



**Humanitarian Assistance in Emergency Shelter Sites in
Northern Sri Lanka**

A Gender Perspective

**Gender and Humanitarian Action Briefing Note
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Introduction

The conflict in Northern Sri Lanka has intensified in recent months. Since 20 April 2009, an estimated 177,482 displaced Tamil civilians have emerged from the no-fire zone (NFZ) into government controlled areas.¹ They are currently being housed in emergency transit camps in Vavuniya, Mannar Jaffna and Trincomalee.

This briefing paper outlines a range of gender rights issues in the context of the current displacement. It is informed by focus group discussions and individual interviews with 60 displaced persons (28 men, 32 women) in Vavuniya in early May 2009.

It calls for urgent action to address gender disparities in humanitarian response and compliments the issues highlighted in *United Nations Gender and Humanitarian Action Briefing Note, Humanitarian Assistance in the North, A Gender Perspective, February 2009*.²

The aim of this briefing note is twofold:

1. to highlight the urgent displacement and gender concerns in the emergency shelter sites and;
2. to provide recommendations for a gendered humanitarian response within a rights based framework

Underlying gender norms and inequalities contribute to the different effects of the crisis on women and men. The needs and vulnerabilities of people affected by conflict and displacement are thus gender specific. Protecting human rights and promoting gender equality are central to the humanitarian community's responsibility to protect and provide assistance to the displaced.

The overarching issues of **Protection** and **Access and Participation**³ remain gender strategic priorities. Within this framework, the influx of displaced people from 20-28 April 2009 to emergency shelter sites (Transit camps⁴) in Vavuniya, Mannar and Jaffna, has reinforced four central concerns;

1. **Separation of Families**
2. **Freedom of Movement**
3. **Screening and Detention**
4. **Information access regarding duration of stay in camps, return and resettlement**

1. Separation of Families

Family separation is the priority concern for displaced persons. The three main causes of separation are;

- Families separated in flight and/or at checkpoints while escaping from the NFZ to government controlled areas
- Medical evacuation separations
- Arrest or detention of family members

For *families separated in flight*, there is no clear process for tracing missing family members. IDPs are unaware of the whereabouts of family members, or how to register to locate them. Reportedly, the Divisional Secretary Sub Office (DSSO) in Zone 3 has informed camp residents that they are not

¹ UNHCR, Sri Lanka, 7 May 2009

² *United Nations Gender and Humanitarian Action Briefing Note, Humanitarian Assistance in the North, A Gender Perspective, February 2009*

³ Protection and Access and Participation remain strategic gender priorities

⁴ 'Transit Camps' is the term used by the Government of Sri Lanka

responsible for registering missing family members or family tracing. IDPs are unaware of whether international agencies (ie: ICRC) assist with family tracing.

Medical evacuations have lead to family separations. According to the GoSL, patients evacuated from the no fire zone (NFZ) to Trincomalee are to be released to emergency shelter sites in Trincomalee for a period of six months. This is significant cause of distress for two reasons; the whereabouts of discharged patients is not communicated to family members and patient whereabouts remain unknown in the absence of functioning tracing mechanisms.

The separation of medical patients from their social support networks, including family and friends is a key gender concern. While in some cases “bystanders” have been able to accompany patients with critical medical needs, the evacuations have resulted in substantial family separations.⁵ Separations have particularly impacted pregnant women and new mothers. Forced restrictions on movement and/or family separations have resulted in unaccompanied pregnant women giving birth in the absence of family support.⁶

Thirdly, there are reports of *families being separated within the camps*. Restricted movement within and between camp zones has resulted in family members in Menik Farm having no contact with one another. This is particularly problematic for separated women and children and is an obvious source of distress amongst IDPs.

The right to family unity and the responsibility of the state to facilitate family reunification is clear.⁷ Whilst the military are permitting some visits by outside family members, the absence of a clear communication strategy mean IDPs are often not notified of these visits (ie: there are no loudspeakers in some camp zones making public announcements impossible).

