Disasters do not discriminate: people do

The scene was the Kibumba refugee camp in 1994. Sprawling in the shadow of Mount Nyiragongo, in what was then eastern Zaire, Kibumba was home to a quarter of a million refugees. Almost all of them were Hutus who had crossed the border from Rwanda. Many had been implicated in the slaughter of minority Tutsis and moderate Hutus, and feared reprisals from the victorious, Tutsi-led army that had halted the genocide. Having walked for weeks with their families, the refugees were exhausted and hungry. Kibumba camp sprang up when thousands were simply unable to carry on.

Among the Hutu refugees were a small number of Twa, a Pygmy people who were the original settlers of the Great Lakes region. Kibumba was unplanned, chaotic and, for the Twa, a nightmare of discrimination.

The camp was made up of ‘communes’ charged with distributing hundreds of tonnes of food aid from the International Federation of Red Cross and Red Crescent Societies each week. Since there were few Twa – before the war, they made up less than 1 per cent of the Rwandan population – they did not have their own commune. Dispersed throughout the camp, they had to struggle among crowds of Hutus and were often beaten and robbed of the aid they collected.

One day, three of them turned up at an International Federation camp management meeting. A glum spokesman, who stood maybe one and a half metres high, rose from the chair he shared with his friends and said: “No one sees us in the crowd. We are pushed around and sometimes we don’t get anything.”

Hutu leaders laughed, pointing at the man as if he were a clown. Kibumba was bad. Being small made it totally miserable.

A relatively basic solution was found. The International Federation would introduce separate Twa lines at communal distribution points. The simple move worked and Zaire Red Cross volunteers monitored their journeys home for good measure.

Disasters do not discriminate. They affect minorities and majorities, the able-bodied and persons with disabilities, young and old, men and women. But discrimination can multiply the effects of a crisis on vulnerable people.

In the case of the Twa, the problem was solved – once it had been made visible to those running the camp. But often discrimination remains invisible, and unless
governments and aid agencies know in advance what they are likely to encounter, they may not be able to address it.

Discrimination was and is inherent in many societies, with disasters often magnifying the problem. However, we now have the research and the means to try to eliminate it, as this report will illustrate.

Every emergency involves people who cannot access food and shelter simply because of their age, ethnicity, gender or disability. People already on the margins of society as a result of discrimination are made even more vulnerable through a crisis. Persons with disabilities who are hidden from view by their families may be excluded from emergency shelters. Older people, who are routinely denied food by their families, may be unable to walk to food distribution sites. Women often become targets of sexual violence in crisis situations.

When this happens, unacceptable pockets of human suffering can develop, unseen and unaddressed by governments and aid agencies alike.

The **World Disasters Report 2007** looks at discrimination based on gender, ethnicity, age and disability, and asks key questions such as: How does discrimination affect the vulnerable in an emergency? How can we spot it? What can we do about it?

Not only does already-embedded discrimination put vulnerable individuals at greater risk in a crisis, but sometimes governments and aid agencies themselves are guilty of discrimination, albeit unintentional.

This report looks at what legislation exists to protect the rights of vulnerable people and whether it is enough. Is there a need for legally binding treaties that ensure states protect against discrimination specifically within the context of an emergency? Are current guidelines on vulnerable groups for aid agencies sufficient?

There is no universal definition of discrimination in international law. Some conventions address it within the context of a particular group, but neither the Universal Declaration of Human Rights nor the United Nations International Covenant defines it.

The UN Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination define gender and racial discrimination as any distinction, exclusion, restriction or preference based on gender, race, colour etc., which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
In disaster responses, discrimination is a broader concept and also includes social exclusion and restrictions resulting from marginalization and vulnerability.

This lead chapter offers an overview of subsequent chapters and provides a summary of cases to be discussed in detail.

Chapter 5, which focuses on women, argues that the misuse of power lies at the heart of discrimination, with devastating effects.

The misuse of power occurs within families, communities and the state as a whole (see Box 1.1). In an emergency, abuse of power within these relationships may increase. Humanitarian workers also have power because of their resources, information, contacts and authority. They decide who is vulnerable, who needs protection and who receives aid, and they define their working relationship with communities and individuals.

“The risk of discrimination is high. The success of disaster operations and the prevention of discrimination may depend on the way in which power is exercised,” writes Judi Fairholm (see Chapter 5, Box 5.3).

An overview of vulnerable groups in disasters reveals common experiences across the world:
- Discrimination exists before disaster strikes but is exacerbated during an emergency.
- Existing discrimination is often invisible largely because of a lack of official data on the numbers of older people, ethnic minorities and persons with disabilities – some of whom are so hidden by their families that they are not included in national censuses or other formal registration processes.
- This invisibility is made worse when aid agencies carry out emergency assessments that do not include an analysis of vulnerable people and their needs.
- Vulnerable groups are often excluded from the disaster planning process before, during and after an emergency.

