

Gender, Violence and Forced Migration: The State of Syrian and Rohingya Refugee Women

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Abstract—The contemporary era is marked by an ever increasing movement of refugees and stateless people from one part of the world to another. Discussion on the gendered refugee experience and feminization of forced migration has now become extremely crucial keeping in the mind that women comprise the category of the most excluded within the already excluded ones. Women are the worst victims of ethnic persecution, violence, conflict and war. The International protection regime, despite laying down several instruments for the protection of the rights of women, has failed to a certain extent in its endeavour. The patriarchal society reconstructed by the refugee regime at each and every moment makes the refugee women and their honour an object of crucifixion and a target of desecration. Syrian and Rohingya refugee women both have been subject to Sexual and Gender Based Violence to a paranoid level. Violent acts including rapes, genital mutilation, sexual slavery, “transactional sex”, all have been systematically perpetrated on Syrian women refugees by the Official Syrian army, by the rebel forces and by the ISIS. Similarly, brutalities against Rohingya refugee women in Myanmar and in refugee camps in Bangladesh exacerbated by the Nagamin operation in 1978 and by the NaSaKa(Border Task Force) and Tatmadaw have included acts like rapes, killing of pregnant women, forced labour, abduction, genital mutilation, domestic violence and mass genocide. Despite the violence that they have encountered for many decades, several refugee women's groups and organizations like the Shanti Mohila Network, the Rohingya Women Development Network and other groups are now lending new dimensions to the empowerment of women refugees. This paper talks about the current International Protection Regime for refugee women, the narratives of Syrian and Rohingya refugee women, and most importantly it focuses on women empowerment by analyzing refugee women from being victims to actors.

1. GENDER AND MASS MIGRATION

Gender is an evolving issue in the vast spectrum occupied by partition, violence, memory, statelessness, and forced migration. Discussion on the feminization of forced migration in the contemporary reality has become necessary because “it is in the person of a refugee that a woman's marginality reaches its climatic height.”[1] The refugee woman, being the most excluded within the already excluded ones, and driven

by the ‘well-founded fear of persecution’, has been relegated to the sphere of the ‘other’ in the post-colonial reality. The mainstream refugee regime accentuated by the patriarchal society envisages the suffering of only the male refugees rather than taking the stateless, displaced and refugee women into account. The entire paraphernalia of mainstream refugee regime has been aggravated by a process of homogenization of citizenship especially in South Asia the manifestation of which lies in privileging the men who comprise the majority community and encouraging mono-dimensional values which do not recognize the presence of others, in this case, the displaced, migrant and refugee women.[2] Myriad forms of violence are inflicted upon refugee women like sexual abuse, forced labour, rapes, trafficking of adolescent girls, beating and murdering pregnant women, sexual slavery all of which have become very common in the last few decades. However, in the last few decades, ‘feminist activism has resulted in the International Criminal Court of Justice recognising rape as an instrument of war.’[3] Thus, Gender studies and migration are integrally connected and without taking into account refugee women's experiences, the entire discussion on refugee crisis and statelessness fails to be integrated and comprehensive and becomes irrelevant as women constitute fifty percent of the refugee population in this world. However, this paper apart from focussing on the narratives of Rohingya and Syrian refugee women seeks to envisage the identity of women not merely as the superfluous and powerless victims but as active agencies in the gamut of Refugee crisis, ethnic persecution, war, conflict and violence, internal displacement and statelessness.

2. THE INTERNATIONAL PROTECTION REGIME FOR REFUGEE WOMEN

The definition of refugees as provided by Article 1 of the Refugee Convention of 1951 encompasses persons who ‘as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group

