

Domestic and Gender based Violence among Refugees and Internally Displaced Women

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Introduction

Forced displacement can be cited as the clearest violation of human, economic, political and social rights of a person or a group of people. People are removed from their homes due to man created hazards such as political, religious, culture and or ethnic persecution during conflict as well as natural disasters as witnessed in the case of the Tsunami in the Indian Ocean on the 26th of Dec. 04.

Even though displacement is often viewed as a temporary measure for an example in countries such as Sri Lanka, Burundi and Congo it has been a long process lasting for many years. Displacement, inexplicably disadvantage women. It reduces access to resources such as food, water shelter and money, which limit women's capacity to carry out their domestic responsibilities. Displacement also increases the risk of physical and emotional violence subjecting women to increased humiliation. Women are faced with risks to protection and security in refugee camps and temporary settlements while they are also greatly at risk during flight leaving them vulnerable to other forms of exploitation such as sexual slavery and trafficking. Quite often than not women who are displaced by violent conflict find themselves to be further victimised and humiliated as a result of the scale of violence that is prevalent within these "temporary" settlements which become home to them for many years to come.

Domestic violence

Domestic violence or abuse around the world can be mentioned as a primary cause for women facing physical and emotional injuries. Women often become targets of violence because of their unequal nature in society¹. Domestic Violence can take many forms from the infliction of bodily harm to verbal threats and harassment, emotional and psychological abuse and depriving the victim of food, clothes money and other essential material and emotional necessities. This form of violence is often used as a means of control, intimidation, revenge or punishment. What is significant in such crime is that the perpetrators always blame and make the victim responsible for their behaviour and try to assert control over the victim.

As a result of this physiological condition attached to domestic violence victims become isolated and distance from their family and communities giving the perpetrator more control over her. She also may be made to feel that she is responsible and her inability to avoid abuse at the hands of the perpetrator means that she is inadequate, a failure and even deserving of abuse or powerless to escape². On the other hand the victims may be emotionally attached to the assailant which makes it harder for her to accept that he is abusing her and therefore, will continue to live in denial.

Addressing the issue of domestic violence is complex. Many women feel that they are compelled to be silent and continue to live in violent relationships for the sake of their marriage or their children. Most women are also economically dependent on the perpetrators while there is the added burden of the stigma attached to divorce or being a single mother in many societies. The fear of not being able to support and maintain themselves and their children and the social implications are important factors that prevent women leaving violent relationships.

My husband is having another relationship with an elderly woman where he works, he always beat me and want me to leave the house. If I go home what will happen to me and my two children? My parents are respectable people. My father will not accept me as he wont be able to face people in the village, even my sisters will not be able to be given in marriage to a man from a good family if I go home. So how can I bring shame on my whole family. It is better for me to be with my husband than ruining my sisters future³

Domestic violence in the camps

Domestic violence within the IDP and refugee communities is a very complicated problem opposed to the normal settings for many reasons:

- a) Displacement take away the opportunities for economical activities leaving women without even limited income generation avenues making them completely dependent on their husbands, fathers/brothers or on humanitarian assistance provided by government and non governmental agencies. Such dependency limits women's options compelling them to live in violent relationships.
- b) During normalcy there can be additional professional support and opportunities for women who undergo violence to gain redress or completely leave a violent relationship. Such additional support is no longer available within refugee camps and settlements. As such women have to cope on their own not knowing what options are available to them.
- c) Displacement also makes it difficult to access legal services and other civil services such as the police or community safety units. For example in the Northeast of Sri Lanka the conflict has resulted in a complete breakdown of the civil courts and the police force leaving people to turn towards service provided by non state actors such as para military groups. In these circumstances women are unable to get justice as these groups are primarily male dominated institutions with no public accountability. In most of the cases these non state actors are the groups who have been responsible for the displacement of these people and hence people are unable to complain or get any redress from such groups due to fear of being intimidated.
- d) During conflict there is a breakdown in the extended family structures and community relationships. This take away all informal mechanisms such as family heads, village and religious leaders who would act as arbitrators if women did not want to use the legal system. Such informal help will not be available in displacement and women have to rely only on the available service providers for assistance.
- e) Even where there are legal services available in the host community if these displaced women belong to a different ethnic/social group especially where there are many legal systems within the country as Sri Lanka where the North East have the traditional thesawalamai law which govern the Tamil community, the muslim law which governs the Muslim People in, the Kandyan Law which governs the Upcountry Sinhalese community and the Civil law that govern people not belonging to any of the above, these women are faced with the possibility of not getting justice and being ruled on the terms of the law prevailing in the host community or by the general civil law applicable to that country.
- f) There is also the additional danger of alternative fundamentalist groups being formed within the camps in the absence of formal legal/social structures which might have extreme views on gender relations in society. For example when the conditions in the camps in the Eastern Province of Sri Lanka was deteriorating, muslim women were appointed to teach the "Islamic way" of living and in the North there were groups that came out with the 10 commandments for the women.
- g) Further the environments within refugee camps and temporary settlements make women more vulnerable towards violence. Refugee/IDP women are subject to many forms of violence (physical and mental) in the domestic sphere as well as the wider context of the camps/settlements. The lack of resources and security increases their vulnerability. The perpetrators of such violence are always not their sexual partner or spouse but also included their fathers, brothers and other men in the family, extended family.

Exhausted after barely surviving the Asian tsunami, 17-year old Nelum was lying on the cement floor of a relief center when she felt a hand on her knee, it was her 62-year old grandfather, who pushed himself on top of her, putting his hand over her mouth, recalled Nelum, who asked that her full name be given, "I kept shaking my head and tried to push him

off with all my might” she said, tears rolling down her face. Another refugee heard the scuffling and rescued the teenager⁴

- h) They are also vulnerable at the hand of other men in the camps, the authorities and men in the host community, which is not so easy in the case of a normal setting. The lack of resources within the host community can lead to resentment towards refugees who they see as ‘outsiders’. This resentment can erupt in violence towards the women who are easy targets. On the other hand being displaced also make these women to be seen a section who do not have rights or protection and as objects that can be used and humiliated at the will of the men of the host community.

These sluts tempt our boys, and when they get what they deserve they cry ‘rape’.⁵

We go to them for free sex, they live in our village and take all what we have, so we take their bodies, after all they are refugees, why cant we have them⁶

- i) Refugee women might have been victims of domestic violence long before they fled their villages and homes, but the additional pressures, uncertainties and indignities associated with their flight and problems relating to housing, security and food which people tend to face in the camps can exacerbate already fragile domestic situation often leading to increased violence⁷
- j) The lack of privacy for changing, sleeping using the toilets and other intimate acts within the camps also expose women creating opportunities for other forms of sexual assaults. There are as many as 8 to 9 people living in one small room and there are no separate sanitary facilities for men and women in some camps. In some camps women have to go outside the camps to use the toilets in the nights. This lack of privacy also encourages men and women to find alternative ways to engage in their physical needs. Extra marital relationships within the camps are a major cause for domestic problems.

Throughout its research into the problem of domestic violence in a number of countries, Human Rights Watch has found that the attitudes of law enforcement officials frequently serve the interest of the abuser and not those of the women who are the victims. Women commonly face huge obstacles in seeking legal protection or in getting law enforcement authorities to take action and prosecute the perpetrators and in obtain protection from further violence. Laws against rape frequently exempt marital rape from criminal sanction. Police refuse to take action against men who beat their wives and in some cases force women to withdraw complaints or refuse to charge men with domestic assault, and women who seek restraining or protection orders are turned away by judicial authorities⁸. In a number of countries⁹ those who committed domestic violence are prosecuted with less vigour and receive milder punishments than perpetrators of similarly violent crimes not committed in a domestic setting.