People emerging from the Vanni are arriving in very poor health, traumatized and with few, if any belongings.⁸ The cumulative effects of personal loss may result in depression and further physical deterioration amongst the displaced and the effects of this are clearly apparent amongst new arrivals.⁹ The absence of family further erodes a sense of safety and security. The recent deaths of 30 senior citizens from starvation in camps serves to highlight the vulnerabilities of the newly displaced.¹⁰

2. Freedom of Movement

All Sri Lankan citizens are endowed with certain rights within the framework of international humanitarian law, human rights law and national laws. Gender equality, including the right of all citizens to freedom of movement is enshrined in national law.¹¹

Currently an estimated 177,482 displaced Tamil people are being housed in IDP camps in Vavuniya, Mannar and Jaffna. The camps are characterized by severely restricted freedom of movement, overcrowding, insecurity and the absence of adequate services, particularly health services.¹²

Recognising the power imbalance between displaced Tamils and the mono ethnic Sinhalese military responsible for camp administration is central to understanding disempowerment within the context of camps. From a gender perspective, the disempowerment of women and girls is characterized by restrictions on movement, eroding opportunities to access to physical, legal and social protection.¹³

⁵ Representative of the UN Secretary-General on the Human Rights of IDPs visit to Sri Lanka, 2-6 April, 2009

⁶ Feedback from IDP new mother, IDP camp Vavuniya, 2009

⁷ The Constitution, Directive Principles of State Policy Article 27 (12) The state shall recognize and protect the family as the basic unit of the family

⁸ UN Sri Lanka, RC/HC UN Press release 23 April 2009

⁹ Agger, I, 1994, *The Blue Room, Trauma and Testimony among Refugee Women – A psychosocial exploration*, Zed Books, London

¹⁰ District Magistrate Court, Vavuniya, Justice A K Alexraja, Case B/827/9, 27 April 2009, autopsy findings

¹¹ The Constitution of Sri Lanka, Article 12 (3) and Article 14 (1) (h)

¹² Protection Cluster briefing, UNCT meeting 21 April 2009

¹³ Internal Displacement Monitoring Centre, Geneva

Whilst the lack of freedom of movement initially applied to movement in and out of camps, this has recently been extended to include movement within camps. The denial of freedom of movement exacerbates the vulnerability of Tamil women, which in turn reinforces a sense of disempowerment further eroding individual coping mechanisms.

These restrictions on movement serve to reinforce the perception that all Tamil displaced women and men pose a threat to wider society. The mass containment of Tamil people and restrictions on their freedom of movement contribute reinforcing this stereotype along an ethnic divide.¹⁴

The presence of military personnel within and surrounding the camps remains an urgent challenge. The UN has called for gender balanced, unarmed, civilian police force to ensure camp security.

The right to freedom of movement and to choosing a place of residence is guaranteed for all citizens under the constitution. The UN in Sri Lanka has called for freedom of movement to be restored and the civilian nature of camps to be guaranteed.

3. Screening and Detention

There is a dearth of independently verifiable information on the screening process for civilians coming out from the Vanni. It is understood that screening to date has taken place at the main checkpoint points; Killinochchi and Omantai. Omantai is reportedly where separation of those suspected of being LTTE members and civilians takes place.¹⁵

In the case of the Vanni population, the majority of people - if not all - have had some dealings with the LTTE, in many cases out of necessity or because of the forced recruitment under the “one person per family” policy. The blurred distinction between combatant and civilian has resulted in the entire population being considered ‘suspicious’.

Forced family separations have been reported as part of the screening process with reports of ex-LTTE combatants being taken into custody. At Omantai, the practice of separating young women and young men of specific appearance (ie: with short hair) is a serious gender concern. The majority of the disappeared and abducted are male resulting in disproportionate numbers of unaccompanied females within camps.¹⁶

It has been reported that, other than family testimony there is often no proof of an individual being detained and the whereabouts of detainees is often unknown.¹⁷ In the cases where detention receipts are issued, details are recorded in Sinhalese and thus not understood by the arrestee or family members.¹⁸ This has severely compounded the fear and distress of family members who have arrived in Vavuniya.

