

Protection of women refugees

I listen silently as she recounts to me the ordeal that Aminta, her ten year old daughter, was going through after she was raped around their camp. The man had offered Aminta some money to collect firewood, and Aminta thought this would be a great present for her mother, who always said they had no money. The two of them disappeared into the area surrounding the camp, and Aminta started picking sticks from the ground, the usual dead, brown or blackened branches, as refugees are not allowed to cut trees or live branches for firewood. She knew something was wrong when the man reached up and broke a living branch of the tree.

In 1991 UNHCR adopted the Guidelines on Protection of Refugee Women. The guidelines called for “integrating the resources and needs of refugee women into all aspects of programming so as to ensure equitable protection and assistance”. These guidelines, which have later been revised, form the basic protection standards for all refugee camps. The guidelines have later been made complete including through a detailed Code of Conduct that all staff of UNHCR and partners have to abide by as well as other measures taken to prevent sexual and gender based violence (SGBV). Sexual and gender based violence takes place in all parts of the world. It takes many forms including, but not limited to, domestic violence, rape, harassment, sodomy, female genital mutilation and forced marriages. Combating SGBV is an integral part of the protection of refugee women and girls.

As though the pain of fleeing one’s homeland was not enough, the story that I began relating above happened to a refugee girl near a camp where she lived with her parents. The mother continued: Aminta’s screams brought her friends running. Aminta herself remembers very little but her friend saw the rape and ran to inform their parents. When they arrived, the man was gone and the little girl was lying unconscious on the ground. They brought her back to her father’s house where she remained unconscious for hours while bleeding heavily. They took her to the nearby hospital for treatment. Interestingly enough the system that was put in place to address cases of rape kicked in – and worked. Medical reports confirming the rape were written, HIV-test conducted, her mother was at her side to provide, drugs provided, a police report written, witnesses lined up at the police station and a report written to UNHCR. Would these solve Aminta’s problems and even come closer to helping her recover the innocence and joy of a child she lost forever?

Although the problem of SGBV is prevalent in many parts of the world, it becomes more entrenched during conflict, in large-scale emergencies and when a large number of people are displaced involuntarily. An environment where law and order has broken following violent conflict and displacement is fertile ground for criminals including rapists. Every year thousands of women, girls and to some extent young boys, are subjected to SGBV. Sadly, though, these crimes are perpetrated even in societies and situations considered fairly stable and where breakdown in law and order is not the issue. The pain and suffering endured by the innocent victims of SGBV, however, cannot be understood until they are recounted with a name and a face. For humanitarian workers including UNHCR staff working in the front lines, no measure is enough and no procedures satisfactory until this vicious crime is stopped.

UNHCR and its partners started facing wide spread problems of SGBV following large scale refugee influxes in Asia, Latin America and Africa. It was, however, the massive scale of the problem in refugee situations such as the influx of Somali refugees to North Eastern Kenya and later the scandals involving some humanitarian workers in West Africa that highlighted the magnitude of the problem and propelled the international community into further action.

Today there are standard operating procedures to deal with SGBV in all UNHCR operations. All UNHCR staff, all refugee leaders, every partner agency, nurse, policeman and women's association in the camp, should know what to do when, for example, a rape is reported. There is immediate medical attention given, reports to be written, advice to be sought, lawyers to be contacted and victims to be protected. Even additional resources are being made available to raise awareness, help victims and assist vulnerable women to gain access to income-generating opportunities so they do not have to compromise their dignity for lack of basic needs. In principle these measures should help prevent the problem of SGBV and protect women and young girls.

In real life, however, the problem of SGBV continues in one form or another. Aminta's world broke down, not only because of the rape, the unhelpful policeman, the endless days in court or the worrying look on her mother's face. Aminta's world broke down when the camp hairdresser refused to plait her hair, as she used to do once every month. She refused to plait her hair because she had heard the news. She undid the plaiting done earlier, told Aminta to take a good look in the mirror, said she was dirty and sent her home. There were other customers at the hair salon at the time, and while she remembers little of the actual rape, Aminta remembers every single step she had to take across the room that day. She had to walk home with her hair undone which is a mark of the absence of virginity. She vividly remembers and feels the other people's stares. She has not spoken since. The rape was not enough. She has to suffer humiliation once again for being an innocent victim. All this to a ten year old girl!