Discrimination in an emergency setting is life-threatening. And it affects not only people’s ability to survive the crisis, but also to recover and to regain their livelihoods afterwards. The chapters that follow explain more about what this means in practice for the elderly, persons with disabilities, children, minorities and women.

It is clear that greater awareness is required by governments and by those who run relief and recovery operations – and that they need more tools to help reduce discrimination. Guidelines on what should be done are not hard to find, but the focus on how is inadequate (see Box 1.2).
He was certainly taking a big risk in Jamaica. Wearing heavy make-up, high-heeled shoes, long, shiny earrings, a fitted blouse and with a handbag slung over his shoulder, walking in Falmouth’s Water Square could have easily spelt a death sentence that morning for the cross-dresser.

Once spotted, the question of whether he was going to live or die would either be left to the angry crowds, the health services, the policemen or the judges. Yet no one, it seems, can be counted on to take the side of lesbians, gays, bisexuals and transgendered people in Jamaica.

“Where the police station?” the frightened man screamed as crowds armed with whatever weapons they could find attacked him with the all-too-familiar cries of “battyman fi dead” (gay men must die).

This man was lucky. He made it to hospital thanks to a police escort, but only after crowds had beaten him to a pulp.

Countless others have not been so fortunate. According to Amnesty International, gay men and lesbians in Jamaica are subject to unprecedented levels of discrimination, which often manifests itself in extreme, spontaneous brutality towards them in public places.

Earlier this year, on Valentine’s Day, a 200-strong, homophobic lynch mob besieged three gay men in a shopping centre in the capital, Kingston. The men were threatened by the crowds and then roughed up by the policemen who had rescued them from the mob. Two months later, the funeral congregation of a gay man was attacked by a mob at the church where the service was being held.

Jamaica’s prevailing sodomy laws provide a pretext for many people to rationalize violence against those whose gender identity fails to conform to society’s expectations. Under Jamaican law, being caught engaging in a homosexual act can result in a lengthy prison sentence. To be seen to be upholding the law appears to provide an excuse for policemen, politicians and other figures in society who play an active part in condoning violence against gay men and lesbians. Notoriously, in 2002, both main political parties used homophobic slogans in their campaign manifestos.

According to Robert Carr, currently coordinator of the Caribbean Centre of Communication for Development at the University of the West Indies, the highly gendered role of children’s identity formation in poor communities in Jamaica plays a part, not only in reinforcing discrimination and violence against gays and lesbians, but also in reinforcing dangerous stereotypes about the roles of men and women in society.

Phoebe, living alone in Jamaica, has been raped three times. She does not know whether she has been continuously targeted for sexual violence because she is a woman living alone or because she is a lesbian. Deep-rooted Christian beliefs combined with socioeconomic pressures result in a historical condemnation of any form of sexual or gender role variance. It is, therefore, hard to get a sense of how many victims there truly are because many homosexual men and women in Jamaica live as invisibly as possible, often coexisting in heterosexual relationships for fear of being identified and persecuted together with their children.

Not only does this situation lead to extreme misery and marginalization for the individuals and for their families, but it also
What can aid agencies do?

One-size-fits-all relief planning is unhelpful in overcoming discrimination. If agencies go into a situation with 100,000 people to help, they need to know who those 100,000 are and how to reach the marginalized among them. This form of analysis is difficult to do in the first five to seven days after an emergency, but it is essential to carry out as soon as possible to avoid needless suffering.

Mass distribution through air drops, for example, excludes the young, old and persons with disabilities. Emergency shelters often exclude persons with disabilities. And poorly designed camps make women vulnerable to sexual violence or can inadvertently prevent minorities from accessing aid.

Dialogue is fundamental to good programme design, monitoring and evaluation. Systematic efforts to listen to people affected by disaster can help pre-empt and remedy discrimination.

Many agencies have policies and guidelines to address these issues. The Inter-Agency Standing Committee (IASC), which exists to help key UN and non-UN players coordinate humanitarian assistance, has published guidelines on how to prevent gender-based violence in an emergency. The IASC Operational Guidelines mentions persons with disabilities in terms of camp security, non-discriminatory access to aid, inclusion in the long-term planning of resettlement, reconstruction and livelihoods and so on. Special guidelines have also been produced that focus on minorities and children.
Box 1.2 Media matters

Where the media decides to shine, or not shine, a spotlight can spell inclusion or exclusion for people in great need.

News agendas, of course, are not always fashioned by need. Politics, national interest and conventional wisdom can colour the coverage, particularly when news is determined by news desks and not by journalists in the field. Reluctant correspondents can be posted to crises away from their usual beats and from issues they consider to be more important.

“Look, I need a good story and I need it fast. I need an excuse not to go to Kosovo,” a senior television correspondent appealed to an International Federation of Red Cross and Red Crescent Societies contact in Nairobi when the Kosovo crisis erupted. A story was breaking in Tanzania, where refugees continued to flee from the conflict in the Democratic Republic of the Congo. But by the time the contact called to confirm he could help her, the correspondent had already received her marching orders.