My husband beat me severely on September 29, 1999, the problem started at a night when he insulted me about my sickness. I have an epileptic problem. On that day I had an attack and I could not have sex with him. So my husband started shouting at me using abusive language, calling me an ugly and useless women. He twisted my fingers till one got dislocated. He kicked me several times on my face and stomach. I could not cry for help because he was threatening to kill me if I cried out. The next day I reported the case to the sungu-sungus but they did not intervene to punish my husband, because he gave them money. I also reported the case to the police but they did not arrest him. In October 1999, my husband fled from the camp, and I don't know where he is now. I wanted my husband to be arrested and punished for beating me when I was ill. Since my husband left there is no body to help me to look after my children¹⁰

Women who are subjected to domestic violence are often reluctant to take legal action to address this abuse¹¹. They often face pressure from within their families and communities not to report the crimes to the police and authorities. The feeling of intimidation and fear of retaliation from their abuser are other major facts that prevent women from reporting such violence.

Bezisiriya S. was threatened and intimidated by her husband to prevent her from reporting him to the police or UNHCR staff or beating her. She came to the camp in 1996 with her husband and two children and when Human Rights Watch interviewed her in November 1999 she was twenty-two years old. She said her relations with her husband had deteriorated when she complained about him selling some of the family's food rations in the local market in June 1999, leaving nothing for her and the children. Since August 1999, he had refused to have sex with her, and when he learned that she had complained to her aunt about this, he had beaten her severely¹²

Gender based violence in conflict settings

Gender based Violence (GBV) can be described as any harm that is perpetrated against a persons will as a result of the power inequalities that are based on gender roles. According to the United Nations GBV encompasses, but is not limited to physical, sexual and psychological violence, including threats of violence, coercion or arbitrary deprivation of liberty. Though GBV may take many forms, it almost always and across all cultures disproportionately effect women and children. There has been increasing concern in recent years among humanitarian organisations about the extent and effects of GBV in conflict zones among refugees, internally displaced persons.

The violence women experience is not limited to conventional conflicts but also constitute forms of social and political repression. Physical and sexual violence, particularly towards women and children, occur with grater regularity during and after armed conflict¹³. Women experience rape and forced pregnancy, forced sex work and sexual slavery, often at the hands of peacekeepers, police or occupying forces as occurred in Bosnia, Sri Lanka and lately in Iraq.

In current conflicts rape has been used as a method not only on private individuals but also as a method of ethnic cleansing. It is also been used as a method to stigmatise and humiliate the community that women belong to. In former Yugoslavia, Congo and in recent times in Daufar rape have been largely used against women. Even gone unreported in the media due to the long term censorship and the political nature of the subject, one cannot deny or ignore the scale of rape and sexual violence that have taken place in the conflict zones such as Sri Lanka.

Within refugee camps, women refugees may be subject to rape because of their increase vulnerability as refugees or because of their actual or perceived political or ethnic affiliations.

In the camps of Bosnia and Herzegovina, Kadira was raped again and again (she has forgotten how many times). They just came and raped and later they told us "Come on now, if you could have Ustasha babies, then you can have a Chetnik baby too." She said those women who got pregnant had to stay in the camps for seven or eight months so they could give birth to a Serbian child¹⁴

Impact of violence

Domestic violence and gender based violence can be seen as the most extreme form of patriarchal control over women's bodies that restrain women and deny them of the most fundamental human rights of life, liberty, bodily integrity and dignity as a person. The consequence of such violence inflicted and the threat of violence restricts women's lives in term of their options and choices including their behaviour. The experience of violence affects their personal, family and community relations. Such violence also results in serious health problems such as trauma and mental disorders. Sexual abuse and rape can possibly lead to the life threatening risk of HIV/Aids and other sexually transmitted diseases, forced pregnancies, persistent gynaecological problems and some times even physical disability. Women interviewed by Human Rights Watch indifferent parts of the world have reported ongoing medical problems, including psychological trauma, miscarriages by women raped when pregnant, haemorrhaging for long periods, inability to control urination, sleeplessness, nightmares, chest and back pains and painful menstruation¹⁵. The threat of violence limit women's participation in community and public life.

Where violence occur repeatedly, the experience can lead to an internalisation of guilt where women take the responsibility for the actions of the perpetrator. This psychological impact of violence affects women and instil a sense of insecurity and lack of safety and loss of self worth which can lead to social exclusion. While there is also the possibility of a culture that 'blame the victim' leaving women to find redress on their own.

