such organizations that hold the key to change. It is at this level the unanimously endorsed principles of equality should be put to practice. Thus it is a call for the Bhutanese community to endorse women's participation in their future struggle even though the refugees are in the position of resettlement after US government has offered to resettle 60,000 or more among the 1,08,000 registered refugees in the camp.

In order to combat all these hurdles of the displaced women, the following steps are needed to be taken by the states.

The states need to facilitate the identification of the issues women have dealt with. This should be followed by the assessment of risk and create a special team including the female interviewers for the recognition of gender persecution and to facilitate the information sharing. The displaced women must be involved as partners in risk identification in order to educate the communities themselves and prevent from further risk. The states in South Asia need to amend the inheritance and property laws of their respective land. Codes of conduct for the aid workers must be laid out. Women should not be viewed as victims and needs to be equally given recognition for their participation in local, national structure of decision making body in case of rehabilitation or relocation. Without such recognition any kinds of program will not have lasting effect, thus all states in South Asia needs to identify women as equal partners of governance. Individual registration must be ensured. Legal solutions for the perpetrators and the victims in case of sexual abuse must be practiced. Refugee women must be protected by involving these women in all cases of planning and developing programs.

Displaced women are often resilient survivors, brave protectors and persistent caregivers who are able to bind the family members in the most difficult and cruel circumstances despite the increased risk to their safety and well being, thus specific protection mechanisms for the women protects the displaced population in general with wider application for the long lasting solution.

How does the privileging of majoritarian, male and monolithic cultural values in the nation states deny the space for women refugees/displacees in situations of forced migration?

By *Salma Butt*

The plight of the tens of millions of refugee and internally displaced women in more than 100 countries

Most have been uprooted by war, communal violence, natural disasters and human rights abuse and can be found in the most destitute conditions, vulnerable to abuse, and subject to the worst discrimination and marginalization that you will ever

see. Although some displaced women quite remarkably show themselves to be resourceful, vibrant and receptive to new opportunities, many others are forced to live in camps and emergency shelters for decades, face discrimination in access to relief, receive limited health care, are subject to sexual exploitation, trafficking and violence, benefit in only small numbers from education and training, and have little or no possibility of participating in meaningful income-generating and employment opportunities. Being separated from their homes and communities, many have to rely on the international community for support.

Over one percent of the total world populations today consist of refugees. More than eighty percent of that number is made up of women and their dependent children. An overwhelming majority of these women come from the developing world. South Asia is the fourth largest refugee-producing region in the world. Again, a majority of these refugees are made up of women. The sheer number of women among the refugee population portrays that it is a gendered issue.

Sometimes people ask why refugee and internally displaced women should be given special attention when there are billions of women in the world in difficult circumstances. The answer is that forced displacement is a prima facie case of trauma and vulnerability. Take a moment and picture what it would be like for you if you had to flee from your home because of an imminent threat, or because you were being forced out at gunpoint on ethnic, political, religious, racial grounds, or because you got caught in the middle

of a civil war or a natural disaster. You couldn't take many of your belongings with you; you probably would become separated, at least temporarily, from your husband, partner, children, whoever is close to you. You would no longer be able to go to your work or be connected to your neighborhood or community. In fact, the pillars that make up your life – and each one of you know what those pillars are -- would be gone, pretty much in a flash. Nor would you probably have with you the basic documents that could establish your identity. What would you feel? who has ever felt desperate or dependent on someone else for help, even for a day, will understand what it is to be a refugee or an internally displaced woman. Their plight deserves far more than a few lines or paragraphs here.

Women and men displaced inside their own countries are often in a more precarious position than refugees who cross borders. That is because they are subject to the jurisdiction of their own governments and their own governments may be deliberately uprooting them. In some countries, governments and/or insurgent groups directly attack IDP camps and promote deliberate campaigns of sexual violence.

There is also no one international organization, like UNHCR in the case of refugees, with specific responsibility for providing protection and assistance to IDPs.

I have chosen to discuss about recent IDP's experience focusing women in my paper after massive destruction as a consequence of natural disaster occurred.

The 8 October 2005 an earthquake measuring 7.6 on the Richter scale brought death and destruction to the northern parts of the North Western Frontier Province (NWFP) and the Azad Jammu and Kashmir (AJK). This region had never before experienced devastation of this scale. Official estimates include 80,000 dead and a similar number of injured with a huge surviving population that is vulnerable to a number of factors. 2.8 million People are estimated to be without shelter, as their homes were either destroyed or are too damaged to live in. Women, children, and the elderly are among the worst off.