or political opinion'. [4] However, it does not talk about gender as a category of persecution and fails to talk about the 'well founded fear' that refugee women experience. The convention also does not provide a comprehensive definition of words like 'refugee', 'well-founded fear', 'particular social group' and 'non-discrimination'. Article 3 of the 1951 Convention provides that 'the Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.' [5] It does not, however, prohibit discrimination on the basis of gender. It does not talk about the economic, political, physical and psychological hardships that women refugees endure in particular. Further, the convention of 1951 provides at large for refugees residing 'lawfully' in any state. Apart from prohibiting the contracting states from imposing penalties and restrictions on the movement of refugee residing 'unlawfully' in the country of refuge, as provided in Article 31, the convention does not provide much for the millions of undocumented refugees, stateless people and asylum seekers who face different forms of brutalities in the entire process of transnational migration. The Organization for African Unity Convention Governing Specific Aspects of Refugee Problems in Africa or the OAU Convention in 1969 expanded the meaning of a refugee to expand the arena of non-refoulement (provided in article 33(1) of the 1951 convention and focused on the 'voluntariness of repatriation, burden-sharing and temporary asylum. The OAU Convention, however, also presented problems by not addressing the rights of women refugees, particularly those fleeing persecution on account of their gender.' [6] However, for the first time, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) provided in article 2 that 'state parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women' [7] but it did not talk about gender based violence inflicted upon the women refugees across the world. That flaw was remedied by the Declaration on the Elimination of Violence against Women (DEVAW) in 1993 which has been regarded as integral to International Refugee Law for women. It was known as Resolution 48/104 of the United Nations General Assembly and for the first time the declaration defined violence 'in terms of physical, sexual and psychological harm to women, both in the private and public spheres.' [8] Further, the instrument has also laid down obligations for the state parties to provide reports on the implementation of the measures laid down by the declaration. This declaration was necessary keeping in view the brutalities women refugees had endured in Bosnia, Herzegovina, Vietnam, Somalia and Rwanda. Conclusion No.39 adopted by the UNHCR Executive Committee in the year 1985 recognized that the majority of the world's refugee population constituted refugee women and girls. 'In 1991, the UNHCR issued its *Guidelines on the Protection of Refugee Women* which essentially addressed issues relating to women in refugee camps.' [9]

In the year 1995, the UNHCR in *Sexual Violence Against Refugees: Guidelines on Prevention and Response* laid down different definitions of sexual and gender based violence and provided the clarification that 'sexual violence goes beyond rape, and it involves all those cases in which "the victim's resistance is overcome by force".' [10] The initiatives taken by different IGOs or Inter-Governmental Organizations led to the International Conference on Population and Development in 1994, the Fourth World Conference on Women in 1995 and the World Conference on Human Rights in 1996 which were integral in addressing gender-based violence and gender-based violations of human rights as a whole. In the year 1990, the UNHCR in the *Note on Refugee Women and International Protection* requested governments of different nations to include the category of gender as a proper basis of persecution and in the year 2002 the UNHCR again clarified in the *Guidelines for Gender-related Persecution* 'even though gender is not specifically referenced in the refugee definition, it is widely accepted that it can influence, or dictate, the type of persecution or harm suffered and the reasons for this treatment.' [11] However, the CPA or the global Comprehensive Plan of Action in view of the largest ever refugee crisis, that is the Syrian refugee crisis augmented by the Syrian Civil War is somewhat incomplete in addressing the problems faced by the Syrian refugees in general and the Syrian women refugees in particular.

3. GENDER BASED VIOLENCE FACED BY SYRIAN AND ROHINGYA REFUGEE WOMEN

The Syrian refugee crisis is currently the world's largest refugee crisis, with near about 4.8 million refugees fleeing their abode in search of a safe and secure life. Syrian women refugees especially in countries like Turkey, Lebanon, Jordan and Egypt are facing the worst kind of gender based brutalities in the contemporary era. They are not only the victims of external aggression, war and violence but they also increasingly face domestic violence and various forms of brutalities at the hands of the men of their own community. Violent acts including rapes, genital mutilation, sexual slavery and 'transactional sex' all have been systematically perpetrated upon Syrian women refugees by the official Syrian army, by the rebel forces, the middlemen and by the ISIS.

Judy Benjamin and Khadija Fancy have defined gender based violence as "violence targeted to a person because of their gender, or that affects them because of their special roles and responsibilities in their society." [12] Women have always been the targets of armed conflict, violence, ethnic persecution and war. In fact, the situation has worsened since the onset of the civil war and the inception of political brutalities in the Arab world. The entire paraphernalia of refugee regime is enmeshed in strong patriarchal values, with acts of violence justified in the name of punishment given to women for the sins that they have committed. Female Syrian refugees in Lebanon endure violence, harassment and torture from a variety of actors like government employees, landlords and in