The strong cultural stigma attached to sexualised violence intensify the victim's physical and psychological trauma. Women who acknowledge that they have been raped or sexually assaulted face a high risk of ostracised or even punished by their families.

When the Indian Army was in Jaffna my husband was working in the Middle East. After I was raped by the IPKF I did not tell anybody not even my husband because I feared you know how our men are alike. After he came to Sri Lanka I had to tell him because by this time I was suffering from depression. When I told him at first he told me don't worry, what happened had happened but then after that he did not stay long at home, after few days he said he had to cut short his visit because of work commitments and needed to go. He left me and our daughter in Jaffna and went to the Middle East. Thereafter he did not come home for years and even did not bother to write to us as frequently as he used to do. Finally I had no choice I filed for Divorce and my brothers helped me to come here. I never heard from him after that nor he did come to see our daughter¹⁶

As such survivors of such crimes are often reluctant to seek medical assistance or to report the crimes to the authorities. The difficulty in accessing essential medical and health care facilities during conflict and displacement further endanger women lives.

Social insecurity and the loss of livelihood

Violence is primary factor for increased social insecurity. Security is one of the basic human needs. With civilians being increasingly targeted during conflict there is great concern about women's personal security. The use of terror and 'display' killings is a widespread phenomenon in the conflict zones such as Sri Lanka. In such situations women are directly targeted through rape, torture and other forms of sexual violence as deliberate strategies that are adopted to destabilise and humiliate communities.

The traditionally safe zone of the women which is considered to be their homes have no longer become safe. Instead, many women have been assaulted, raped, abducted or even murdered in their houses in front of their family and community.

Sarathambal S was in her house in Punguduthivu, Jaffna Sri Lanka with her children and her brother. Around 8.p.m. on a Tuesday 28th December in 1999 the gunmen suspected to be Navy personnel suddenly entered the house, raped the young mother after forcibly removing her brother from the house. Residents said that the body was found the following morning, with clothes stuffed in her mouth.) No one had been arrested so far in connection to the incident until 13th Jan 2000¹⁷

These breaches of personal security during times of conflict have inhibited women from their full participation in economical and social activities.

More than 500 villages staged a demonstration outside the navy camp in northern Sri Lanka to protest the rape and murder of Sarathambal S. The protestors carried placards accusing members of the armed forces for carrying out the brutal crime they also told reporters

We organised this demonstration not just to register our protest against the raping and murder, but this has become a matter for self, respect, not only for women, but also for men. That's why we staged this demonstration carrying dry palmyrah leaves. We wanted to show the world the undignified manner in which the human beings in these areas are treated-human beings are treated not worth more than a dry palmyrah leaf".

They went on to explain that there had been previously many unreported cases of harassment and sexual violence by security forces. According to the village people, whenever women and girls passed through a military barrier or checkpoint they were subjected to various kinds of dirty antics by the army forces.¹⁸

A significant proportion of women living in the conflict zones for example in Africa and Asia belongs to the traditional rural communities. Their main income generating activities are based on agriculture/farming and industries such as plantations, cotton, tobacco, fibre and brick/tile making which are geographically based labour intensive activities. Women are an essential part of labour source in these rural economies. It is vital for women to take up additional work in the farms and fields to supplement the household income. Women's ability to participate in their daily activities highly depend on their personal security as well as the security of their land and property.

Violence threatens the security of freely engaging in daily activities and free movement. Thereby restricting women's ability to participate in income generation activities depriving them of the much needed house hold income and the ability to carry out their additional responsibilities of providing for the family and the security of their families especially the young girls and boys and the older members.

"During those days I was scared only for the safety of my daughter, I could not sleep in the nights, we were thinking of what would happen to the girls the soldiers see them"¹⁹

Another women revealed how she hid her daughter in a box which they used to put rice to rescue her from two Indian Peace Keeping Force (Sri Lanka) soldiers, and was subject to rape herself ²⁰.