Along with many other Africa hands, she was on her way to the biggest story of the moment. There was no denying the importance of Kosovo, but the Congolese hardships were far greater. Aid agencies, however, were on the self-same road as the journalists and resources for Africa were diverted to Europe. Soon, food stocks in Tanzania were so low that the World Food Programme and the International Federation had sufficient for half rations only and hungry Congolese in refugee camps began stoning Red Cross vehicles.

Most journalists would agree that this was also an important story, but no one was around to record it.

The direct effect that coverage has on support for humanitarian action makes the development of relationships with the media, the provision of access, information and honest evaluation before, during and after crises, all the more important for aid organizations. Proactive dialogue and partnership pay dividends for all.

The media can also entrench or exacerbate discrimination. Following what it described as the demonizing of a Tunisian linked to a gruesome murder case, the United Nations refugee agency, UNHCR, has been working with the Italian media to draw up a code of conduct for refugee and immigration coverage.

What prompted the action was the case, in December 2006, of three women found stabbed to death in the northern Italian town of Erba, along with the two-year-old son of one of the women who had had his throat cut.

Some sections of the Italian media quickly blamed the Tunisian husband of one of the women who had been to prison for drug offences. As it turned out, he had been in Tunisia at the time and the police eventually arrested some neighbours with whom there had been trouble over noise.

UNHCR argued the case showed media attitudes needed to change and told editors-in-chief in a letter: “Strong and rather unexpected evidence of xenophobic sentiments emerged, as did a media system ready to act as the sounding board for the worst manifestations of hate.”

Proposing the opening of serious dialogue on the coverage of refugee and immigration issues, it said alarmist and warlike language had influenced public opinion.

The media responded positively and a technical committee was soon set up to draft a code of conduct. It included representatives from UNHCR, the Italian national press federation, the national journalists’ association and the anti-discrimination departments of the ministries of the interior, equal opportunity and social solidarity, as well as a professor of international law and selected Italian and foreign journalists.
Older people have perhaps received the least attention. Although some agreements, such as the Madrid International Plan of Action on Ageing, say older people need equal access to food, shelter and medical care in a disaster, many of these policies are not widely known. This, combined with the fact that many of their needs are not comprehensively articulated, is a key reason for discrimination against older people in disasters.

A crucial question is why, despite existing guidelines and policies, aid agencies rarely mainstream vulnerable groups into their disaster and emergency programmes. One important reason is a lack of official data, compounded by a lack of information gathered during the emergency planning stage.

But what can begin as neglect – the product of inadequate assessment – can become discrimination. Neglect can be remedied through greater awareness, advocacy and the generation of greater or targeted resources. Discrimination, however, requires the changing of attitudes, supported by legislation.

**State responsibilities and international legislation**

The need to ensure that discrimination is addressed when an emergency strikes is clearly not just the role of aid agencies but government agencies as well.

Some countries have developed national disaster response plans, but there is no existing international law on the extent of their statutory role in an emergency situation.

A certain amount of international legislation addresses discrimination and human rights, much of it developed within the context of labour laws or general laws on anti-discrimination. The question is whether this is sufficient to cover people’s needs in an emergency.

Existing legally binding human rights treaties, for example, oblige the state to respect, protect and fulfil women’s human rights. Ideally, this means the state is responsible for plans that ensure violence against women and other forms of discrimination are prevented before, during and after a disaster. However, this is not made explicit in international law.

As noted in Chapter 5, discrimination against women is a human rights violation that applies to acts committed in both private and public spheres. Therefore, the law covers acts or decisions made by the state – and also by non-state actors such as humanitarian aid agencies, non-governmental organizations (NGOs), families and so on.
The UN Convention on the Rights of Persons with Disabilities says states should take all necessary measures to ensure the protection and safety of persons with disabilities in conflicts, humanitarian emergencies and natural disasters.

But there are difficulties over terms such as ‘disability’ and ‘minority’. There is no internationally recognized definition for either, and countries interpret them differently. For example, the United States has a much broader definition of disability than many developing countries.

Again, it is older people who are arguably the least protected. No international treaty is devoted to the rights of people over 60, and this lack of focus on their needs inadvertently compounds their discrimination. As discussed in Chapter 3: “A specific legal treaty would raise awareness of older people’s rights within the human rights system… Currently, governments frequently fail to address older people’s rights in their periodic reporting on the implementation of the human rights convention that they have already ratified.”

Even when substantial international legal protection exists in theory, it is not always there in practice. The UN Convention on the Rights of the Child covers discrimination, but only 2 per cent of the world’s children are legally protected from violence in all settings, according to the United Nations. Moreover, children’s unique needs in disasters continue to be marginalized in disaster responses.

International human rights standards can be used to clarify steps that need to be taken to eliminate discrimination in all contexts. But the question remains: Do we need international legislation specifically addressing discrimination in an emergency situation? (See Box 1.3.)