Jordan the Syrian women apart from being the targets of harassment are also offered 'transactional sexual relations' by middlemen promising them safety and security. In fact, the 'fear of harassment has severely limited the mobility of Syrian women and girls in Jordan. Adult women are only half as likely as boys to go outside their homes on a daily basis (26.9% and 47.3% respectively) and 41.2% of women and 34.1% of girls rarely or never leave the house.' [13] The magnitude of sexual and gender based violence has risen enormously since 2012 and 'both the scale of violence and the multiplicity of actors grew as the conflict progressed, exposing Syrian women and girls to a wide spectrum of violence, including kidnapping, forced disappearance of women political activists and female members of families of male activists, executions, rape and other sexual violence, torture, enslavement, forced recruitment by militias, forced detention and denial of fair trials. Other less direct pathways that put women at risk of violence include forced displacement and forced and early marriages in refugee communities in neighbouring countries, and denial of basic services including healthcare.' [14] However, acts of violence perpetrated by the ISIS are not only brutal but are ghastly. Sexual enslavement and torture of women who are "non-believers" has been and till today is a common phenomenon, which are often not reported. For instance, 'the situation of the majority of women living in Raqqa (main ISIS controlled area in Syria) and other smaller areas across the North and North east of the country in Aleppo and Der Ezzor goes unnoticed... risks are most amplified for women-headed households and unmarried women and girls.' [15] Myriad forms of sexual violence inflicted by the military and that which take place at the detention centres often go unnoticed and due to the fear of cultural and societal stigma women refugees do not wish to talk about what have they or what do they go through with each passing day. Radical ideologies accentuated by strong patriarchal norms make the situation worse for women each and every day. States play an important role in upholding or degrading the refugee protection regime. With enormous zeal, the global Comprehensive Plan of Action was undertaken and the UNHCR 'issued a recommendation to exhort international solidarity towards countries hosting Syrian refugees, by offering forms of admission for them as well.' However, the provisions of the CPA in case of the Syrian refugees, have not been made binding upon the state parties, which has led to large scale deviation from what has been laid down as official guidelines or policies for the protection of the refugees. It is now largely up to the discretion of the state that what kind of policies they will adopt for the Syrian refugees inhabiting their territory, which has left the entire Syrian refugee community in general and Syrian refugee women in particular, in greater jeopardy and distress.

South Asia, too in the contemporary era is witnessing an intensifying refugee crisis, an integral part of which is the Rohingya refugee crisis. The Rohingyas comprise the ethnic Muslim minority in Rakhine, the western part of Myanmar.

They have been termed by the UNHCR as the "world's most persecuted minorities" and have been the subjects of politics of exclusion and politics of violence in this post-colonial era. Despite residing in Burma (erstwhile Myanmar) since 8th-9th centuries, the Rohingyas, the current ethno-religious minority of Myanmar, have not only been time and again excluded from citizenship rights as exemplified by the 1948 and 1982 citizenship laws and by the Emergency Immigration act of 1974 but also have been systematically made the targets of ethnic persecution and myriad forms of brutalities especially since the inception of military rule in 1962. Acts of violence have been aggravated by Operation Dragon King in 1978 and birth of NaSaKa (Myanmar's Border Task Force) in 1992. The Rohingya women and children have endured the worst forms of violence. Apart from rapes, abduction, genital mutilation and beating, trafficking of women and girls especially in the refugee camps in Bangladesh is a characteristic feature of the current Rohingya crisis. The Naga Min Operation of the Myanmar army in 1978, which was a project initiated by the Burmese government costing worth Kyats 140 million (US\$20 million) and was undertaken first in the Kachin and Shan state of Myanmar [16], apart from leading to arbitrary arrests and detention, 'directly targeted civilians, and resulted in widespread killings, rapes and destruction of mosques and further religious persecution.' [17] The subsequent period was marked by an exodus of about 2,00,00 refugees. Further, the entire process of forced repatriation starting from 1978 led to the death of large number of women and children. An entire saga of violence again followed in the years 1991-92 with the formation of the NaSaKa or the *Nay-Sat Kut-kwey Ye*, Myanmar's Border Task Force which included mass genocide, forced eviction and forced labour, rapes and various forms of tortures. Rape has been used as a deliberate instrument of war and armed conflict and in times of war it is the identity and honour of women which have been the objects of desecration and crucifixion. Basically, as pointed out by Colombini in 2002, "male coercion and sexual violence are the results of powerful constraints on women's freedom and men's attempt to control them. It reflects the patriarchal structure of society where the female body is seen as a 'territory' to be owned and controlled by the male." [18] Apart from rapes and murders, domestic violence and sexual abuses perpetrated by the Rohingya men, local officials, community leaders, employers and traders are common phenomena. The worst form of violence can be exemplified by the fact that 'pregnant women, who are very near to delivery, are attacked by swords. Their baby is taken out of their womb and thrown away. This is the most extreme and brutal form of violence, not only against women but also against humanity.' [19]

Sexual violence has been inflicted not only upon refugee women but upon the refugee men as well. Forced labour, castration, forced to witness horrors like rapes of women, are some of the heinous forms of sexual abuse and torment that Rohingya men have to go through, which in most cases remain

unreported because it is commonly presumed that women are the eternal victims and men are the eternal perpetrators.

