

# Refugees and Internally Displaced Persons

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The existence of **refugees** and **internally displaced persons (IDPs)** is often seen as an indicator of the spread and intensity of armed conflict. Facilitating their return home is often a key goal of peace processes. Refugees and IDPs are vulnerable economically, socially, psychologically and politically. Uprooted from their homes, having lost access to their accustomed livelihoods, resented by their hosts and often viewed as a burden or as opponents by governments responsible for their protection, they may be unable or unwilling to speak out when they are denied their rights and face dependence on their neighbours and on the international community. However, they also bring with them resilience, skills and determination to survive, and often constitute an asset to their new environment. Exposure to new lifestyles can in turn offer refugees and IDPs resources that will prove valuable to them when they return home and that will enable them to contribute towards stabilising their home environment.

The impact of life in exile on women and girls is often paid little attention by assistance providers. This chapter provides an overview of issues relating to refugees and IDPs in the context of conflict, with emphasis on the experiences of women and girls.

## 1. WHAT ARE REFUGEES AND IDPs, AND HOW ARE THEY DIFFERENT?

Refugees and internally displaced persons (IDPs) have been forced to flee from their homes, as individuals or groups. While the experiences of refugees and IDPs are similar in many regards, there are also significant differences. **Refugees** have crossed international borders and are entitled to protection and assistance from the states into which they move and from the international community through the United Nations (UN) and its specialist agencies. **IDPs**, on the other hand, are displaced within their own country. Although international law generally provides them with protection, there is no international law or standard specifically covering IDPs, and no UN agency is specifically mandated to ensure their welfare.

### REFUGEES

The 1951 **Convention Relating to the Status of Refugees**, the cornerstone of refugee protection, defines a **refugee** as “a person who, as a result of well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the

country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.”<sup>1</sup> The basic principle of the Convention is that the rights of refugees in the country of refuge must be at least equal to those of other resident foreigners in that country. Refugees are protected by the principle of **non-refoulement**, meaning that they cannot be forced to return to their home country if they have a reasonable fear that to do so would endanger their lives.<sup>2</sup>

The Convention was introduced in the wake of refugee movements in Europe after World War II. Although the Convention does not specifically address persons from armed conflict, some interpretations accept such people as refugees. This is enshrined in, for example, the **Organization of African Unity (OAU) Convention Governing the Specific Problems of Refugees in Africa** drawn up in 1969,<sup>3</sup> and the 1984 **Cartagena Declaration on Refugees in Central America**.<sup>4</sup> The UN High Commissioner for Refugees (UNHCR) generally accepts those fleeing from conflict as refugees. However, a number of governments (including the US and most European governments) determine the

status of asylum seekers on the basis of individual fears of persecution.

### INTERNALLY DISPLACED PERSONS (IDPs)

The 1998 **Guiding Principles on Internal Displacement** (the Guiding Principles) describe internally displaced persons as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border.”<sup>5</sup> Armed conflict and other forms of mass violence are specifically mentioned as possible causes of flight. Both individuals and groups fall within the definition.

International humanitarian and human rights law protects civilian IDPs through a number of instruments. These include the 1949 **Geneva Conventions** and 1977 **Additional Protocol**,<sup>6</sup> which, among other things, prohibit parties to an armed conflict from arbitrarily displacing civilian populations. Other relevant mechanisms include the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**, which establishes women’s human rights (see chapter on human rights). However, there is no single mechanism designed specifically to address IDP rights. Since the early 1990s, the international community has been increasingly concerned about IDPs because of their growing numbers and a growing awareness of their vulnerability. This concern was reflected in 1992 in the appointment of the **Special Representative of the UN Secretary General on Internally Displaced Persons**. The Special Representative drew up the Guiding Principles to clarify the status and rights of IDPs and to identify the responsibilities of different parties towards them (see box). While not legally binding, they are drawn from, and are consistent with, existing laws and conventions.

In 2003, the number of IDPs was estimated to be more than twice that of refugees (see section 3 below). The increase in IDP numbers may reflect continuing reluctance by governments to accept responsibility for refugees, so that people in flight are

increasingly unable to cross borders.<sup>7</sup> It may also reflect the growing number of contexts in which governments are unable or unwilling to protect citizens from abuse or from the absence of adequate care in the face of disaster. IDPs are often considered to be more vulnerable than refugees. It has been estimated that half the countries with IDPs crises have failed to provide protection with reported abuses including sexual exploitation and forced labour.<sup>8</sup> Moves to introduce specific protection measures for IDPs have been resisted by many countries on the grounds that to do so would infringe on national sovereignty.<sup>9</sup> However, while international law upholds the concept of national sovereignty,<sup>10</sup> because IDPs remain resident in their own country, their protection is the responsibility of the government concerned.

The Guiding Principles confirm that the rights of IDPs (assuming they are citizens of the country within which they have moved) are equal to those of other citizens and are therefore protected by international human rights legislation (see chapter on human rights). The Guiding Principles assert the rights to protection and assistance for IDPs in all phases of displacement. If observed, the Guiding Principles can prevent displacement as a result of conflict, provide protection if it happens and help IDPs return home after hostilities have ceased.<sup>11</sup>

## 2. WHAT PROBLEMS DO REFUGEES AND IDPs FACE?

People who have been displaced, whether within their own country’s borders or internationally, often have to leave behind all but a few of their worldly possessions. In most cases their search for refuge takes them long distances, often on foot. Flight itself is arduous: families can lose contact with each other, sick and elderly relatives may have to be left behind and refugees in flight can be vulnerable to violent attack and exploitation. The trauma of being uprooted from one’s home and of becoming separated from family members adds to the terrifying experiences that many undergo before and during their flight. Lack of language skills and unfamiliarity with new surroundings, coupled with fear and concern about events back home, create added burdens.