The following overview of the issues covered in the report highlights some of the challenges in this field.

**Minorities: listening is essential**

Discrimination against minority groups, both in disaster planning and in society, can multiply the effects of an actual disaster on minority groups.

As described in Chapter 2, the vast desert and semi-desert expanses of northern Kenya are home to 3 million people – most of whom are pastoralists. The region has, according to the World Food Programme, one of the highest levels of poverty and vulnerability to food insecurity in Kenya.

In 2006, three years of crippling drought were broken by severe floods that washed away the only road to the worst-affected area. Aid workers in Garissa, the largest town
in the region, could not get health kits to people who needed them. Communities lacked clean water. Diarrhoea and malaria increased, and an outbreak of Rift Valley Fever decimated livestock.

While the scale of the floods may not have been foreseen, the drought certainly could have been. The United Nations now has a sophisticated early warning system that can predict well in advance when critical food shortages are likely to arise. The government was accused of failing to put in place the infrastructure necessary to head off suffering.

Why did the Kenyan government not act? One answer lies in its attitude towards the pastoralist community. Often geographically distant from the big cities, pastoralists are sidelined politically, lacking the influence to press their case in the corridors of power. Without the effective participation of pastoralists themselves in the policy-making process and recognition by the authorities of the urgent need for preventative measures, these communities are likely to become ever more dependent on disaster relief assistance.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the first enacted, modern, international human rights law, defines the term racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

The only international law with legal binding effect that directly mentions the rights of minorities is Article 27 of the International Covenant on Civil and Political Rights (ICCPR).

There is also the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UN Minority Declaration).

But no universally accepted definition of the term ‘minorities’ exists. The word is interpreted differently in every society.

In some cases, governments are aware of the issues of minorities and act accordingly to protect their rights. But such action can also raise questions (see Box 1.4).

Chapter 2 also considers the plight of survivors of the 2004 Indian Ocean tsunami. Following the disaster, the Tamil Nadu state government in India provided segregated facilities and camps for Dalit survivors on the grounds that it was the only way to ensure those at the bottom of the Hindu caste system were not abused. *The Indian*
Box 1.3 The principle of non-discrimination: a cornerstone of the International Disaster Response Laws, Rules and Principles programme and the IDRL guidelines

IDRL programme

Mission statement:
the International Disaster Response Laws, Rules and Principles (IDRL) programme seeks to reduce the vulnerability and suffering of people affected by disasters by raising awareness, promoting the implementation, and strengthening the laws, rules and principles that ensure a timely, adequate and efficient international response to disasters where international assistance is needed. The International Federation of Red Cross and Red Crescent Societies received an official mandate from the 28th International Conference of the Red Cross and Red Crescent in 2003.

The IDRL programme advocates for legal preparedness for disasters, without which international actors providing assistance, as well as domestic actors receiving it, consistently encounter legal challenges. Therefore, with a view to minimizing these legal challenges,
the IDRL programme emphasizes the need for comprehensive, national legal frameworks that incorporate how international assistance will be initiated, facilitated, coordinated and regulated.

Examples of these legal challenges are:

- for domestic actors: irrelevant or culturally inadequate aid from international actors, the latter’s use of untrained or unqualified personnel, lack of adherence to quality and accountability standards, as well as humanitarian principles and values, and the non-utilization of local response capacities and skills

- for international actors: delayed entry of foreign relief workers or goods and equipment, lengthy procedures for gaining legal status to operate in the disaster-affected country

**IDRL guidelines for domestic legislation**

The purpose of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, as submitted to the 30th International Conference of the Red Cross and Red Crescent of November 2007, is to contribute to national legal preparedness by providing guidance to states interested in improving their domestic legal, policy and institutional frameworks concerning international disaster relief and initial recovery assistance.

**Content:** while affirming the principal role of domestic authorities and actors, the guidelines recommend minimum legal facilities that should be provided to assisting states and to assisting humanitarian organizations that are willing and able to comply with minimum standards of coordination, quality and accountability. The guidelines will enhance the quality and efficiency of international assistance in order to better serve disaster-affected persons.

**Core responsibilities of assisting actors:**

**non-discrimination as a cornerstone**

All assisting actors (for example, states – including their military personnel when accepted by the affected state – humanitarian and development organizations, private sector, religious groups and individuals) should abide by core responsibilities, the pillars of which are:

- respect for the human dignity of the disaster-affected persons at all times
- humanity: allocation of aid solely in proportion to needs, as part of the overall aim of preventing and alleviating human suffering
- non-discrimination: provision of assistance without any adverse distinction (such as with regard to nationality, race, ethnicity, religious beliefs, class, gender and political opinions) to all persons in need
- neutrality: provision of assistance without seeking to further a particular political or religious standpoint or to obtain commercial gain
- abiding by applicable national and international law
- complementarity of international assistance with the domestic response and necessary coordination with the responsible authorities of the affected state

*Express* reported that, when asked how the government could endorse the segregation of relief work by caste and communal affiliation, the Nagapattinam senior officer, Dr Umanath, said that having segregated camps was a conscious and practical decision. “There are real divisions and distrust between communities. A crisis like this is no time to experiment with casteist and religious amity.”
Louren Nakali Loyelei passes his hand across his eyes as he talks – as if he still cannot believe what he saw in August 2006 when severe floods devastated his home region in south-west Ethiopia. In one month, the flood killed 364 people and swept away around 3,200 cattle.

