



Gender and Humanitarian Action Briefing Note

Humanitarian Response in Northern Sri Lanka A Gender Perspective

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Introduction

The conflict in Northern Sri Lanka has intensified in recent months. Since 20 April 2009, an estimated 106,000 displaced civilians have emerged from the no-fire zone (NFZ) into government controlled areas. They are currently being housed in emergency transit camps in Vavuniya, Mannar and Jaffna.

This briefing paper outlines a range of gender based rights issues in the context of the current displacement. It calls for urgent action to address gender disparities in humanitarian response and compliments the issues highlighted in the *United Nations Gender and Humanitarian Action Briefing Note, Humanitarian Assistance in the North, A Gender Perspective, February 2009*.¹

The aim of this briefing note is twofold:

1. to highlight the urgent displacement and gender concerns in the North 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**² remain key gender strategic priorities.

From a gender perspective, the influx of displaced people from 20-23 April 2009 to emergency shelter sites (Transit camps³) in Vavuniya, Mannar and Jaffna, has reinforced four central concerns;

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

1. 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.⁴

Currently an estimated 106,000⁵ 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.⁶

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. Specifically, Menik Farm Zone 2 where people are not permitted to move within the different camp zones.

¹ *United Nations Gender and Humanitarian Action Briefing Note, Humanitarian Assistance in the North, A Gender Perspective, February 2009*

² Protection and Access and Participation remain strategic gender priorities

³ 'Transit Camps' is the term used by the Government of Sri Lanka

⁴ Constitution of Sri Lanka

⁵ 30 April 2009 update: Since 27 October 2008, there are a total of 170,000 new IDPs from the Vanni who are currently in the camps: Vavuniya (153,000); Jaffna (11,100) and Trinco (5,500) – this represents 100,000 new arrivals in the last week (since 20 April 2009). The CGES reported that 20,000 additional IDPs will be moved to Jaffna and 20,000 to Trinco (unclear from where they are to be moved). No one to be moved to Mannar.

⁶ Protection Cluster briefing, UNCT meeting 21 April 2009

From a gender perspective, restrictions on movement of women and girls erode opportunities to access to physical, legal and social protection, thus reinforcing a sense of disempowerment, further eroding individual coping mechanisms.⁷ The impact of deprivation of basic goods and services, coupled with exposure to traumatic events, and fear and uncertainty amongst displaced women is made significantly worse in the absence of basic freedom.⁸

The mass containment of Tamil people and restrictions on their freedom of movement contribute to reinforcing the stereotype of displaced people as a “threat” along an ethnic divide.⁹

The separation of medical patients from their social support networks, including family and friends is a key gender concern. Restrictions on movement have the potential to significantly impact on the health of women, particularly pregnant women and new mothers. Forced restrictions on movement have resulted in pregnant women being unaccompanied to hospital and giving birth in the absence of family support. This is a significant cause of distress amongst new mothers.¹⁰

The shortage of food, 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.¹¹ 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. The inability of women to shop and cook for their families is a source of distress. The absence of choice in terms of when, what and how to eat further emphasizes the sense of disempowerment amongst displaced women and men.

With the exception of Kandapuram MV camp, all the IDP camps in Vavuniya are severely overcrowded.¹² This increases the levels of stress and reduces coping mechanisms amongst IDPs.¹³ This also increases the vulnerability of women to gender based violence. 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 IDP camps to be guaranteed.

2. 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.¹⁴

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

7 Internal Displacement Monitoring Centre, Geneva

8 <http://www.pubmedcentral.nih.gov/articlerender.fcgi?artid=2635937>

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

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

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

12 As of April 30 2009, there are 37,700 IDPs in Menik Farm Zone 3. Menik Farm Zone 2 has 34,000 IDPs and is currently under construction. Zone 2 lacks basic facilities including adequate water and sanitation.

13 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

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

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.¹⁵

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.¹⁶ This has severely compounded the fear and distress of family members who have arrived in Vavuniya. The high levels of LTTE recruitment amongst males has also shifted the gender dynamic resulting in high numbers of female headed households within the camps.

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.

- 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.

3. Separation of Families

The disintegration of community unity increases the vulnerability of women and men and weakens their coping mechanisms. The social disruption of displacement dismantles the social status of women and effectively returns them to subordination based on their physical vulnerability.

¹⁵ Human Rights Commission Sri Lanka Statistics, November 2008

¹⁶ CPA Report, A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya, March 2009

The influx of approximately 106,000 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. Similarly, family separations increase the exposure of women and girls to gender based violence.

There have been recent reports of people emerging from the Vanni being malnourished, traumatized and without any possessions.¹⁷ Women separated from their husbands or widowed must take on the responsibility for household provisions, often with little or no means to do so. Currently, in the absence of functioning camp management, no priority is given to vulnerable groups including single women with children, pregnant women, unaccompanied children and elderly in shelter allocation or food distribution.¹⁸

Patients recently evacuated from the no fire zone (NFZ) to Trincomalee in the East are being forcibly accommodated in Transit sites in Trincomalee for a period of 6 months. The result is forced family separation.

The idleness and humiliation of IDP life created by the militarization of camps, restrictions on movement, lack of employment opportunities and the loss of rights to determine the life course further impacts on often already reduced coping skills.¹⁹ The cumulative effects of personal loss may result in depression and physical deterioration amongst the displaced and the effects of this are clearly apparent amongst IDPs.²⁰ The absence of family further erodes a sense of safety and security.

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

Although the Government of Sri Lanka (GoSL) has committed to working within an empowerment framework²¹, at national level the current humanitarian response has been designed *for* rather than *by* the displaced population.²² At camp level, IDP information access has been seriously restricted. Currently, the displaced population has little or no access to information regarding their situation.

Significant levels of distress have been reported amongst displaced women and men in camps as a result of the lack of available information about a) the duration of stay in the camps 2) the process and timeline for return and resettlement.

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.²³

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.

The current conflict hinges on the question of political rights of the Tamil minority. The government has yet to address the cultural and political grievances that divide the country along ethnic lines. The current restrictions on the movement of Tamil citizens emerging from the Vanni and placed in camps only serves to exacerbate these issues, further hampering the long term prospect of peace.²⁴

¹⁷ UN Sri Lanka, RC/HC UN Press release 23 April 2009

¹⁸ IDP Protection working group meeting, 30 April 2009

¹⁹ Women's Commission for Refugee Women and Children, 2001, *The Gender Dimension of Internal Displacement*, Concept Paper

²⁰ Agger, I., 1994, *The Blue Room, Trauma and Testimony among Refugee Women – A psychosocial exploration*, Zed Books, London

²¹ *The Daily News*, Sri Lanka, 28 September 2008

²² Please refer *Urgent Relief Programme for the People of the Vanni*, Ministry of Resettlement and Disaster Relief Services, January 2009

²³ International Human Rights Law, Article 19 (2) ICCPR

²⁴ Sirimal Abeyratne, Professor of Economics, University of Colombo Sri Lanka, quoted in *New York Times*, 22 April 2009

<http://topics.nytimes.com/top/news/international/countriesandterritories/srilanka/index.html>

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