## The Guiding Principles on Internal Displacement (1998)<sup>12</sup>

The Guiding Principles are not binding but are based on, and consistent with, existing international legal instruments. The 30 principles are divided into 5 sections:

- Section I **General Principles:** assert that national governments and other authorities must ensure that displaced persons enjoy the same rights as other citizens of the same country.
- Section II **Principles Relating to Protection From Displacement:** particularly urge protection from arbitrary displacement and from violent treatment.
- Section III **Principles Relating to Protection During Displacement:** emphasise that universal rights (e.g., to family life, livelihood and free association) apply equally to the displaced.
- Section IV **Principles Relating to Humanitarian Assistance:** provides an overview of the responsibilities of national governments working in collaboration with humanitarian agencies and statutory protection bodies.
- Section V **Principles Relating to Return, Resettlement and Reintegration:** provides an overview of the rights of IDPs to return voluntarily and in safety, not be discriminated against and be helped to recover or be compensated for property left behind.

IDPs and refugees have usually been torn from their established environment and their economic resources. As a result they have lost their livelihoods and the means of generating an independent income. They may be obliged to settle in isolated or economically marginal areas where land is poor or where the potential for formal or informal employment is restricted. Where violence ravages rural areas, those displaced may be forced into towns and trading centres where a precarious living in the informal sector may be the only option. Legal restrictions on employment and income generation often make refugees and IDPs permanently dependent on the good will of hosts and on humanitarian assistance. This can reduce their capacity for self-reliance and their determination to survive, giving rise to what assistance providers sometimes describe as a “culture of dependency.”

Host communities often see refugees and IDPs as a drain on their already meagre resources, and assistance provided to them may become the source of resentment from hosts, who may themselves be among the most marginalised segments of their own community. Refugees and IDPs can be exploited by employers, receive harsh treatment at the hands of the authorities and be at the mercy of landlords. They are vulnerable to abuse (including high levels of sexual violence and exploitation) from officials and other powerful members of their own and host communities.

Especially when flight is the result of armed conflict, resolving the situation of IDPs and refugees may require political agreements that are hard to come by. **Palestinian** refugees have been unable to return home for four generations, pending a political resolution to their situation, and their existence has been used as justification for further aggression by all sides in other conflicts. Many long-term refugees and IDPs feel that politicians manipulate their situation. In the Caucasus, given the still unresolved status of Abkhazia after the **Georgia-Abkhazia** conflict in which national boundaries were being disputed, ethnic Georgians returning to Abkhazia are viewed as internally displaced by Georgia, but as refugees by Abkhazia. In **Bangladesh**, the government has provided displaced Bengalis with land in areas inhabited by the ethnic minority Hilly people in the Chittagong Hill Tract, a move seen by the Hilly as part of a process of denying them their identity.<sup>13</sup>

Where refugees and IDPs are living in camps or organised settlements, conditions can be damaging to their physical, psychological and social health. Conditions in camps are often overcrowded, leading to public health problems and a lack of privacy. Living in such conditions for prolonged periods can prevent people from maintaining links with family members and may lead to the erosion of cultural practices that contribute to the socialisation of children and a sense of identity. In **Northern Uganda**,

1.4 million IDPs now live in camps, where overcrowded and impoverished living conditions have eroded the tradition of firesides after the evening family meal, when older people would tell stories and offer advice to the young.<sup>14</sup> The psychological impact of camp life is particularly marked in cases where the situation of refugees or IDPs has remained unresolved for a number of years, as with the approximately 400,000 **Bhutanese** refugees who have lived in **Nepal** since the early 1990s.<sup>15</sup>

Health and educational facilities are crucial to all displaced populations. Education is often ignored by assistance providers working with the displaced, as it is seen as a long-term, rather than an emergency, requirement. Yet for many displaced, education is a way out of their impoverishment and cultural isolation. Displaced populations are particularly poorly served with secondary education, without which adolescents and young people have difficulty finding employment. Health services for displaced populations are critical because of the physical and psychological stresses of displacement. Sexual and reproductive health is a major issue for refugee and IDP populations (see chapter on sexual and reproductive health) although, like education, it is often overlooked by assistance providers. Displacement, and the unaccustomed lifestyles encountered in exile or in IDP camps, can change sexual behaviour—refugee and internally displaced populations often experience increased transmission rates of HIV/AIDS and other sexually transmitted diseases (see chapter on HIV/AIDS). Population growth among such communities can be a politically sensitive issue, affecting access to contraceptives and to maternal and child health services.

The return of displaced populations to their homes may also raise a broad range of problems. Refugees and the internally displaced have the right to a safe return. They cannot be forced to return to a country where they are likely to face persecution or torture. Those who wish to return may not have the funds to do so, especially when intensive efforts are required to renovate homes, fields, equipment, markets and to restock animals. For communities returning to rural environments, food aid will be required until crops can be harvested. When flight has been caused by armed conflict, returnees may face unexploded landmines and other ordnance in fields, roads and even homes

(see chapter on landmines). Avoiding these dangers may mean not one but several relocations before security can be assured.<sup>16</sup>

Where displaced populations have been away a long time, the size of the community may have increased in exile, generating heightening pressure on resources upon return.<sup>17</sup> Displaced populations who wish to return home may face difficulty claiming property and other entitlements. Repossessing rights to houses or land, for example, can involve lengthy legal procedures. The problems are particularly acute for IDPs, who have no single UN agency mandated to ensure their welfare and who are primarily dependent on their own government to uphold their rights. In many cases it is these same governments whose neglect and abuse has given rise to the displacement and who have failed to put in place adequate mechanisms for IDPs to express their grievances.