“The whole land was covered with water,” he says. “There was nowhere to pass and we rowed for an hour. We usually cross two rivers on this journey and during this flood we crossed four.” Louren, 28, is a pastoralist. He grew up herding cows across the borders of Kenya, southern Sudan and Ethiopia.

Even though he is accustomed to the hardships of the nomad’s life, the events of 2006 were exceptionally severe. Louren says: “The government and NGOs provided supplies and mosquito nets. They did helicopter drops where the people were displaced. After three weeks, the government sent trucks with maize and wheat, but they have not yet replaced animals.”

Months later, people in Louren’s home area are still recovering from the devastation. But he predicts it will not be long before the next disaster strikes. “Before this flood, there was a long drought, and people suffered. When drought comes again, they will suffer again.”

Already, the long-term effects of prolonged and more frequent droughts – widely attributed to climate change – are being felt. Haji Mussa Gara, a pastoralist elder from the Oromiya region, is a veteran of many harsh seasons. “I have a herd of 30 cattle. It is less than before,” he says. “The lowland only grows grass – not cereal. We cannot grow crops. We have only our cows... Our lives are in our livestock.”

Dwindling natural resources have already led to an upsurge of fighting among the pastoralist peoples in the border lands of Ethiopia, Somalia, Kenya and Uganda. The situation in southern Ethiopia is further complicated by the overspill from the war in neighbouring Somalia – and the ready availability of small arms in the region.

This insecurity has had an impact on the provision of emergency relief. A spokesman for an international non-governmental organization (INGO) says: “Local government officials are afraid for their security. International aid agencies have also pulled out of certain regions. It is hard to provide assistance in insecure areas and, thus, certain groups suffer.”

But the violence has also had the effect of reinforcing discriminatory stereotypes of pastoralist peoples. Widely seen as backward by mainstream African societies, the intertribal fighting is written off as typical of ‘primitive’ tribes. But an Ethiopian NGO activist has a different interpretation: “People think pastoralist areas are breeding centres for conflict. But it is not true. Pastoralists live in conflicting situations.”

Official efforts to introduce disaster-prevention measures have been hampered by ignorance of the pastoralists’ culture. Their lifestyle and the intricate civil systems they have developed to survive in Ethiopia’s lowlands – one of the world’s harshest environments – have been little understood by successive governments.

The current Ethiopian government is dominated by Tigrayans, from the highland area of northern Ethiopia. Dr Zerihun Mabaye, of the Ethiopian Pastoralist Research and Development Association (EPaRDA), an Ethiopian NGO, says: “Do not expect high-

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**Box 1.4 Ethiopia’s pastoralists at a turning-point**
level people in important positions to understand the discrimination and neglect. They are highlanders, they think like highlanders and their solutions are not the right solutions for pastoralists.”

He went on to describe watering holes that were provided for cattle with no other services around them, clinics being built where barefoot doctor schemes would be more appropriate, and schools that were hard to reach, with lesson times that coincide exactly with the time that men and boys tend to the herds and women and girls cannot leave the home.

In a similar vein, Haji Mussa Gara says the government tried to build stock ponds to counter the effect of drought, but added that: “This can cause us to settle. We do not want to settle with the cattle: it is inappropriate for cattle to stay in one place. They need to move.” When it comes to food aid, his assessment was that: “There is support, but it is on and off. It is here today and gone tomorrow.” In any case, he reckoned it was not good for pastoralist communities to become dependent on food aid.

Despite the difficulties, there have been some improvements in recent years. An early warning system for lowland pastoralist areas has been established, while the infrastructure has been improved. There is now a new road to Jinka – a drought-affected area in the south-west – which has cut the time it takes to reach the capital, Addis Ababa, from six days to one. In 2002, a department for pastoralist development was established as part of the Ministry of Federal Affairs.

Three years ago, the government also officially recognized Pastoralist Day – an event that NGOs had been marking for six years – as a national event. On this day, Ethiopian society as a whole has a chance to familiarize itself with the issues pastoralists are facing. It also gets a chance to understand the pastoralists’ rich traditions and the positive contribution they make to Ethiopian life.

Sisay Tadesse, spokesman for the Ethiopian government’s Disaster Prevention Preparedness Agency (DPPA), says: “Awareness creation is very important; we have to break traditional thinking.” He adds: “I highlight pastoralist issues at various forums and I have seen encouraging changes in the last five years – even in the last two.”