Independent access by ICRC and UNHCR to checkpoints has been hindered in recent months therefore making, independent, international observation difficult. Access to registration lists by ICRC and UNHCR remains problematic. The absence of standard individual registration mechanisms for IDPs means family tracing &/or unification is seriously impacted and legal redress virtually impossible.

Under the Emergency Regulations, a number of special provisions exist specific to women.

¹⁴ Agger, I, 1994, *The Blue Room, Trauma and Testimony among Refugee Women – A psychosocial exploration*, Zed Books, London

¹⁵ CPA Report, *A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya*, March 2009

¹⁶ Human Rights Commission Sri Lanka Statistics, November 2008

¹⁷ CPA Report, *A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya*, March 2009

¹⁸ Please refer to Emergency Regulation 20 (9) of August 2005

- 1) Regulation 20 (9) Emergency Regulations of August 2005- requires the arresting officer to ‘*to issue to the spouse, father, mother, or any other close relative a document in such form as is specified by the Secretary, acknowledging the fact of arrest*’. Further, if ‘it is not possible to issue a document as set out above’ the arresting officer has to make an entry in the information book, giving reasons why it is not possible to issue such documents. If the arresting officer is a member of the armed forces, he/she has to report to the officer in charge of the police station the reasons why it is not possible to issue such documents and the officer in charge shall be required to make an entry of the reasons in the information book.
- 2) Regulation 20 (7) ERs of 2005– requires that *when a female is searched, the search shall be made by another female*.

Similarly, The Presidential Directives on Protecting the Fundamental Rights of Persons Arrested and/or Detained include specific provisions related to the treatment of women;

Article 4 of the Presidential Directives states that “when a child under 12 or *a woman is sought to be arrested or detained, a person of their choice should be allowed to accompany such child or woman to the place of questioning*. As far as possible any such child or woman sought to *be arrested or detained should be placed in the custody of Women’s Unit of the Armed Forces or Police Force or in the custody of another woman military or police officer*.”

It is a requirement that when a person is screened at the Omanthai checkpoint and is separated from family and detained, a receipt should be issued to accompanying family members. Individuals who have no accompanying family members or friends can be tracked through the Human Rights Commission who are required to be informed of all those detained or arrested at the checkpoint.

4. Right to Receive Information about Duration of Stay in Camps, Return & Resettlement

Government of Sri Lanka (GoSL) has committed to working within an empowerment framework.¹⁹ However, at national level the current humanitarian response has been designed *for* rather than *by* the displaced population.²⁰ At camp level, IDP information access has been seriously restricted. Currently, the displaced population has little or no access to information regarding the duration of their stay in camps or the process and timeline for return and resettlement.

Discussions with elderly camp residents on the recent government directive to release persons 60+ years revealed that little, if any public information is reaching camp residents.

Under international law, it can be argued that all displaced persons have the right to access and receive information about the proposed duration of stay in the camps and government plans for return and resettlement.²¹ The right of Sri Lankan citizens to receive information is enshrined under the Constitution.²²

Displaced women, men, boys and girls have the right to access information that empowers them to make informed decisions about their lives. Denied the opportunity to actively participate in decisions that directly affect the lives of displaced women and men is a violation of rights. There is an urgent need to recognize this and to develop communication strategies that ensure these rights are upheld.

¹⁹ The Daily News, Sri Lanka, 28 September 2008

²⁰ Please refer Urgent Relief Programme for the People of the Vanni, Ministry of Resettlement and Disaster Relief Services, January 2009

²¹ International Human Rights Law, Article 19 (2) ICCPR

²² Constitution of Sri Lanka, Article 14 (1) (a)

5. Practical Gender Concerns

The rapid influx of people to camps in Vavuniya since 20 April 2009 has resulted in severe **overcrowding of camps**. Overcrowding results in increased lack of privacy for women and adolescent girls and further creates an enabling environment for abuse.²³ Similarly, family separations increase the exposure of women and girls to gender based violence. The absence of mechanisms to report security incidents further contribute to the vulnerability of the displaced in camps. The presence of military personnel within and surrounding the camps remains an urgent challenge.