4. THE ROAD TO FREEDOM

Today, refugee women can no longer be presumed only as victims, but they are also vital agencies in the entire refugee regime characterized by patriarchal values and norms. The Collective for Research and Training on Development- Action or the CRTD-A, the partner of Women's Learning Partnership(WLP) is a Lebanese NGO promoting empowerment of Syrian refugee women in Lebanon, training them in employment skills, raising awareness among them and 'the specific issues explored by the various trainings include democracy, violence, agency, patriarchy, lack of protective institutions/systems, and the lack of acknowledgment of refugees' needs and independence, among others.' [20] Syrian women refugees are engaging themselves in community level programmes and endeavouring to achieve a decent life and standard living. They are adopting unique ways of asserting and reconstructing their identities and breaking stereotyped, gendered and bordered selves. Action Aid's all women refugee football team in Lebanon comprised of Syrian, Lebanese and Palestinian women are challenging the notion that sports are only made for tough-spirited men and not for fragile women. Through sports they are building their dreams afresh – "the best thing about playing football, is that when I'm on the pitch I forget all my worries and the hard things I went through in Syria. I just focus on my role in the team and winning the game." [21] Similar is the case with the Rohingya refugee women. The Rohingya Women Development Network and the Shanti Mohila Network comprised of the female survivors of brutalities and Rohingya women community leaders are playing an instrumental role in actively engaging the Rohingya women through skill development and orientation programmes and promoting active participation of women at the community level. However, a revolution in the mainstream refugee regime can only be brought about if there can be brought about a major overhaul in International refugee law. Specifically, the 1951 Refugee convention should be modified sufficiently to include provisions for women refugees, and expand provisions for undocumented migrants, asylum seekers and stateless refugees. In case of Syrian refugees, the Comprehensive Plan of Action should be made binding upon the state parties. Apart from modifying existing International laws, citizenship laws, in case of the Rohingyas, for example, the exclusionary 1948 and 1982 citizenship laws of Myanmar and the Emergency Immigration Act of 1974 should be severely amended. The United Nations should start intervening on justified humanitarian grounds, although the meaning and impact of 'justified Humanitarian Intervention' and the 'Responsibility to Protect' have reflected different interpretations till today. The principle of Non-Refoulement should be strictly complied with and repatriation should be undertaken only when it is voluntary. Women's privacy, safety and security concerns should be specifically addressed

and included in the existing refugee laws and conventions. Health centres should be set up near detention camps and free healthcare services should be provided for refugee women.

The major dilemma that characterizes the current refugee regime is the conflict between security and humanity. There is an urgent need to preserve humanitarian goals and annihilate all forms of violence and state sponsored terrorism against refugees in general and refugee women in particular. The urgent need of the hour in the contemporary world is to seriously take the following questions into consideration - Can the world ever be violence free? Can women ever achieve emancipation from all forms of tortures? Can the millions of refugees across the world ever find a peaceful abode?

Notes:

- [1] Ahlqvist, M., "Why Should We Listen to Her?", *Women and Forced Migration – A Compilation on IDP and Refugees*, April 2006, p.103.
- [2] Banerjee, P., *Women and Forced Migration – A Compilation on IDP and Refugees*, April 2006.
- [3] Benjamin, J. and Fancy, K., "The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography", in *Office of Emergency Programmes Working Paper Series, UNICEF*, New York, USA, 1998, p.15.
- [4] Chimni, B.S., *International Refugee Law – A Reader*, Sage Publications, 2000, p. 2.
- [5] *ibid.*, p. 552.
- [6] Raj, S., "The Gender Element In International Refugee Law: Its Impact On Agency Programming And The North-South Debate", *ISIL Year Book of International Humanitarian and Refugee Law*, 2000, retrieved from <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/9.html>
- [7] CEDAW, retrieved from <https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>
- [8] Gotelli, E., *The Protection of Refugee Women Under International Law: Achievements and Challenges*, LUISS Guido Carli, Rome, Italy, 2017.
- [9] Chimni, B.S., *International Refugee Law – A Reader*, Sage Publications, 2000, p. 5.
- [10] Gotelli, E., *The Protection of Refugee Women Under International Law: Achievements and Challenges*, LUISS Guido Carli, Rome, Italy, 2017.
- [11] UNHCR, *Guidelines for Gender-Related Persecution*, 7th May 2002
- [12] Benjamin, J. and Fancy, K., "The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography", in *Office of Emergency Programmes Working Paper Series, UNICEF*, New York, USA, 1998, p.15.
- [13] Pelley, R., Quailley, S., Uppal, M., and Yood, R., *Gendered-Approach Inputs to UNHCR for the Global Compact on Refugees(2018): Lessons from Abuses faced by Syrian Female Refugees in Lebanon, Turkey and Jordan*, Leitner Center for International Law and Justice, Fordham Law School, New York, USA, Executive Summary, 2018.