While Aminta's mother tells the story she has tears in her eyes, but she does not break down, she does not cry. I offer her a handkerchief from a US\$0.10 packet of facial tissues I bought from poor kids on the street earlier this morning. All the time, Aminta sits on a chair besides us and listens. She has big brown eyes, pink trousers and a blue t-skirt. Her legs are dangling, far too short to reach the ground, and they are bouncing on and off the wall behind her with a steady thump, thump, thump. She wears a headscarf, not because she is a Muslim, but because she now refuses to let anyone touch her hair – that the hairdresser at the salon in the camp refused to plait.

I am a lawyer, I can defend a rapist in court. Even when he is guilty, even when there is no denying the fact, he can walk free. How do the lawyers do it? Focus on the victim. Her behavior, her dress, her hair color, that extra glass of wine at the bar. Of course he is guilty, but that is not the point. Shift the attention. She needs medical care, psychological support. All these can be done relatively easily as long as the mechanisms are in place, people trained, resources are made available and overall supervision ensured. But the redress to victims like Aminta do not depend only on technical, medical and even administrative processes. One would ask, first of all, what was done to stop the rape from happening? And, at the end, what happened to the perpetrator. All actors get caught up helping the victim and focus on her. Fair, that may look. But, changing the surroundings, employing more security personnel, mitigating some of the circumstances that expose women and girls to rape such as providing fuel so that women do not have to go collect

fire wood from far places are not enough. Training the doctors, holding focus group discussions and providing briefings to women and girls can work only to a certain extent.

Meanwhile, in many situations the rapist walks free – literally and legally. And he, because in most cases it is a he, remains the shadow character in the play. Little attention is focused on catching him, charging him and prosecuting him effectively. The perpetrator is hardly called a criminal even when convicted. In my experience in quite a few places around the world I have noted that there is always somebody who turns around in a public meeting and tells “SGBV is not really a big problem around here.” Maybe it is not underreported. But it does not happen that much?. There is persistent denial of the existence of SGBV in many situations including, at times, even among some humanitarian workers. Some due to unawareness, others due to cultural influences that consider such issues as taboo – but I believe some even due to sheer unwillingness to recognize it.

Aminta’s case went to court. She was a minor. As recounted above, there was a medical report, a police report, there were witnesses and the man was even overheard boasting about the rape to his friends. Aminta easily identified him, as did her friends. An easy case. The man was brought to court. But he was let free, allegedly because the witnesses were minors. It did not surprise anyone. There are even cases where repeat rapists, including one who raped a thirteen year old girl, are not found guilty for lack of proof that the victim (even minors) was a virgin prior to the rape – as if that is what matters more than the law and many international conventions that protect children. In Aminta’s case, as in many others, there was no denial of the rape, no question of who was guilty. The lawyer just did what lawyers are trained to do. Shift the attention. Focus on the victim. And the result, she has been denied justice.

Aminta’s story is one of many that happen to citizens, refugees and IDPs both in emergency and stable situations. But even one case is one too many and this vicious crime must be stopped! In the mean time victims such as Aminta often have to be moved to another location for their safety as the stigma of rape usually prevents such people from leading a normal life. Aminta is now shy and no longer the fun and lively child she was before the rape.

SGBV always has two sides – the perpetrator and the victim. The most difficult challenge in dealing with this problem is changing social attitudes – recognizing SGBV what for what it really is – a crime, and dealing with it accordingly. Humanitarian workers, including those in UNHCR, focus on the victim and the survivor because they have to. We focus on the women, because as always, we hope that they will change. But little is done to change social behaviour – which also obviously influences the justice system. One way of the changing social behavior is rigorous prosecution and sentencing that is proportional to the crime perpetrated. It is only collective action involving society, all organs of the state (the executive, the judiciary and law enforcement organs), civil society groups, humanitarian and development actors that can effectively and conclusively remove this evil that is crippling the lives of multitudes of women and girls.