Dr Mabaye recognizes this change in attitude, saying: “The government is now thinking about water development in pastoralist areas. If we have enough wells, we could solve 50 per cent of the problems.” But he stresses that aid agencies and governments must draw on the expertise to be found at the grass-roots level. He says: “Officials must sit down and discuss genuinely and critically with the communities where such wells should go.” For Dr Mabaye, the genuine participation of local people is the key to long-term sustainable development.

Pastoralist communities themselves are also taking the initiative. In a project supported by Minority Rights Group International and Pastoralist Forum Ethiopia (an umbrella forum that connects 27 INGOs and NGOs), a pastoralist elders’ council made up of men and women from Uganda, Ethiopia, Tanzania and Kenya has been established. The council will work with local government and will lobby at national level to raise the profile of pastoralist issues. It will also have a peacemaking role by attempting to mediate in the conflicts that are tearing apart pastoralist communities.

There are no guarantees that any of these measures will work. But there is no doubt about the urgency. Emergency relief is only ever a short-term solution. If the pastoralists’ lands in Ethiopia are always in a state of emergency, their unique way of life may be lost forever.
Some Dalits wanted to be housed separately because they feared attack from dominant communities. But in at least one reported incident in Tarangambadi in Tamil Nadu, 513 Dalits in a separate camp found they received less help than other tsunami victims.

Older people: growing isolation

Chapter 3, which focuses on the elderly, begins with an account of how one survivor fared after the Indian Ocean tsunami. When relief was being distributed after the tsunami, 75-year-old Perumal stood alone in the remains of his thatched hut in Tamil Nadu, refusing to join the hungry crowds jostling for aid.

“Some cars came by and just threw the packets,” he said. “The fastest get the food, the strong one wins. The elderly and the injured don’t get anything. We feel like dogs.”

Governments and aid agencies often assume that older people are looked after by their community or family and, therefore, that mass distributions will reach them. However, this is not necessarily the case.

The chapter describes how indirect discrimination often creates additional problems for older people in emergency situations. They may find it difficult to travel to distribution sites and often do not have the strength to carry the goods back to their shelters. This is especially the case when sites are placed on high points away from populated areas for security reasons. But this process discriminates against the elderly and the housebound. Mobility is also a problem when people have to flee a conflict or flooding, for example.

The United Nations defines an older person as being aged 60 or over. Every year, an estimated 26 million older people are affected by natural disasters, and this figure is set to double by 2050. Older people are often disproportionately affected by a crisis. According to the UN refugee agency, UNHCR, those over 60 comprise 21 per cent of people displaced by war in Serbia and Montenegro. This is probably because many young adults had already migrated in search of work, fled or been killed.

There are six key misconceptions about older people that affect their treatment in an emergency situation (see Chapter 3, Box 3.2).

Perhaps the most glaring is the idea that the extended family and community will protect them at all times. Not all have families and, even when they do, older people are not always treated equitably.

Another crucial misconception is that needs can be covered by general aid distributions, whereas in fact older people have particular nutritional, cultural and
other requirements that are often not met by general relief programmes. Clothes
distributed in response to the Darfur crisis in July 2004, for example, were culturally
inappropriate for older people, and medicines did not cater for their illnesses.

There is often an assumption that a specialist agency will look after older people, but
there are no UN agencies and very few INGOs dedicated to the elderly.

Many agencies assume older people only have themselves to worry about. In fact,
displacement, conflict and HIV and AIDS mean that, increasingly, they are
responsible for their children and grandchildren. Over half of older people living in
southern African countries severely affected by HIV care for orphaned and vulnerable
children.

The elderly are often deemed helpless, whereas in fact many are used to providing
for themselves and want to contribute to the welfare of the community as much as
possible. When the Iranian city of Bam was destroyed by an earthquake in
December 2003, killing over 26,000 people, disaster response experts were helped
by local elderly men of influence who organized community responses across the
city.

Finally, there is often the assumption that the elderly are too old to work, which
means they are excluded from schemes to help people recover their livelihoods after a
disaster.

Chapter 3 goes on to describe how these misconceptions are compounded by other
factors. Since there is no UN agency and few INGOS dedicated to older people, their
specific needs are often left out of pre-disaster planning. Linked to this is a lack of
funding for older people. The *Sphere Humanitarian Charter and Minimum Standards
in Disaster Response*, which seeks to promote minimum standards for relief agencies,
recommends that 7 per cent of humanitarian funds should be channelled to help
older people. HelpAge International says that, in practice, just 1 per cent of funds or
less is used for this purpose.

Countries usually have little official data on older people, and emergency assessments
often fail to identify their needs and abilities, which means they become invisible and
excluded during the emergency planning and response.

Their exclusion is aggravated by the fact that there is no legal treaty devoted to
protecting their human rights, and guidelines regarding their special needs are rarely
put into practice.