The victims were mainly from already vulnerable groups, living in comparatively inaccessible mountain areas with lower levels of income and service provision as compared to the national average.

In at least four Districts of Azad Jammu and Kashmir (AJK) and five in North West Frontier Province (NWFP), public and private housing, social service delivery, governance structures, commerce and communication have been either severely damaged or completely destroyed.

Data On Landless Due To Earthquake

Landless due to relocation of Balakot to Bakrial

- Approx. 30,000 people

Landless due to Earthquake

- Approx. 30,000 in Muzaffarabad

Potential landless due to coming monsoons, winter and expected landslides

- 18 villages in AJK (52,000 ppl)

- 4 villages in NWFP (6,000 ppl)

Data on Vulnerable Women

The total number of vulnerable women in earthquake-affected areas is not known. The only reliable data we have comes from the survey undertaken by the Population Council in all camps containing 10 or more tents. The most significant aspect of women's vulnerability identified here is the loss of the husband. The survey registered a total number of 5,388 widows in the camps, out of which of 768 lost their husbands due to the earthquake, while 4,620 had been widowed before the earthquake.

Data on IDP's

Camp Management Data

- **26 planned camps** run by the military, civil authorities or NGOs, as well as in **113 spontaneous camps**.
- Approximately **200,000** people in **139 camps** in the affected region (North West Frontier Province and Pakistan-administered Kashmir);
- **An additional 60,000** people can be accommodated in camps.

Distribution to date

15, 617 tents, 507, 279 blankets, 55,147 plastic sheets, 1,446 plastic rolls, 19,412 jerry cans, 15, 401 kitchen sets, 6,332 mattresses, 1, 311 sleeping bags and 101, 750 pieces of soap to the quake-affected areas.

Currently there are over 200,000 people, identified as internally displaced persons (IDPs) currently living in temporary shelters. Spontaneous camps and scattered uncategorized shelters home a majority of these 200,000 IDPs.

Although the spontaneous camps receive some level of support from the relief organizations, they generally lack attendance by individual caretaker organizations fully responsible for their wellbeing. Nonetheless, the agencies working with these people are not accountable to any authoritative body or to the people and consequently lack performance standards and consistency in their recovery operations, aid delivery and management policies. The resultant disarray gives way to careless and neglectful functioning and interferes with the already distorted situation placing the most vulnerable at highest degree of risk.

Categories of Vulnerability

The impact of the 8 October earthquake has disproportionately affected women, children and the elderly. In addition to immense death and destruction, the earthquake has created and compounded vulnerabilities among the surviving population. Factors creating new vulnerabilities and contributing to existing vulnerabilities include internal displacement, gender discrimination and social exclusion, age, illiteracy, impairments and disability, marital status, socio-economic status, loss of family members, separation of families, loss of livelihood, income and shelter, and loss of social support networks. The consequences are severe. Separated and disabled children and women are at risk of being trafficked or abducted and subjected to violence and abuse. Single women and children face additional social and economic marginalization and physical threats, including rape. The injured are suddenly faced with physical and psychological impairments.

Women's vulnerability

Women have particularly been challenged after the disaster since their roles have drastically changed from caregivers and contributors to the family income in a conservative society to household heads and thus main bread earners for the family where the earning male head of household has either died or suffered from permanent physical disabilities.

Following the earthquake, many women are coping with psycho-social distress and hopelessness. Women have limited access to information and little opportunities to participate in rehabilitation plans and programmes. Weakened public health services hinder access to reproductive healthcare. Customary practices often deny women their right to inheritance and limit their access to property, to income, and to livelihood options. Limited or inadequate safety nets deepen despair, which is further compounded by an uncertain future. Among the most anxious are women or girls disabled due to injury. They suffer feelings of isolation and hopelessness as there is a stigma associated with disability. Moreover, living conditions in the mountainous terrain is even more difficult for the disabled.

Due to pervasive social exclusion, women have limited access to information. Women that have lost male heads of households in the earthquake are worse off as their access to information is further diminished. They do not have adequate information about humanitarian assistance, and the ways of accessing it. Details of compensation packages including subsidies for reconstruction are also not widely known to women. Often such information is received second-hand, and is at times based on rumours. Affected women who were displaced due to the earthquake and were brought to camps have comparably better access to information. Those that opted to remain in their communities have relatively lesser access. And women who live in remote areas have least access.