It could be argued that men are equally at risk of personal security and being incapacitated. It is more true that due to the gendered nature of the division of labour, especially in rural communities women perform a grater deal of work that is essential for the well being of the family and therefore, the loss or disability of a woman effect a family more than the man.

c) Sex as an alternative income generating method

As discussed earlier displacement makes it difficult to access essential needs such as food, clothes and healthcare facilities for every one. More often the people living in the war zone are directly affected by these realities of war. With little options and no additional household income women are also coerced to the sex industry as an alternative method of income generation. The armed force personnel are seen as their primary consumers of these services provided by the women.

The fact that women are forced to undertake sex work to support their families is a social reality that much of our society seeks to deny. The consumers of such services apart of the Armed services also include the personnel who are in charge of these camps, men of the host community as well as other men within the camps itself.

Sexual exploitation opens another sphere of severe abuse of rights and gender based violence. The term sexual exploitation is used to refer trafficking and the international sex industry-pornography, sex tourism, prostitution, particularly the health implications of women and children subject to sexual exploitation, ranging from severe physical injuries to lasting psychological damage are costs that cannot be quantified.

Conclusion

Conducting GB/domestic violence prevalence research in conflict-affected settings presents many scientific, ethical and methodological challenges due to

- a) The full scale of the violence in both circumstances is impossible to measure as there are no effective method to collect statistics. Even the available statistics do not indicate the full scale of the problem. This is mainly due to given the sensitivity of the issues, not all incidents of DV and GBV get reported. Especially in regions where there is a strong patriarchal culture which maintain the subordinate position of women, even the existence of such violence is not acknowledged.
- b) Another major reason is there appears to be no uniformity in documenting information. The information available often depends on the individual workers personal awareness of the

issues and commitment. This is reflected particularly when collecting information from some camps where the response is “nothing to be reported”. Disparity is seen in the recording of complaints, the classifications of the types and causes of injuries as well as in the definitions.

- c) It is also note worthy that the relevant authorities either do not have the capacity or the awareness/expertise and resources to collect and maintain the data systematically in relation to DV and GBV as such most incidents go unreported..
- d) In the event of domestic violence only incidents that require medical attention get reported. Other minor injuries and beatings do not get reported. Even when incidents are reported due to the stigma attached to the nature of the events, the cause of injuries will not be reported.
- e) Incidents of mental and psycholog abuse which is a major issue for the victims never get reported.
- f) In the case of GBV the situation is even worse. Most of the time rape get reported only it become public and all other forms of sexual violence such as grouping exposing or verbal abuse never gets reported.
- g) The issue of the abuse of the minors hardly get reported as young children never reports unless an adult find about it. Especially in the case of communities where there are extended family ties, the abuse goes completely unnoticed as children are allowed to move intimately with other relatives of the extended family without any inhibition leaving room for grater exploitation which go unreported and unnoticed.

Despite these challenges it is vital to address the issues and draw up strategies to minimise violence among the refugee settings. It is strongly recommend the following steps be incorporate to strategies of combating DV and GBV despite the geographical context of the camps to reduce the scale of violence

- a) Conduct awareness building programmes on violence and its effect of violence with the key message being that it is the right of women (children) to be free from all forms of violence.
- b) Implement a mechanism for distribution of assistance such as food, fuel and water where women do not have to leave their camps and travel distance risking their safety.
- c) Strengthen the security of the camps preventing intruders.
- d) Encourage women to o report incidents of violence and have perpetrators punished for their crimes. When cases are reported, help women to protect them selves from further attacks and intimidation by the perpetrator or family members.
- e) Increase access to free legal/police services which will help women come forward without the additional burden of having to find money to pay for such services.
- f) In the event women decide to leave violent relationship arrangements to be made to give them access to the same assistance that will be provided to other households. This will avoid them being in such relationships due to dependency.
- g) Deploy trained professionals/support workers in every camp who are able to deal with complaints sensitively and effectively.
- h) Implement effective reporting mechanisms which will shed light to the scale of the problem
- i) Educate police, medical and other agency staff who deal with DV and GBV and encourage them to apply the law fairly and equally
- j) Finally all agency staff should work in collaboration to minimise duplicating services and pool resources so that the problem can be addressed more effectively.

References

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