Refugees and IDPs also may be seen as contributors to the insecurity of others, especially where they themselves have been directly involved in political disturbances. They can perpetuate conflicts through fundraising, supporting the shipment of arms, international public relations and other activities. In many instances the connection is more direct. Many of the **Rwandan Interahamwe** militias who fled to the **Democratic Republic of the Congo (DRC)** in 1994, were widely seen as the perpetrators of the April 1994 genocide, continued their attacks, while hiding among refugee populations.<sup>18</sup> In addition, long-term camps—such as those for **Burmese** refugees in **Bangladesh**, originally set up in the 1980s—can effectively be forgotten by the international community, leaving refugees to become prey to arms and drugs smugglers.<sup>19</sup> The September 11, 2001, events in the US gave rise to concerns in some quarters that refugee and IDP populations (see chapter on sexual and reproductive health) might be harbouring terrorists. This prompted UNHCR to issue a statement, in September 2004, emphasising that the 1951 Refugee Convention excludes persons who have committed serious crimes and provides terrorists with no protection from prosecution. The statement further urges governments to seek to improve security measures but to ensure that during the process, refugees are not exposed to racism and xenophobia, exclusion, withdrawal of refugee status, deportation and the suspension of resettlement programmes.<sup>20</sup>

Despite the complexity of their experiences and the challenges that many displaced populations face, it is important not to generalise about their plight. Many refugees successfully settle and thrive in their new environments. They gain new skills and experience, often bringing home expertise and financial resources, as well as new perspectives and views. In **Iran** for example, despite receiving limited international assistance, Afghan refugees, including women, have had access to education, health care and jobs. Many Iraqi and Afghan refugee women who settled in Pakistan, Iran, Europe and North America have returned home in recent years and have been instrumental in advancing women's rights.<sup>21</sup> They have established NGOs to build the capacity of women and advocate for empowerment and channelled direct resources to efforts on the ground. In states of the **former Yugoslavia**, expatriates are a liberalising force, promoting the transition to democracy.<sup>22</sup> **Malian** women refugees in **Mauritania** often resisted calls from their husbands to return home, as they had found new opportunities in exile.<sup>23</sup> In many other places, refugees and IDPs who have permanently resettled are an extremely significant source of capital for the home country.

### 3. WHO PROVIDES PROTECTION AND ASSISTANCE TO REFUGEES AND IDPs?

#### THE UN SYSTEM AND REFUGEES

The **UN Relief and Works Agency (UNRWA)**<sup>24</sup> was established in 1949 following the 1948 Arab-Israeli war. It has since provided education, health care, social services and emergency aid to four generations of Palestinian refugees living in the West Bank, the Gaza Strip, Jordan, Syria and Lebanon. Palestinian refugees under the care of UNRWA numbered over 4 million in 2003.

The **Office of the UN High Commissioner for Refugees (UNHCR)** was established in 1951, initially addressing the needs of refugees from World War II. While UNRWA continues to take responsibility for the welfare of Palestinian refugees, the mandate of UNHCR was eventually extended to cover all other refugees worldwide as numbers continued to mushroom. In January 2004, UNHCR was caring for 10.3 million refugees, 2.4 million recently returned

refugees, 1 million stateless people and 5.8 million IDPs (at the special request of the UN Secretary General), making a total of 17.1 million people “of concern to UNHCR.” About 49 percent of the refugee population is female.<sup>25</sup> Over 46 percent of refugees are in Asia, 22 percent are in Africa, 21 percent are in Europe, 10 percent are in Latin America and 0.3 percent are in Oceania.<sup>26</sup>

UNHCR's role is “to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems.”<sup>27</sup> To achieve this it oversees registration, protection and assistance to specific groups of refugees in 115 countries; monitors compliance with international refugee law and advocates for international refugee rights standards; seeks durable solutions to refugee flows; coordinates the provision of basic needs to refugee populations; and funds and supervises voluntary repatriation programmes. Where requested by governments, it administers the process of status determination for asylum applicants.

Different interpretations of basic refugee law have been incorporated into regional and national conventions, so that in practice, responsibilities may vary in different countries. Food relief for refugee settlements may be provided by UNHCR, the World Food Programme (WFP), the host government or various combinations of these. The responsibilities of host governments include registration and physical protection of refugees and protection of their rights to livelihood and security. Three out of four of the world's refugees are under the protection of host countries in the developing world.<sup>28</sup> This places pressure on welfare and social services, shouldered by host communities already weighed down by poverty.

#### THE UN SYSTEM AND IDPs

As the Guiding Principles on Internally Displaced Persons makes clear, primary responsibility for the protection and assistance of IDPs lies with national governments. Within the UN system, the **Office for the Coordination of Humanitarian Affairs (OCHA)** is responsible, among other things, for policy development and coordination of humanitarian issues, “ensuring that all humanitarian issues, including those that fall between gaps in existing mandates of agencies such as protection and assistance for internally displaced persons, are addressed.”<sup>29</sup> OCHA also

advocates for humanitarian issues within the UN Security Council, and coordinates humanitarian emergency responses through its chairmanship of the **Inter-Agency Standing Committee (IASC)**,<sup>30</sup> bringing together UN humanitarian agencies, major international NGOs and the International Committee of the Red Cross (ICRC). IASC formulates humanitarian policy to ensure a coordinated and effective response to emergencies and disasters. OCHA's Inter-Agency Internal Displacement Division<sup>31</sup> networks on internal displacement issues with other UN agencies. In specific emergencies, OCHA ensures coordination and information sharing among humanitarian agencies at the field level. OCHA does not generally intervene in humanitarian emergencies.