Given these dynamics, widows and female-headed households in particular are in need of specific outside support in terms of establishing appropriate living arrangements and sources of livelihood within the community that enable them to enjoy protection and to rebuild their family safety net on a new ground.

Needs of Vulnerable Women

Compensation Financial compensation for vulnerable women without access or means to a sustainable livelihood

Protection From violence, abuse, exploitation such as rape, trafficking, forced marriage, early marriage

Land/Property Rights Approximately 30,000 women headed households do not have access to land records and titles and entitlements to family property and require assistance. They are being maltreated due to their lack of information regarding legal land rights. The property rights are mainly dealt by men only.

Housing

Community based housing

solutions for widows like widow/orphan homes

Access to legal assistance and awareness-raising on legal rights

Support in obtaining ID cards

Support in obtaining compensation

Access To

Information/Justice/Legal

Assistance

Information on existing gov't assistance and NGO support programs

Livelihoods Support

Need for non-stereotypical and local specific training and livelihood programmes and not just sewing and embroidery (eg. Livestock provision, agriculture implements, poultry, seeds, fertilizers, reclaimed land (not just sewing and embroidery)

Psycho-Social Support

Dedicated spaces at community level to share needs and concerns and access information and referral services, such as psycho-social support, legal aid, literacy and vocational training and health facilities systems.

Health

Access to adequate healthcare facilities, especially for pregnant women.

Comments on the Feasibility of IDP's Plight by International Organizations

Three months after the October 8 Kashmir earthquake, many thousands of survivors are living in tents and face the danger of freezing to death as the Himalayan winter worsens. Minus-2 degrees has been recorded in Muzaffarabad, the capital of the worst hit Pakistani province of Kashmir and minus-13 degrees in mountain villages where many earthquake victims are living.

CARE International warned again on January 5: "[T]he harsh Himalayan winter is expected to be even worse than usual this year particularly among children—among those with no or inadequate shelter and poor sanitary conditions."

It added that there are not enough winterised tents to go around, so survivors had begun moving south in search of warmer weather. "Those most at risk from the extreme cold are the estimated 1.5 million people who haven't found shelter... For many of them, the prospects of finding properly winterised shelter are running out."

Another aid agency, ADEPT, reported on January 9: "Three million shelterless are spending nights in the open. Many villages continue to remain inaccessible... Cut-off villages need urgent help and medical aid and thousands could die of hypothermia, injuries, and disease over the next few weeks as the harsh Himalayan winter looms.

SOS-Kinderdorf International reported on January 10: "Massive landslides resulting from heavy snowfall and rain often block the main road from Islamabad to quake-hit Muzaffarabad, the capital of Pakistan-administered Kashmir. Relief aid often cannot be airlifted into the region because of fog.

According to Camp Management Cluster, an estimated 137,008 people are living in 26 planned and 113 spontaneous camps across the affected region. ActionAid reported on January 11 that the snow has been so heavy that about 20 percent of tents have collapsed in some areas.

Early last week, dozens of tents collapsed at Mira Tanolian, a village about 6 km from Muzaffarabad. The families also complained about the lack of warm clothing. "Look at me. I'm wearing just one sweater and this one shawl. It's not enough to cover myself. The children are falling sick. We were told we would get additional blankets but they still haven't come," Nasima Bibi, 45, a mother of five, told reporters

Oxfam Australia emergency manager Richard Young said those who had chosen to remain in their villages might not survive the winter.

Another aid worker pointed to these "understandable reasons". Ingvar Anda from Caritas Australia, which is carrying out relief work in the Boi and Diola regions, said on January 10: "Some of the displaced people have chosen to camp next to their destroyed houses because their fields are important for their livelihoods... It is the preferred option of the affected people in this region that they to stay close to their houses and land or their families, rather than going to larger camps, due to security fears and poor living conditions within the camps."

Disease and Trauma

According to a joint statement issued on January 5 by the World Conservation Union (IUCN), the Worldwide Fund for Nature (WFN), and CARE International, clean water and sanitation are not available in many areas. They said the absence of hygienic solid waste management "should be accorded the highest priority".

Widespread effects of trauma have been reported among quake survivors. Khalid Saeed, a mental health coordinator with the World Health Organisation, estimated up to 180,000 victims had serious mental disorders, including severe depression, psychosis and anxiety.

International organisations have highlighted the environmental hazards that are threatening survivors' health. In their January 5 statement, the IUCN, WFN and CARE said displaced survivors were putting pressure on fragile forests, and warned that heavy winter precipitation could bring down more landslides.

