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Refugee Women: Failing to Implement Solutions

by Jennifer P. Harris*

Worldwide, throughout the 1990s, there were between 13.5 and 17.6 million refugees living outside of their countries and in need of protection each year. Women and children comprise approximately 80 percent of the refugee population, despite the fact that in many cases they do not play an active role in the crises that have displaced them from their homes, such as armed conflicts, political and racial violence, and natural disasters. Furthermore, a pattern of denying women their basic rights in a refugee-producing home country tends to replicate itself in the community-in-exile.

Each refugee situation is unique and reflects a number of factors, including the conflict or crisis that causes the refugee outflow, the culture of the refugee-producing country, the culture of the refugee-hosting country, the length and degree of trauma, and other lifestyle changes during flight. Difficulty attaining legal status as refugees and issues such as violence and access to resources are not unique to women refugees. Through a combination of these factors, however, refugee women are made one of the most vulnerable groups in the world.

Women typically come to refugee situations with cultural and educational handicaps, such as illiteracy and little or no previous employment experience, which results in their receiving unfavorable treatment in the refugee protection system. Part I of this article investigates why refugee women face a disproportionate degree of difficulty obtaining and documenting refugee status. Part II of this article describes urgent issues facing refugee women in camps, and the legal efforts to address them.

Obstacles to Obtaining Refugee Status

Refugee women face obstacles in both meeting the definition of a refugee and documenting their status as refugees. A refugee, as defined by the UN Convention on the Status of Refugees (Refugee Convention), which entered into force in 1954, is "a person who is outside his or her homeland and is unable or unwilling to return because of a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group." Many countries require individual refugees to document their fear of persecution based on one of the five protected grounds before obtaining refugee status.

Meeting the Definition of a Refugee. Illiteracy and inability to speak a language other than a tribal dialect, which is common for uneducated and rural women, is a severe disadvantage in any situation revolving around a complex bureaucracy and myriad of written documents, as is the case in the refugee protection system. The disadvantaged circumstances from which a refugee woman comes must be recognized in the determination of granting an individual refugee status. To compensate for such difficulties, particular attention must be given by refugee service providers, such as UN High Commissioner for Refugees (UNHCR) and NGOs, to ensure that women receive the information on the criteria to meet refugee status and are given assistance in filling out such documentation.

Furthermore, the definition of persecution should be expanded to include gender and sexual violence. Women have difficulty showing sexual discrimination and violence is "persecution" on account of one of the five protected grounds included in the Refugee Con-

vention because those people who provide services to refugees commonly regard sexual violence as random. Freedom from sexual discrimination and from gender and sexual violence, however, are basic human rights. For the purpose of determining refugee status, those persons subjected to persecution on the basis of sex or gender should be considered a "social group" entitled to protection under the Refugee Convention.

Documenting Refugee Status. It is critical that refugee women be documented and registered as such because registration is necessary to obtain international assistance and work authorization in many refugee camps. Procedures for registering refugees must take into account women's particular requirements, such as reluctance to speak openly with male service providers, particularly regarding sexual abuse. Indirect questions about gender-based persecution must be utilized, as women feel stigmatized by such inci-

dents, and more women service providers must be available for refugee women to discuss their persecution.

Furthermore, it is critical that service providers educate refugee women about the methods to attain documentation. Otherwise, women will not receive their share of the services. Also, so that women do not remain dependent on their male relatives, they need to be given documentation, such as registration cards, in their own name.

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Social and Legal Problems Facing Refugee Women in Camps

The vulnerability of refugee women, especially in camps, plus their lack of either legal or traditional support or remedies, combined with the ongoing trauma of being a refugee, magnify the consequences of gender oppression. In recognition of the disproportionate burdens refugee women carry, UNHCR produced the *Guidelines on the Protection of Refugee Women (Guidelines on Refugee Women)* in 1990. Key areas on which the *Guidelines* focus are physical protection, discrimination in the provision of work, and access to services. In addition, in 1995, UNHCR published *Guidelines for Preventing and Responding to Sexual Violence against Refugees (Guidelines on Sexual Violence)* to specifically address violence against refugee women.

Physical Protection. The right to physical security is an established international norm. Refugee women and girls, however, frequently are subjected to rape, mutilation, assault, and exploitation in refugee camps. According to the *Guidelines on Refugee Women*, "Refugee women and girls have special protection needs that reflect their gender: they need, for example, protection against manipulation, sexual and physical abuse and exploitation, and protection against sexual discrimination in the delivery of goods and services."

Despite the difficulty obtaining precise data due to the reluctance of the majority of victims to report these incidents, according to UNHCR, strong evidence exists that sexual and gender violence is wide spread. Rates of domestic violence also increase dramatically in the refugee community because of the stress and frustration that refugees experience. Moreover, women's feelings of shame and fear of community recrimination prevent women from reporting violence against them to local authorities and their families.