UNHCR is not charged with providing protection or support to IDPs in general. However, in 2003, it supported some 5.8 million IDPs, either as a result of the UN Secretary General's request (with the consent from the country concerned) or in support of other UN agencies.<sup>32</sup> Estimates of IDPs vary between 20 and 25 million in some 52 states worldwide.<sup>33</sup> In 2003, Sudan (4 million), Democratic Republic of the Congo (3 million), Colombia (2.9 million), Uganda (1.2 million) and Iraq (1.1 million) had the highest numbers of IDPs.<sup>34</sup>

Within the UN system, UNHCR and UNRWA are the main bodies charged with providing direct assistance to refugees. OCHA (for IDPs) and UNHCR (for refugees) coordinate the work of other UN and NGO bodies, although there may be some overlap. Other UN bodies often in evidence in displacement situations include the World Food Programme (WFP), which provides food relief and the International Organization for Migration (IOM), which organises the movement of people (including refugees and IDPs) in need of international assistance. UNHCR, UNRWA and OCHA all work closely with specialized UN bodies such as UNICEF (on children's issues), UNDP (on development matters) and UNIFEM (for women).<sup>35</sup>

## BILATERALS

In addition to host countries that shoulder some of the burden in terms of providing aid and relief, the largest government contribution to humanitarian assistance generally, and to refugee assistance in particular, comes from the US. The US budget is three

times that of the Netherlands or the United Kingdom, the second and third largest donors respectively.<sup>36</sup> The Office of Foreign Disaster Assistance (OFDA) of the US Agency for International Development (USAID), in common with most government agencies, does not generally distinguish between aid to displaced populations and to other types of emergencies, but includes many displaced populations among its recipients (e.g. in Kosovo, Sudan, and Colombia). USAID's Displaced Children and Orphans Fund supports work with children affected by war and HIV/AIDS in 19, mainly African, countries.<sup>37</sup>

A large proportion of government-funded humanitarian aid is composed of contributions to UNHCR and other UN or regional bodies (e.g. the European Humanitarian Aid Office, ECHO). Most government donors also provide financial support to their own national refugee supporting agencies, which address needs in the donor country and elsewhere. For example, the Norwegian Refugee Council receives funds from the Norwegian government to operate the Global IDP Project (see below under international organisations) on behalf of the international community. Governments also disperse funds to specific emergencies according to their geographical priorities.

## INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS

International organisations working with refugees and IDPs fall into two groups: operational and non-operational agencies. International operational agencies carry out projects to ensure basic material needs (e.g. food, water, shelter, sanitation, registration, medical care), social development and representation, psychosocial support, skills training for the new environment or for return, health and education services, access to livelihoods support and micro-finance, protection and advocacy. The International Committee of the Red Cross (ICRC), Médecins Sans Frontières (MSF), Save the Children, Oxfam and CARE are among the major agencies involved in this work.<sup>38</sup> These agencies work with both displaced and non-displaced populations.

The ICRC is mandated by the Geneva Conventions to "protect and assist the victims of armed conflict," including both refugees and IDPs.<sup>39</sup> It is strictly non-governmental, although its mandate has been approved by states. It has both a "watchdog" and an

operational role. Its operational delegations in conflict-affected countries perform protection, assistance or preventive services for the victims of existing or emerging situations of armed conflict or violence. The ICRC is a neutral and impartial intermediary concerned with ensuring that all parties to a conflict abide by international humanitarian laws to protect and assist displaced persons. In specific cases, ICRC also distributes food aid, medical supplies and agricultural tools and provides clean drinking water and health care (including reproductive health care).

Non-operational agencies generally carry out policy, advocacy and research work around displacement and some also provide direct assistance. Of these, those that focus particularly on displacement include **Refugees International**, which provides assistance and protection for refugees and displaced persons and advocates to end the conditions that create displacement. The **Women's Commission for Refugee Women and Children** advocates for displaced women and children (see section 7 below).<sup>40</sup> The **Global IDP Project** documents the situation of IDPs globally, providing background reports on relevant countries, updating factual information regularly and offering training materials about displacement. Other research and policy initiatives include the Humanitarian Policy and Practice Committee of Interaction, the American Council for Voluntary International Action and the Humanitarian Policy Network of the Overseas Development Institute in London.<sup>41</sup>

Assistance provision from the above sources supports a vast number of host government initiatives and local organisations that provide services and support to the displaced and advocate to improve their conditions and bring displacement to an end. Beyond that, the displaced are supported informally by spontaneous family and neighbourhood initiatives. These local forms of support, although hard to quantify, are of critical importance in the survival of individual refugees and IDPs and their communities.

#### 4. HOW ARE WOMEN AFFECTED BY DISPLACEMENT?

In all aspects of the situation of displacement—flight, asylum-seeking, living in exile and the return home—

women face particular problems, which are often poorly understood by assistance providers. When displaced communities migrate, women are particularly vulnerable, especially if they are pregnant or caring for small children. Stories of women giving birth while fleeing violence are not uncommon.<sup>42</sup> Others are vulnerable to sexual exploitation from officials and military personnel.