Limited **food** and the loss of purchasing power due to the loss of livelihoods and multiple and protracted displacement has meant the coping capacities of the displaced have rapidly diminished.²⁴ The provision of cooked meals in camps, while ensuring some access to food, is reportedly insufficient and families are resorting to prioritizing family members who have access to regular meals. More often than not, women go without.²⁵

Government relief assistance cards have been issued, however, they are in English only and in some cases, registration numbers have not been issued, negatively impacting on the ability to claim food rations.²⁶ The absence of choice in terms of when and what to eat further emphasizes the sense of disempowerment amongst displaced women and men.

Access to health services in Menik Farm is problematic as a result of limited facilities and overcrowding, resulting in long waiting periods (average 6-7 hours). The health of the displaced, particularly pregnant and lactating women is a central gender concern. In the absence of adequate access to services, the health of the displaced is at risk of further deterioration.

23 UNOCHA Sri Lanka, *IDP Site Locations and Access, 23 April 2009 Map*, http://www.humanitarianinfo.org/srilanka_hpsl/Files/Thematic%20Maps/Displacement%20Maps/IDP-Access%20Maps/LKM0330_VAV_VAV_IDP%20Site%20Locations_PUB_001_V16_23%20Apr%202009.pdf

24 CPA Report, *A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya*, March 2009

25 The Directive Principles of State Policy, Article 27 (2) (c) affirms the State objectives in the realization by all citizens of adequate standard of living for themselves and their families, including adequate food, clothing and housing, continuous improvement of living conditions and the full enjoyment of leisure and social and cultural opportunities.

Appendix

Inter-Agency Standing Committee Gender Equality Principles

- 1. Gender equality and the equal protection of human rights** of women and men in carrying out humanitarian actions, paying special attention to the violation of human rights of women and the provision of appropriate remedies;
- 2. Equal representation and participation of women and men** reflected in the equal representation of women and men in decision making at all levels and the use of participatory methods in all aspects of information gathering, reporting and assessment, research and policy development.
- 3. Gendered analysis** of the different needs and capacities of women, girls, boys and men through the systematic and regular collection and reporting of sex and age disaggregated data
- 4. Design of equitable services** based on systematic gendered analysis aimed at meeting the different needs of women, men, boys and girls
- 5. Promotion and use of global best practice and common standards** in strengthening gender capacity in humanitarian action.
- 6. Establishment, engagement and coordination of gender sensitive networks and information sharing mechanisms** to ensure information on the different needs of women, men boys and girls is collected and used to inform sector response plans and programmes
- 7. Funds specifically allocated for gender sensitive budgeting** for targeted actions aimed at addressing gender inequalities, empowering women and girls and integrating gender equality into humanitarian policies and programmes

Government of Sri Lanka commitments to Gender Equality in Sri Lanka

- Gender equality is enshrined in the Constitution of Sri Lanka 1978.
- Sri Lanka is signatory to and ratified Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in October 1981
- Sri Lanka is signatory to and ratified International Covenant on Civil and Political Rights & International Covenant on Economic, Social and Cultural Rights (ECOSOC)
- Prevention of Domestic Violence Law enacted in August 2005
- Ministry of Women's Empowerment and Child Development have developed a National Plan of Action for Women (NPAW) with a view to achieving gender equality in Sri Lanka

UN commitments to Gender Equality in Humanitarian Action

- IASC Gender Equality in Humanitarian Action Policy Statement, June 2008
- IASC Policy Statement for the Integration of a Gender perspective in Humanitarian Assistance, 1999
- Convention on the Elimination of all Forms of Discrimination against Women, (CEDAW) 1979.
- Convention on the Rights of the Child
- Beijing Declaration and Platform for Action (BFPA, 1995)
- Agreed Conclusions of ECOSOC Coordination Segment on Gender Mainstreaming 1997 and Reiterated 2006.
- Security Council Resolutions on the Protection of Civilians in Armed Conflict.
- Security Council Resolution 1325 on Women, Peace and Security 2000.
- Security Council Resolutions on Children and Armed Conflict 1620
- Guiding Principles on Internal Displacement (1998)
- UNCT Sri Lanka Gender Equality in Humanitarian Action Policy Statement, December 2008