Research carried out by HelpAge International in 2005 with 16 leading INGOs
found that organizations do not actively exclude older people, but neither do they
address their particular needs. “Yes, we had forgotten about them,” one INGO director in West Darfur told the researchers.

A specific legal instrument would help to address discrimination, raise awareness of older people’s human rights and help pinpoint specific contexts where those rights are violated.

**Persons with disabilities: putting them on the map**

Disasters and emergencies can leave a huge legacy of injury. As highlighted in Chapter 4, for every child killed as a result of violent conflict it is estimated that three more are permanently injured. And those who are already disabled before a crisis may become further marginalized and excluded because of their disability.

In Bangladesh, 6 per cent of the population has a disability. This group suffers by far the most during the country’s recurrent floods (see Chapter 4, Box 4.2).
Setara Begum, whose husband had been paralysed in an accident, gave a vivid account of their experience in 2001. After their home was washed away, they had to move to a flood shelter. “But moving such a big man is difficult,” she said. And when they got there they encountered more problems. The toilets were too far away. “Now when he defecates in bed, the other families suffer from the stench, and so they have tried to throw us out. It seems that the authorities here are also thinking along the same lines.”

Their experience was by no means unique. One recent survey of persons with disabilities living in Bangladesh’s cyclone-prone coastal belt found that many were excluded from humanitarian aid because of inaccessible shelters and food distribution mechanisms.

According to the *IASC Operational Guidelines on Human Rights and Natural Disasters*, exclusion can be the result of “inappropriate policies or simple neglect” (see Chapter 4). This was borne out by a 2006 global survey by the UN Special Rapporteur on Disability, which found that persons with disabilities have been largely overlooked in emergency relief programmes. It suggested that states, in conjunction with relevant UN agencies, should develop specific policies and guidelines for emergency situations.

After years of brutal war, many young people in Liberia are now permanently injured (see Chapter 4, Box 4.3). Members of the general public often assume they are ex-soldiers who ‘deserved what they got’. Whatever the cause of their injuries, very few disarmament, demobilization and reintegration programmes implemented by the United Nations and other international organizations made any provision for large numbers of young, disabled former combatants. So now they are stigmatized and neglected, with no option but to beg on the streets of the capital, Monrovia.

Not being ‘seen’, being off the radar, is part of what puts persons with disabilities at risk. Many are stigmatized by families and communities, kept hidden from view and sometimes left out of official registration processes. This is one of the main reasons why those with disabilities are rarely included in disaster programmes, despite the existence of guidelines and policies.

But even when they are officially registered, they may be sidelined by the government and by NGOs.

The tsunami has become a catalyst for agencies and planners to rethink their methods, but many organizations that try to provide special services tend to plan from the top down – for persons with disabilities but not with them. Many of these people can help prepare for a disaster and are a useful source of expertise.
Women: a woman’s place in disasters

Whether disabled or not, young or old, of whatever colour or race, women remain the most vulnerable and discriminated category. They do more and suffer more than anyone else in a disaster.

This is visible from the outset. Frequently, the first local response comes from women, as was seen once again in Indonesia after the tsunami. Over 70 per cent of staff of local NGOs delivering relief in Banda Aceh were women.

As the South Asia earthquake of October 2005 showed, women often have little or nothing to say on who has a right to what, and who should benefit from aid. In Pashtun-dominated areas of Pakistan’s North West Frontier Province, women were strictly forbidden to express their needs or negotiate assistance (see Box 1.5).

Then there is violence against women. Alongside contraventions of women’s rights, disaster after disaster produces irrefutable evidence that with displacement – be it as a result of natural hazards or conflict – the risks of physical abuse to women and girls rises substantially. The World Health Organization has suggested that the stresses brought on by disasters is behind the increase, and around the world millions suffer the consequences.

As discussed in Chapter 5, violence and violation are extreme manifestations of gender discrimination, while many experts agree it is one of the most difficult challenges faced by humanitarian workers in crisis settings.

The nature of the discrimination varies but commonly includes sexual violence, exploitation and abuse, forced prostitution, domestic violence, trafficking, forced and early marriage and widow inheritance. Men and boys can also be victims, but the impact is greatest on women and girls.

Again, brutality and marginalization do not occur suddenly in crises. They are reflections of the ‘norms’ in women’s lives and prevention must begin long before emergencies happen. It is a recurring theme in the search for solutions to discrimination in disasters.

Such ‘norms’ can be invisible to aid agencies and are therefore not included in their planning.

In Africa, HIV affects women disproportionately. More than half of those infected are female. It is often left to women to nurse the sick and to feed, educate and agonize over the future of their soon-to-be-orphaned children.
Some disaster-prone communities, groups, households and individuals are, in addition, also prone to various forms of discrimination. Disaster can reinforce social discrimination in a hierarchical society, where opportunities and resources are not fairly distributed between and among various social, ethnic, religious, gender, political, geographical and community groups. However, disaster can also provide an opportunity for social transformation that can result in the neutralization of existing disparities, depending on the level of rigidity and flexibility in the dynamics of the prevalent power structure in a given society and community.