- [14] Alsaba, K., and Kapilashrami, A., "Understanding women's experience of violence and the political economy of gender in conflict: the case of Syria", *Reproductive Health Matters*, 24, 47, May 2016, p. 7.
- [15] *ibid.*, p. 11.
- [16] Scully, W.L., and Trager, F.N., "Burma 1978: The Thirtieth Year of Independence" *Asian Survey*, 19, 2, Feb, 1979, pp. 147-156.
- [17] Amnesty International. *Myanmar, the Rohingya Minority : Fundamental Rights Denied*. 2004, p.5.
- [18] Leatherman, J., "Sexual Violence and Armed Conflict: Complex Dynamics of Re-victimization", *International Journal of Peace Studies*, 12, 1, Spring/summer 2007.
- [19] Majumdar, S., "Rohingyas languishing Behind the Bar", in *MCRG Policies and Practices No. 71*, Kolkata, India, 2015.
- [20] Nahaas, R., "WLP Lebanon's 'Participation and Empowerment of Syrian Refugee Women' Project in Full Swing", 8th October 2018. Retrieved from <https://learningpartnership.org/blog/wlp-lebanons-participation-and-empowerment-syrian-refugee-women-project-full-swing>
- [21] 'The all-female refugee football team smashing stereotypes', Action Aid, 5th August 2016. Retrieved from <https://www.actionaid.org.uk/blog/news/2016/07/27/the-all-female-refugee-football-team-smashing-stereotypes>

REFERENCES

1. Chimni, B.S., *International Refugee Law – A Reader*, Sage Publications, 2000.
2. Basu, S.P., *The Fleeing People of South Asia – Selections from Refugee Watch*, Anthem Press, 2009.
3. Ibrahim, A., *The Rohingyas – Inside Myanmar's Hidden Genocide*, Speaking Tiger, 2017.
4. Chaudhury, S.B.R., and Samaddar, R., *The Rohingyas in South Asia – People Without a State*, Routledge, 2018.
5. Ahlqvist, M., "Why Should We Listen to Her?" *Women and Forced Migration – A Compilation on IDP and Refugees*, April 2006.
6. Banerjee, P., *Women and Forced Migration – A Compilation on IDP and Refugees*, April 2006.
7. Benjamin, J. and Fancy, K., "The Gender Dimensions of Internal Displacement: Concept Paper and Annotated Bibliography", in *Office of Emergency Programmes Working Paper Series, UNICEF*, New York, USA, 1998.
8. Gotelli, E., *The Protection of Refugee Women Under International Law: Achievements and Challenges*, LUISS Guido Carli, Rome, Italy, 2017.
9. Galtung, J., "Cultural Violence", *Journal of Peace Research*, 27, 1990, p.294.
10. Akhter, S, and Kusakabe, K. , "Gender-based Violence among Documented Rohingya Refugees in Bangladesh", *Indian Journal of Gender Studies*, 21, 2, 2014, pp. 225-246.
11. Ullah, A.A., "Rohingya Refugees to Bangladesh: Historical Exclusions and Contemporary Marginalization", *Journal of Immigrant and Refugee Studies*, 9, 2011, pp. 139-161.
12. Davis, R., "Syria's Refugee Crisis", *Great Decisions*, 2015, pp. 65-76.
13. Yasmine, R., and Moughalian, C., "Systemic Violence against Syrian Refugee Women and the myth of effective intrapersonal interventions", *Reproductive Health Matters*, 24, 47, May 2016, pp. 27-35.
- 14.