Figures from UNHCR indicate that women represent approximately half of refugee populations overall. The balance of male to female displaced varies from situation to situation. In **Colombia**, for example, women represent more than 50 percent of IDPs and head more than 30 percent of IDP households.<sup>43</sup> Life in displaced situations often brings about changes in gender roles. Women, usually the sole caretakers of children, the sick and the elderly,<sup>44</sup> frequently assume additional tasks and roles traditionally allocated to men, including physical labour, heading the household and providing food and protection for their families. When men lose their livelihoods and their resources, the implied loss of status may result in depression and self-harm, as well as a backlash against women and an escalation of domestic violence. The additional responsibilities women take on may have positive psychological impacts for them. Many gain greater self-confidence and pride as a result. However, the burden of extra work places serious constraints on women's health and welfare, and the contrast between men's and women's responses can put huge strains on family relationships.

Taking on larger economic roles can increase women's decision-making status within the family, and to some extent outside it. However, it would be unwise to expect radical or long-term change to take place as a result.<sup>45</sup> In fact, when women return to their home countries or communities, men often re-assert their control over women's lives and the household. In **Guatemala**, despite the demands of women's organisations formed in exile that women be allowed to join new cooperatives and own land, local men threatened them with expulsion if they did not back down. As a result, few women believe they have the right to own land or exercise that right.<sup>46</sup>

Moreover, interventions designed to encourage women's participation in projects and in political life

may have unintended effects on relations between men and women. One study of a camp for **Burundian** refugees in **Tanzania** described how UNHCR's policy of empowering women through encouraging their participation in camp management committees led men to feel marginalised and frustrated. At the same time, women were reluctant to take the opportunities offered to them since doing so would affect their relations with their men. Both men and women shared the belief that women were vulnerable and lacking in knowledge and political skills. The policy overlooked the need to address these attitudes at a fundamental level.<sup>47</sup>

Women's legal status is often ambiguous and may undermine their economic and physical security. Many women lack their own identification papers, as documentation is often issued to male household heads. Women lacking proper identification may not be able to move freely or complete daily activities, including buying and selling goods in markets and accessing supportive networks.<sup>48</sup> Further, where food ration cards are distributed only to men, women remain dependent on men for food and basic services.<sup>49</sup> It has been noted that "when humanitarian aid, such as ration cards and food distribution, is channelled through women, as in **Sudan**, women and children are more likely to receive their fair share of assistance."<sup>50</sup>

Gender-based violence is widespread in displaced communities and takes many forms including domestic violence, trafficking, enforced prostitution and sexual violence. Sexual violence may come from within the displaced community or from officials and others preying on the vulnerability of the displaced, made worse by overcrowding, the circulation of small arms (see chapter on small arms, light weapons and landmines) and the breakdown of family life. Camps for refugees and displaced people are often hastily constructed with little consideration for their impact on women's physical security. In **Angola**, countless women were maimed by landmines while seeking food and charcoal—basic elements for survival.<sup>51</sup> Women are also at risk of rape, other forms of sexual or physical violence and robbery when they go to collect needed supplies or goods.<sup>52</sup>

Those responsible for protecting refugees and IDPs—including UNHCR, host governments and

peacekeeping forces—often ignore the problem and fail to provide protection, as with **Somali** refugee camps in **Kenya**<sup>53</sup> and **Liberian** refugee camps in **Sierra Leone**.<sup>54</sup> Worse, they may themselves be perpetrators, as has been documented by UNHCR in **Guinea, Liberia, and Sierra Leone**<sup>55</sup> and the UN peacekeeping force (MONUC) in the **Democratic Republic of the Congo**.<sup>56</sup>

An additional area of concern relating to gender-based violence is female genital mutilation (FGM), which 130 million women and girls are estimated to have undergone worldwide, and which may be revived among displaced communities as they try to reassert their cultural identity.<sup>57</sup> For example, **Sierra Leonean** secret societies, into which women are initiated through FGM, reappeared among refugees in **Liberia**, resulting in some women who had spoken out against the practice being afraid to return home.<sup>58</sup>

Women seeking asylum on grounds of gender-based violence have often found it hard to argue their case. Although some countries changed their policy on this in the late 1990s and early 2000s (see section 6 below), in practice immigration officers suffer from "a tendency to misrepresent gendered forms of persecution as personal rather than political."<sup>59</sup> Even where policies have changed, judges and immigration officers may lack appropriate training and knowledge.<sup>60</sup>

Sexual and reproductive health needs of women and girls in situations of forced migration are exacerbated by the likelihood that health services will be extremely limited.<sup>61</sup> "Until very recently, reproductive health care has been a neglected area of relief work, despite the fact that poor reproductive health is a significant cause of death and disease in camp settings."<sup>62</sup> Key problems include the lack of adequate provision for safe motherhood, lack of family planning and contraceptive services and lack of attention to gender-based violence: 20 percent of women of reproductive age living in camps are estimated to be pregnant at any one time,<sup>63</sup> and 25-50 percent of maternal deaths in refugee situations are believed to result from post-abortion complications<sup>64</sup>.