Social Responses and Deep Rooted Acceptance in the Name of Culture

Within crowded camps for internally displaced persons (IDPs), the situation grows worse. Pakistan, along with many countries in the world, has a generally high percentage of women who are victims of domestic abuse (possibly as high as 90 percent nationwide, according to Human Rights Watch), and the frequency of domestic violence has increased in the makeshift camps. As Reuters reported in a November 16 article, women who have never been previously beaten by their husbands are becoming first-time victims of domestic abuse. Unemployment, inactivity, and frustration — three of the common provoking factors in domestic violence — prevail in the camps.

In a conservative region, women typically live cloistered lives, and IDP camps offer them very little of the security of their family homes. Women fear molestation and rape by men from other communities now living under their same roof. Predatory sex traffickers take advantage of poorly educated families and increased economic insecurity, taking girls away under the pretext of giving them good jobs. Some families are so fearful of the exposure of their daughters and wives in camps that they refuse to live in them, preferring to brave the weather without these communal shelters. Moreover, inadequate reproductive health care and a lack of education for women compound these hardships. The conditions developing for women in IDP camps in northern Pakistan and AJK are the same general conditions they have been living with all their lives, but when international humanitarian personnel flock to a disaster region, and families are herded into crowded shelter communities, these widespread social ills are concentrated and intensified before the very eyes of the world.

Safety and protection measures were lacking at the camps. They did not have a protective boundary. They also did not have electricity and therefore at night it would get quite dark. Even though this small community was integrated in their efforts and people were looking out for each other, lack of an appropriately planned approach to safety issues, pertaining to the 'tent life' raised many concerns. Although incidents of crime and misconduct were not formally reported, the interviewee at the camps seemed to be concerned about the things they had heard. Many people interviewed spoke to support the rumors

of young women and children being abducted. At shelters where no security measures are taken, these rumors add to their worries and concerns.

The pattern of gender-specific vulnerability is by no means unique to the NWFP. A recent article in *The Economist* ("No Place for Your Daughters") highlights a study of worldwide demographic statistics which estimates that between 1.5 million and 3 million women go demographically "missing" every year due to gender-specific issues. Likewise, a study by Mayra Buvinic published in *Foreign Policy* magazine found that, relative to the normal gender composition of human society, millions of women are missing globally, and the worst of this is in South Asia. According to *The Economist* the most likely culprits are domestic violence, including such practices as "dowry deaths" and "honor killings," as well as the fact that females are consistently last in line for proper nutrition and medical attention.

Problems of Women IDP's in camps

Women's privacy, hygiene and health:

- There is no privacy in tent camps. This is especially disturbing for women and young girls.
- There are often not enough toilets and/or washing facilities.
- In some women's toilets are further away and women have to cross the men's washrooms to reach them.
- Sanitation/shortage of water. Not enough water to meet hygiene and household needs.
- Women's hygiene is an issue of concern but local norms do not allow an open discussion of these problems.
- Insufficient hygiene augments the risk for diseases.
- Lack of sanitary pads for girls and women. Ensure that sanitary pads are considered as relief goods and distributed to women! It is preferable for women relief workers to distribute hygiene kits for women. If there are no female relief workers available, designate women who live in the camps.
- Inadequate and insufficient food for pregnant women.

Women's security:

- Fear, in security: Women often feel insecure in camps; they experience a constant fear of men following and harassing them.
- Women fear using toilets because they tend to be further away, men can follow them and toilets do not have proper doors, increasing the risk of harassment.
- Tents are open and anyone can enter at any time.
- Verbal harassment.
- Sexual harassment and rape.
- Domestic violence.
- Men frustrated due to lack of employment or activities unjustly direct their anger towards the women.

Social problems:

- Men of one community do not respect the women from other communities.
- Patriarchal views clash with women taking action. Why are these women stepping out of their homes and speaking up?
- Dependency on external help.
- Child beggars.

There can be tensions among internally displaced people. People from different communities live closely together in temporary shelters. They have different views, customs, religions and belong to different clans.

While many volunteers, NGO activists, medical professionals and others who spent time in the quake affected areas of Mansehra, Battagram and Azad Kashmir heard complaints from women of violence; little emerged on this issue at official forums or in the media. Despite the fact that international agencies were also involved in the gigantic relief and rehabilitation efforts, there was a tendency to avoid the troubling issues of rape, kidnapping, trafficking and domestic violence to which women quake victims, particularly those based at camps, were vulnerable particularly who lost husbands or other male heads of families and were dependent on other male relatives raising the risk that both they and their children could face exploitation and abuse in various forms.

