



**Protection Concerns
A Gender Perspective**

Background Note

Audience: UN Heads of Agencies
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Introduction

Protecting human rights and promoting gender equality are central to the humanitarian community's responsibility to protect and provide assistance to the displaced. The purpose of this briefing note is to highlight the urgent gender concerns in the context of the current displacement.

The overarching issues of **Protection, Access** and **Participation** remain strategic gender priorities. Within a **Protection framework**, the influx of displaced people to emergency shelter sites (Transit camps¹) reinforces four central gender concerns;

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

1. Family Separation

Family separation is the priority concern for IDPs.² The three main causes of separation include;

- Families separated in flight &/or at checkpoints
 - Arrest &/or detention of family members
 - Medical evacuation &/or patient separations
1. Currently, there is **no clear process for family tracing**. The lack of transparency regarding family tracing mechanisms has resulted in **protracted family separations** within. Procedures for family tracing remain unclear to the displaced population.
 2. **Forced family separations** have been reported as part of the screening process. The practice of having **separated young women and young men** of specific appearance (ie: short hair) remains a serious gender concern (ie: at Omanthai). The majority of the disappeared and abducted are Tamil males. In part, this is reflected by the disproportionate numbers of **unaccompanied and/or widowed females** within camps.³
 3. Reports of **young people being taken from the camps** are widespread. The whereabouts of these young people is unknown.
 4. Visits with relatives are permitted, however these meetings are time bound (5-30 minutes). Absence of **clear communication mechanisms** to advise of family visits has resulted in IDPs not meeting family members.

Clarity is required on;

- Family tracing mechanisms, processes and timelines
- Availability of mechanisms and processes to report harassment/abuse within camps- especially for women
- Communication mechanisms available within camps

2. Freedom of Movement

Freedom of movement is an equal right of all citizens under the Constitution. The disempowerment of women and girls is characterized by **restrictions on movement**, eroding opportunities to **access to physical, legal and social protection**.⁴

1. There are recent reports of male and female IDPs being **physically assaulted by military personnel**. The absence of reporting mechanisms and the denial of free movement exacerbates the **vulnerability of Tamil women**, reinforcing a sense of disempowerment.

¹ 'Transit Camps' is the term used by the Government of Sri Lanka

² Gender field mission findings February, March & May 2009

³ Human Rights Commission Sri Lanka Statistics, November 2008

⁴ Internal Displacement Monitoring Centre, Geneva

2. Restrictions movement has been extended to **movement within and between** camp zones negatively impacting on access to services. The recent **access restrictions** placed on **international protection actors** further exacerbates these vulnerabilities.
3. There is a shift to civilian camp administration and gender balanced, unarmed police force however this is yet to be fully implemented and reports of military **presence within the camps** remains an urgent challenge.

Clarity required on:

- Process and timeline of drafting of Action Plan for Returnees in the North (Ref: W Kaelin plan)
- Mechanisms, processes and timeline for freedom of movement of IDPs, including prioritized groups (women, elderly etc)

3. Registration, Screening and Detention

1. According to UNHCR there are currently three IDP registration mechanisms in place. The absence of standard individual **registration mechanisms** for IDPs means family tracing &/or unification is seriously impacted and legal redress virtually impossible.
2. There is a dearth of independently verifiable information on the **screening process** for civilians who have come out of the Vanni. Omantai checkpoint is reportedly where LTTE suspects and civilians have been separated.⁵ Recent reports suggest screening is also occurring in camps with parents of suspected LTTE cadres reporting children being removed from camps
3. Other than family testimony there is often **no proof** of an individual being detained and the **whereabouts of detainees** is often unknown.⁶ In the cases where detention receipts are issued, details are reportedly **recorded in a language not understood** by the Tamil arrestee or family members.⁷
4. Under the Emergency Regulations, a number of **special provisions** exist specific to **women**.⁸ Currently, these are not being systematically applied.

Clarity required on;

- Registration processes and timeline (ie: individual vs family registration, sex disaggregated information)
- Timeline and process for UN access to registration lists
- Screening processes and timelines, specifically the screening & detention of female ex cadres
- Implementation and application of specific ER special provision for women

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.⁹ The **right of Sri Lankan citizens** to receive information is enshrined under the Constitution.¹⁰ At camp level, IDP **information access** has been seriously restricted. The displaced have **no access to information** regarding the duration of their stay in camps, the process and timeline for return and resettlement and/or the whereabouts of missing relatives. Similarly, IDPs do not have access to information regarding the availability of services or provisions within camps.

Clarity required on;

- Mechanisms, processes and timeline for information provision in camps
- Availability of specific information for vulnerable groups

⁵ CPA Report, *A Profile of Human Rights and Humanitarian Issues in the Vanni and Vavuniya*, March 2009

⁶ Ibid

⁷ Please refer to *Emergency Regulation 20 (9) of August 2005*

⁸ 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. Regulation 20 (7) ERs of 2005- requires that when a female is searched, the search shall be made by another female.

⁹ *The Daily News*, Sri Lanka, 28 September 2008 reinforced in GoSL & UN SG Joint Statement, 23 May 2009

¹⁰ Constitution of Sri Lanka, Article 14 (1) (a)

5. Practical Gender Concerns

Camp Conditions

The **overcrowding in camps** results in increased **lack of privacy** for women and adolescent girls and further creates an enabling environment for abuse. Family separations increase the exposure of women and girls to **gender-based violence (GBV)**. The **absence of GBV reporting mechanisms** contributes to the vulnerability of the displaced in camps.

Food/Nutrition

Limited access to **food, poor nutritional status** 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.¹¹ **Food distribution with camps is conducted at irregular intervals** and families are resorting to prioritizing which family members have access to regular meals. More often than not, women and children go without.¹²

WFP ration cards have been issued in most camp sites, with the exception of Menik Farm Zone 2, where **government relief assistance** cards have been issued. Government cards are in English only. In some cases, registration numbers have not been issued, negatively impacting on the ability to claim food rations. A recent WFP IDP assessment indicates **100% of IDPs support a move to individual cooking**.¹³ The absence of choice in terms of when and what to eat emphasizes the sense of disempowerment amongst displaced women and men.

Health

Ensuring appropriate **availability, capacity, location and functional status of health facilities** and public health programmes for women and men is necessary (ie: sex-specific essential services for women and men). **Access to health services** in camps, and specifically Menik Farm is problematic due to **limited facilities and camp overcrowding**. Currently, average waiting periods at health posts is 6-7 hours. The poor health status of vulnerable groups including pregnant and lactating women, infants and elderly remains a major gender concern. The recent assessment of 3 new sites (**Veerapuram, Sumathipuram and Mahakongaskada**) suggests availability and accessibility to health services is problematic in the proposed sites.

WASH

Drainage issues are problematic. This potentially increases the **health risks for vulnerable groups** ie: for pregnant women, elderly, infants, disabled, specifically the risk of water and hygiene related disease outbreaks. Experience in Vavuniya camps has also shown that women and adolescent girls are often placed at increased risk due to **location of bathing areas/latrines** (ie: close to main roads, military posts etc), poorly lit facilities and **presence of military/police** patrols. From a gender perspective, the WASH constraints highlighted warrant consideration.

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

¹² 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

¹³ Vavuniya IDP site assessment, WFP, 4 June 2009, internal.

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

- 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