## 5. HOW DO WOMEN CONTRIBUTE TO THE PROTECTION OF REFUGEES AND IDPS?

Women are important actors in situations of displacement, although their contributions usually go unnoticed. In addition to women's individual actions as mothers and caretakers, they often organise themselves and play a pivotal role in refugee and IDP camps and in ensuring the most vulnerable groups have access to support. Their activities have included:

**Organising to Implement Programmes in Difficult Circumstances**—Afghan women's organisations have successfully implemented programmes for displaced persons in both **Pakistan** and **Afghanistan**. The Afghan Women's Resource Centre has provided health, education, income generation, skills training and relief distributions since 1987. Another women's organisation, Shuhada, has provided health and education inside and outside Afghanistan since 1989. The Afghan Women's Education Centre has provided trauma counselling and advice to destitute women, projects for street women and children and relief distributions since the early 1990s. The Afghan Women's Welfare Department offers health, income generation, skills training, education and relief distributions.<sup>65</sup>

**Providing Assistance Despite Personal Risks**—In **Colombia**, women's groups provide health and social services to victims of violence and IDPs and remain outspoken on peace and security issues. As a result of this type of activism, it is estimated that 17 percent of assassinated and disappeared leaders in **Colombia** in 2002 were women.<sup>66</sup>

**Facilitating Communication and Information**—In refugee camps in **Tanzania**, UNHCR invited women to form their own committees or participate in mixed committees in order to facilitate communication between camp authorities and grassroots women. The women then organised to ensure vulnerable neighbours (e.g. the elderly, pregnant women and separated children) were linked to programmes run by international agencies.<sup>67</sup> The NGO *Assist Yourself* in Georgia publishes a newspaper for displaced women from Abkhazia and circulates information to them as a way of bridging the gap between them and local women. In 1999, it published a book called

*Assist Yourself*, which provides information about local services, procedures and entitlements for IDP women.<sup>68</sup>

Women's groups are often skilled in creative ways of communicating their situation to each other and to others: a **Ugandan** displaced-women's group supported by Isis-WICCE devised and performed plays and dances about their life in "protected villages,"<sup>69</sup> while the **Sri Lankan** organisation Suriya used participatory video projects to enable women from different sides to express the pain and to record the reconciliation that follows.<sup>70</sup> The Ashtar Theatre Company in **Palestine** annually tours schools, youth, women's and disabled peoples' groups, devising plays that raise awareness of issues such as early marriage and sexual violence.<sup>71</sup>

**Promoting Reconciliation and Peacebuilding**—**Bosnian** women's organisations took the lead in providing services to returning refugees, welcoming back returning displaced and refugee populations into their communities of origin and providing gifts of food and supplies to displaced women. They took on this task as their contribution to peacebuilding.<sup>72</sup> In **Burundi**, another context where violent intercommunal conflict led to displacement, women held "cultural days" during which resident and returning women shared food and performed dances for each other, and helped the returnee women resettle by providing land and labour for farming.<sup>73</sup> The **Sierra Leonean** woman Binta Mansaray has been active in organising humanitarian and human rights groups to advocate on behalf of **Liberian** refugees, as well as conducting an in-depth analysis of IDP women and elections in **Sierra Leone**.

**Partnering with the International Community**—Many projects supporting women refugees and IDPs are designed by professional women from the community, using their expertise in development and humanitarian work to draw the support of the international community. Fawsia Musse, encountering a huge outbreak of rape cases in **Somali** refugee camps in northeastern **Kenya**, worked with UNHCR to develop strategies such as improving security and protection, dialogue with camp elders and locally appropriate counselling.<sup>74</sup> At a **Macedonian** refugee camp for **Kosovar Albanians**, the **Bosnian** women's group *Kvinna til Kvinna* worked with German relief agencies

to utilise surplus tents for women in the camps to meet for counselling and support, as well as for discussion forums for their needs and concerns as refugees. As a result of these meetings, the women's recommendations and the advocacy of *Kvinna til Kvinna*, outdoor lighting was installed and guards patrolled the camps at night.<sup>75</sup>

In recent years, some international groups have begun to capitalise on women's agency in the camps and encourage their active participation in the design and management of services and projects. Under UNHCR administration, the camp management committees composed of **Bhutanese** refugees in **Nepal**, for example, introduced a requirement in 2003 that 50 percent of all members of the distribution committees, the counselling board and senior leadership in the camps must be women.<sup>76</sup>

Consulting women can have demonstrable impacts for the whole community. In **Afghanistan**, UNHCR worked with local women to design the New Shamshatoo refugee camp. According to one woman involved: "We were able to redesign it so that the baths were put in the centre of the camp, near the refugees homes. Now, women are much less likely to be attacked."<sup>77</sup>

## 6. WHAT INTERNATIONAL LAWS, POLICIES AND GUIDELINES EXIST PERTAINING TO REFUGEE AND IDP WOMEN?

Women are entitled to the same protection as men in international humanitarian and human rights law: "In addition, recognising their specific needs, international humanitarian law grants women additional protection and rights...(often) related to their child-bearing role."<sup>78</sup> Article 6 of the **Declaration on the Protection of Women and Children in Emergency and Armed Conflict** states: "Women and children belonging to the civilian population and finding themselves in circumstances of emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, or who live in occupied territories, shall not be deprived of shelter, food, medical aid or other inalienable rights, in accordance with the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and

Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration of the Rights of the Child or other instruments of international law."<sup>79</sup>

**UN Security Council Resolution 1325** (see appendix for full text) makes reference to the protection offered to women and girls affected by armed conflict in the Geneva Conventions, CEDAW, the Convention on the Rights of the Child, the Refugee Convention and the Rome Statute governing the International Criminal Court (see chapter on international mechanisms). These provide women and girls with rights as civilians. In relation to refugee and displaced women, the resolution urges that states, their armies and peacekeeping forces should receive training in the rights of women and girls to protection, and invites those responsible for camp design, protection, repatriation and resettlement to take into account the special needs of women and girls.