The fact that there is no documented proof of land ownership adds to the difficulties of women when they were forced to move away from their property due to extreme weather conditions and elements familiar with the situation could abuse their children into forced labour, sexual violence and other violations of their basic rights.

The reason these issues were not raised frequently by the international agencies or other organizations because they did not want to disturb the relationship of survivors both with Pakistan military and the government. They feared bringing up uncomfortable issues such as violence against women could make co operation in the relief effort harder and as such complicate the task in which they were engaged. It was considered unwise to divert attention by raising relatively controversial issues. On the other side Pakistan army and government were desperate to keep incidence of violence covered up. Consequently organizations attempted to bring cases of rape and harassment of women to the notice were persuaded or censored to maintain silence. They were threatened to block their access to camps or they were hustled out of the areas where they worked.

Whereas several cases of rape were reported in quake affected areas and there maybe many more cases of sexual abuse which have not been reported or covered up by camp organizers, the military or the police.

Certainly surveys conducted by all male team members have produced starkly different findings to those carried out by teams including women. The access to women is naturally much higher in such cases and the women victims far more likely to raise sensitive issues of violence when speaking to other women alone.

Yet it is evident that disturbing incidents did take place providing proof of the abuse and exploitation quake victims are vulnerable to.

One such incident that took place in Lahore, and was as such reported in the press having unfolded in a major city. Involved 18 year's old young girl, a patient at the giant Mayo Hospital in Lahore, alleged in December 2005, in a written statement, that she had been Raped by the surgeon treating her for injuries suffered during the quake the doctor was arrested and brought to trial amid a great deal of publicity. During the case, the girl somewhat mysteriously, retracted the rape charges, maintaining she had been "tricked" into signing the statement by a newspaper reporter. She was also apparently whisked away from the hospital ward by a local cleric, who claimed she was a close relative. She was produced in court only after a delay of several days.

However, whatever the precise facts, it was obvious that the doctor concerned had far exceeded the moral and legal boundaries of the doctor-patient relationship. He confessed before the court to taking her out for drives, seeing her alone in his room, treating her to meals and apparently taking advantage of the girl's emotional instability at a time when she was far away from family and friends. His behaviour was, at best, inappropriate.

Since then, little is known of what has become of the girl, and many doubts continue to linger regarding the case.

In the earliest days after the disaster, there were many accounts of young girls, children and infants abducted from camps or from hospital wards. There were stories about children being sold by kidnappers, or put up for adoption despite the ban on this placed by the government. Reports also came in of girls who had been taken away, allegedly by gangs of traffickers, from camps in Muzaffarabad. Stringent security arrangements, put in place at hospitals after the reports, reduced, but did not completely eliminate the risks.

The stories of trafficking and abduction often proved impossible to follow-up, the facts buried amid the chaos that engulfed affected areas immediately after the disaster. NGO activists were almost certainly few and far between. However, the failure to register victims at camps for weeks and the inadequacies in the process after it was initiated meant women and children remained vulnerable to such abuse.

This is especially given that Pakistan is stated in a report by the US Office to Monitor and Combat Trafficking in Persons, to be a country of source, transit and destination for trafficked persons. Although the precise figures are unknown, thousands of women are believed to be trafficked within the country each year and also sent outside, often for use as sex workers. Large mafias are involved in the lucrative trade, and the danger of quake victims falling victim to such gangs remains high.

While physical or sexual abuse is a major risk, especially since at many camps, only limited awareness appears to exist among organizers about the protection needs of women and how to enforce steps to safeguard their privacy and dignity, domestic violence is perhaps the biggest risk faced by women. Even in ordinary times, according to international monitoring bodies such as the New York-based Human Rights Watch, up to 80 percent of Pakistani women suffer physical, sexual, emotional or verbal abuse. The difficult living situations inflicted by the quake, the sense of frustration and helplessness of many victims and the fact that men based at camps had very little to keep them occupied, made matters worse.

Although no detailed assessment of the situation has been carried out, there are enough anecdotal accounts of domestic violence from women quake victims to suggest figures are fairly high. Women victims complained about the attitude and behaviour of husbands when interviewed by female activists. In atleast one case, a woman survivor at an Islamabad camp requested a young lawyer volunteering at the camp to help her obtain a divorce from her husband, while lamenting the fact that unlike most people in their village, he had survived the quake.

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