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Camp workers, who are mostly male, exacerbate the problem because they believe sexual violence is an inevitable part of the refugee situation. Prevention of sexual violence, however, should be a priority in refugee camps. Both the *Guidelines on Refugee Women* and the *Guidelines on Sexual Violence* discuss methods by which the physical protection of refugee women should be insured. Measures can be as simple as the strategic planning of refugee sites. Locating women's latrines and washing facilities separate from male facilities, and not on the outskirts of a camp, has reduced the danger of being raped at such locations. Lighting also is critical for a safe environment for refugee women.

Counseling of refugee women also is an important tool for obtaining data on the prevalence and circumstances in which sexual violence occurs, with the objective of reducing the frequency and the stigma attached to being a victim of sexual violence. Moreover, perpetrators of sexual and gender violence must be made accountable for their actions whenever possible. Women's groups in the camps can be utilized to reactivate traditional sanctions for domestic violence. Also, refugee-hosting countries must prosecute perpetrators of sexual and gender violence vigorously. Judicial sanctions will demonstrate an intolerance of violent behavior, which currently receives little notice.

According to the *Guidelines on Refugee Women*, "From the initial decisions that are made on camp design and layout to the longer-term programmes to assist refugees in finding durable solutions, the choice made in the assistance sectors have profound effects on the protection of refugee women." Despite the recommendations in the *Guidelines on Refugee Women* and the *Guidelines on Sexual Violence*, few refugee camps actually implement them.

Discrimination in Distribution of Work. Despite the large number of female head-of-households in refugee camps, refugee men receive the majority of the income-bearing positions available in camps. Frequently, camps are informally organized before international relief agencies arrive on the scene, usually with an exclusive male leadership replicating the male-dominated societies of the refugees country of origin. After international relief agencies arrive, the camp leadership and hierarchy of work distribution is kept in place, whether or not the situation represents the camp population. Not only does this situation leave women unemployed, it also has distributional ramifications. In many camps, fam-

Women and children comprise approximately 80 percent of the refugee population.

ilies headed by women do not receive food distributions, as a hierarchy that gives preference to male refugees controls this service.

Although non-discrimination is a well-established human rights principle, the *Guidelines on Refugee Women* noted that inequality of opportunities exists between men and women within refugee camps. As a result of the lack of employment opportunities and distributional inadequacies, women and girls are forced into prostitution, sexual slavery, forced domestic labor, and other abusive relationships, as a means of supporting their families. Unless viable work opportunities exist for women and negative consequences for the sex trade are dealt with, the cycle will be perpetuated.

Poor Access to Camp Services. The purpose of establishing camps is to provide for the basic needs of refugees: access to food, shelter, and health care. The *Guidelines on Refugee Women* note that women and children receive an unequal distribution of provisions,

again in violation of the principle of non-discrimination. Furthermore, at the International Conference on Population and Development in Cairo in 1994, reproductive health care was recognized as a vital human right. The *Guidelines on Refugee Women* acknowledged that health services, an essential service that international organizations provide to refugees, do not address female-specific needs. If female staff is not present in the field, many

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women refugees will go untreated because they are from societies that do not condone male doctors viewing female patients.

In addition to health services, the *Guidelines on Refugee Women* recognize that there are education and literacy inequalities between refugee men and women, which results in women receiving less of the services offered in camps. Service providers must assist women without literacy skills and either speak the local dialect, which is often the only language refugee women know, or utilize other refugee women that speak the dialect and another common language to ensure that women receive an equal distribution of the services.

Conclusion

The needs of refugee women must be incorporated into all stages of refugee life, including in the granting and documenting of refugee status, and in the organization of refugee camps. The governments of states that accept refugees must modify their refugee protection system to account for persecution based on sex and gender, and must make the documentation process available to women. In the refugee camps, international relief agencies and large donor-coordination organizations, specifically UNHCR, must require that the *Guidelines* are followed and that women's rights are protected.

Through the *Guidelines on Refugee Women* and the *Guidelines on Sexual Violence*, UNHCR identified the most crucial issues faced by refugee women and suggested mechanisms for redressing these problems. However, the *Guidelines* are rarely circulated among camp staff and, when they are distributed, they are not followed. Other international organizations such as the International Rescue Committees (IRC) and the Women's Commission for Refugees Women and Children also are attempting to change refugee assistance mechanisms, by raising awareness of the disadvantages faced by refugee women, however, progress is slow.

The *Guidelines on Refugee Women* is ten years old, but service providers do not adequately use them in the camps. "We have a beautiful policy on [refugee] women. We have guidelines. We have everything . . . But all this is only a good as the implementation." said Wairimu Karago, the deputy director of UNHCR's Protection Division. The gap between service providers' recognition of the disadvantages refugee women face and the practice with regards to refugee women must be reduced. Service providers must be educated through workshops or training sessions and the *Guidelines on Refugee Women* and the *Guidelines on Sexual Violence* must be circulated. Women refugees cannot continue to be marginalized as secondary to male refugees. ☉

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