In 1991, UNHCR adopted the **Guidelines on the Protection of Refugee Women**,<sup>80</sup> which aimed to integrate the needs and resources of women into all programming to ensure protection and assistance. The Guidelines describe the process of assessing women's protection needs in both emergency and long-term refugee situations, addressing such factors as the characteristics of the refugee population and local attitudes towards them, the physical organisation of camps, social structures, physical safety provisions and access to services and legal systems. They describe typical protection needs and possible responses, presenting advice on gender-sensitive interviewing techniques and how humanitarian assistance projects can contribute to protection (e.g. through following guidelines when distributing relief items or the organising health care and education). An evaluation in 2000 noted that the Guidelines were not being adequately implemented and did not address current challenges.<sup>81</sup> An update to the Guidelines, including IDPs, domestic abuse and urban refugees, was under way in 2004.

In 1995, UNHCR issued guidelines on the protection of refugees against sexual violence, updated in 2003.<sup>82</sup> These propose preventive measures to be taken by UNHCR, host country authorities and assistance providers (through information, education

and training). They include advice on identifying incidents, conducting interviews, dealing with sexual violence in domestic situations and organising medical and psychosocial responses.

UNHCR later developed its **Five Commitments to Refugee Women**:<sup>83</sup>

1. to develop integrated national strategies to address sexual violence (including domestic violence);
2. to register women individually and provide them with individual documentation to ensure their security, freedom of movement and access to services;
3. to ensure that 50 percent of refugee representatives on management committees are women;
4. to ensure that women participate in the management of food and non-food distribution so that these goods are directly controlled by a household's adult women; and
5. to provide sanitary materials to all women and girls as standard practice.

Following a review carried out by the Women's Commission for Refugee Women and Children, the Sphere Project—a group of humanitarian NGOs revised its manual on standards to include guidance on women's needs in humanitarian situations. The manual includes minimum standards in camp layout and facilities (e.g. the location of latrines, lighting and distribution centres), taking into account women's security needs. It urges the participation of women in needs identification and protection activities and stresses the need for agencies to be proactive in preventing gender-based violence and sexual exploitation.<sup>84</sup>

In 1984, the **European Parliament** determined that women facing cruel or inhuman treatment because they seemed to transgress social mores should receive special attention for the purposes of determining refugee status.<sup>85</sup> **Canada**, the **US**, **Australia**, and the **UK** have issued guidelines for immigration officers and judges relating to gender-based persecution.<sup>86</sup> FGM is a generally accepted form of persecution for refugee status in many western countries.

## 7. WHAT INTERNATIONAL ASSISTANCE IS AVAILABLE FOR REFUGEE AND IDP WOMEN?

UNIFEM, the UN Development Fund for Women, “provides financial and technical assistance to innovative programmes and strategies that promote women's human rights, political participation, and economic security.”<sup>87</sup> UNIFEM's three priority areas are (as of September 2004): economic security and rights; women's human rights; and governance, peace and security (emphasising women's participation in decision-making and leadership as an essential component of the latter). UNIFEM does not offer direct assistance but provides strategic and catalytic support to women's participation in peace processes and policy reform. It has catalysed support for refugee and displaced women by means of a needs assessment for Burundian refugees in Tanzania, carried out by its African Women in Crisis programme (AFWIC), and ensuring that the 2002 Consolidated Appeals for the Great Lakes addressed human rights abuses of displaced women.<sup>88</sup>

UNICEF, the UN Children's Fund, provides important support to children in war-affected contexts, including protection, support to schools and out-of-school activities, training for young people in landmine awareness and HIV prevention and advocating against the sexual abuse of children (see chapter on children's security).<sup>89</sup>

The **World Food Programme (WFP)** specifically targets women to ensure equal access to food, in the belief that women are the first and fastest solution to alleviating hunger and poverty. WFP's experience is that food placed under women's management reaches children more efficiently and frequently. In 2003, over 50 percent of WFP's food recipients were female.<sup>90</sup> Its goals are to ensure that 80 percent of its food relief will be distributed to women and 50 percent of its educational resources allocated to girls.

UNRWA supports 71 women's centres throughout the refugee community that offer training and advice on legal and civic matters and operate a “legal literacy” programme.<sup>91</sup> UNRWA supports the work of **Palestinian** women's organisations, including the Women's Studies Centre,<sup>92</sup> which documents women's voices and helps develop the skills of women writers and the Women's

Centre for Legal Aid and Counselling,<sup>93</sup> which offers services through its social work, legal aid, health, advocacy and legal literacy units.

The Women’s Commission for Refugee Women and Children (the Women’s Commission) works to improve the lives and defend the rights of refugee and internally displaced women, children and adolescents. Its activities include advocating for their inclusion and participation in humanitarian assistance and protection programmes; providing technical expertise and policy advice to donors and organisations that work with refugees and the displaced; making research-based recommendations to policy-makers; and ensuring that the voices of refugee women, children and adolescents are heard at all levels—within communities, governments and international organisations. The Commission’s work includes projects on adolescents and youth, detention, asylum, reproductive health and participation and protection.<sup>94</sup> Refugees International<sup>95</sup> advocates for displaced women’s rights based on local experience and research. It has raised the awareness of international peacekeepers in **West Africa** of the need to establish monitoring systems for gender-based violence, urged the Government of **China** to take action over the kidnapping of **North Korean** women as brides and their consequent vulnerability to deportation, ensured that UNHCR addresses the lack of protection for refugees serving as counsellors in refugee camps in **Tanzania** and identified the need for psychosocial programmes to support refugee women in **Guinea**. The Reproductive Health Response in Conflict Consortium runs a gender-based violence initiative stressing the need for coordinated and multisectoral approaches.<sup>96</sup> Human Rights Watch documents examples of the trafficking of women refugees.<sup>97</sup>

Multilateral organisations and international NGOs provide support—financially and through information, training and networking—to women’s initiatives at national and local levels. For example, the Women’s Commission on Refugee Women and Children runs the Protection Partners Project, a partnership with local women’s organisations and individuals who monitor and report on the needs of women and girls in **Colombia** and **Afghanistan/Pakistan**.<sup>98</sup> A statement from the Protection Partners Project, for example, stresses that “effective participation includes women in decision-making, management, monitoring and implementation. It also involves

centering our decisions on what the conflict and the rebuilding means from a woman’s perspective with equal weight to the views of men.”<sup>99</sup>

In western countries, women’s organisations have worked closely with their governments on asylum issues. For example, in 2000 the European Women’s Lobby campaigned for a draft directive of the **European Union** that focused attention on four aspects of women’s persecution—FGM, rape as a war crime, forced marriage and guilt by association (with male family members). In **Britain**, the Refugee Women’s Legal Project worked alongside the UK Home Office in developing the 2000 Asylum Gender Guidelines. In the **US**, the Women’s Commission researched detention conditions for women asylum seekers and campaigns on specific cases.

Despite these extensive laws, guidelines and structures, there remain gaps in policies and implementation. The Women’s Commission asserts that there is a lack of effective guidelines on how **UNHCR** staff should respond to domestic abuse.<sup>100</sup> There is still a significant challenge in raising awareness and understanding policies among front-line personnel, (e.g. under international law, refugees have a right to seek asylum in a third country), yet often refugee women are not aware of their right to file a claim separate from that of their husband’s. Many governments view men as the sole applicant and only register a male head of household without respect to other members of the household.<sup>101</sup> More connections between headquarters and the field are necessary to implement existing policies and mechanisms for protecting refugee and IDP women.

## 8. TAKING STRATEGIC ACTION: WHAT CAN WOMEN PEACEBUILDERS DO?

### TO ENSURE REFUGEE AND IDP WOMEN’S PROTECTION

1. Review basic documents such as the Guiding Principles on Internal Displacement and consider how they apply to women in the context that concerns you. Are its provisions being respected? How can you address those areas that are not being addressed adequately?

2. Find out which body or bodies within your context (national government and UN) are responsible for protection and assistance to refugees and the internally displaced and how they intend to implement the Guiding Principles.
3. If you are a refugee or displaced woman, find out about your rights in the country where you are located to determine the opportunities and support to which you are entitled.
4. Find out the procedures for determining the status of asylum seekers, and advocate against inadequate implementation of international laws and guidelines.
5. Organise with other women and disseminate information to refugees and IDPs about the rights and opportunities available for work, access to services and social or legal support. Consider how to advocate with government and other assistance providers to address your needs.
6. of displacement and dependency and increase self-reliance. Ensure that assistance programmes are run with this in mind.
10. Organise with other women and disseminate information to refugees and IDPs about the rights and opportunities available for work, access to services and social or legal support. Consider how to advocate with government and other assistance providers to address your needs.

#### TO ENSURE REFUGEE AND IDP WOMEN'S VOICES ARE HEARD

5. If you wish to support refugee women and IDPs, find out about their background—what circumstances have they come from, what led them to flee, their experiences en route, the skills and expectations they bring with them, how they are living, what problems they and their families face now and what laws and other opportunities exist for them.
6. Identify the gaps in understanding between the displaced and their hosts. Work to establish mutual understanding and practical links between women of the displaced and host communities, building on their common concerns.
7. Ensure that assistance-providing organisations recognise the contribution that women's organisations already make, and ensure they are supported so that practical and other barriers can be overcome.

#### TO ENSURE EFFECTIVE ASSISTANCE FOR REFUGEE AND IDP WOMEN

8. Consider the specific vulnerabilities of refugee and IDP women and make provisions to combat them. This might mean demanding increased maternal and child health or education services, advocating for survivors of human rights abuses or removing legal impediments faced by women entrepreneurs
9. Enable refugees and IDPs to participate in the management and implementation of assistance programmes to help people overcome the impact

## WHERE CAN YOU FIND MORE INFORMATION?

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## ACRONYMS

AFWIC	African Women in Crisis
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
ECHO	European Commission Humanitarian Aid Office
FGM	Female Genital Mutilation
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IA	International Alert
IASC	Inter-Agency Standing Committee of the United Nations
IDPs	Internally Displaced Persons
IOM	International Organization for Migration
IRC	International Rescue Committee
MONUC	United Nations Mission in the Democratic Republic of the Congo
MSF	Médecins Sans Frontières (Doctors without Borders)
NGO	Non-Governmental Organisation
ICRC	International Committee of the Red Cross
OCHA	Office for the Coordination of Humanitarian Affairs of the United Nations
OFDA	Office of Foreign Disaster Assistance of the United States Agency for International Development
UK	United Kingdom
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children’s Fund
UNIFEM	United Nations Development Fund for Women
UNRWA	United Nations Relief and Works Agency
USAID	United States Agency for International Development
WFP	World Food Programme

## ENDNOTES

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