Following the South Asia earthquake in October 2005, various forms of discrimination were noted in the affected areas of Pakistan’s North West Frontier Province (NWFP) and in Pakistan-administered Kashmir. The nature of discrimination, however, varies according to the social location.

For instance, in the Pashtun-dominated areas of the Mansehra, Abbottabad, Battagram, Kohistan and Shangla districts of NWFP, women were strictly forbidden to articulate their demands and negotiate with the relief and recovery administration. In contrast, in the Hindko-speaking areas of NWFP and Pakistan-administered Kashmir, women were relatively assertive and active in accessing resources and subsidies provided by the Pakistani government and other organizations.

“In Pashtun-dominated areas, the male-female interaction is restricted only to mehram [immediate family relations],” explains Mushtaq Gadi, an anthropologist based in the Pakistani capital, Islamabad. According to this cultural tradition, women are stigmatized if they engage in any social interaction with strangers. Yet, during the crisis, such cultural boundaries prevented women from accessing their entitlements as the relief administration was largely dominated by male workers. “We had hardly seen a woman at the distribution points during the emergency period of the earthquake,” says Yasir Saleem, who was working at the Allai unit of the International Federation of Red Cross and Red Crescent Societies. “Women did not come in public; they designated some male member of their family to receive relief goods on their behalf.”

Ghulzar Khan, from the Kaghan Valley, claims: “A woman cannot be the head of the family; the security of [the] woman is the responsibility of her family.” This attitude led to discrimination against female-headed households that lost male members of their family in the wake of the earthquake. Access to relief and recovery packages was denied or made difficult for such women, who were prevented from participating in public life due to religious-cum-cultural customs. Elderly and single women therefore had to suffer multiple discrimination as a result of their inability to assert their rightful demands for relief and reconstruction.

Fatima Jan, a widow whose husband was injured in the earthquake and who died after ten months of medical treatment, is now living in a makeshift camp in Hafizabad, near Balakot, NWFP. Her damaged house was not assessed as she was attending to her wounded husband in hospital in Abbottabad during the survey process. “We got only one tent and a cheque for 25,000 rupees. Most of the money was spent on the medical treatment for my husband, who died later,” Fatima recalls. When asked whether she had rebuilt her
house, Fatima replied that she could not get a housing subsidy despite the fact that they were living on their own land. “I am worried who would help me to get money from the government to rebuild my house,” she says.

Widowed, elderly, disabled and tenant women had to endure multiple discrimination when they tried to access information, relief assistance and reconstruction subsidies. The majority of such women could not pursue their claims, for various reasons. At a procedural level, particularly in the case of tenant women, they could not provide documentary evidence as to their identity and eligibility to prove their claims. Mukhtar Bibi, from Garhi Habibullah, is one such case. Her parents bought the land from a local khan (lord) but the property transfer order was not handed over to her parents. After the earthquake, she was asked to pay 50 per cent of the reconstruction subsidy to the khan if she wanted the property transfer order to register her claim with the Earthquake Rehabilitation and Reconstruction Authority (ERRA). However, she could not raise the money and is still struggling to obtain a housing reconstruction subsidy.

Geographical location can be another factor in discrimination. The earthquake-affected area consists of inaccessible, mountainous terrain, with high- and low-altitude areas. Settlements are scattered across the area and access to the main towns is difficult. In addition, high-altitude areas are particularly vulnerable to health hazards due to a lack of medical facilities and services. In the aftermath of the earthquake, the base camps of medical service and other relief assistance providers were mainly established in urban centres further down the valley. It was difficult for people living in high-altitude areas to carry patients down to lower-lying areas for emergency medical treatment. In order to address these gaps, the Pakistan Red Crescent Society and the International Federation established mobile medical units in high-altitude areas in Mansehra district.

Communities living in high-altitude areas complained of discrimination resulting from ERRA specifications for building materials. ERRA made compliance with its specifications a condition for the disbursement of financial aid. However, the cost of transporting materials to high-altitude areas was significantly more than the materials themselves. Communities living in areas above 5,000 feet in Kahori, Pakistan-administered Kashmir, described how sand worth 700 rupees cost 1,800 rupees to transport from the nearest ERRA construction materials hub. The reconstruction process was therefore hampered in these areas due to the high cost of carriage.

Local power relations at community level also played a part in spreading discrimination in the wake of the earthquake. In tribal and semi-tribal localities in NWFP, local khans were reported to be influencing the relief distribution decision-making process. For example, the water and sanitation team working with the International Federation was not allowed to talk to communities in Allai without the presence and permission of the local khan. Elected representatives and the non-elected local elite acted as self-appointed interlocutors between affected communities and the governmental and non-governmental relief administration. Influential local figures were reported to have intercepted relief trucks and to have diverted supplies to their own kith, kin and constituencies, which resulted in conflict at community level.

It appears that caste was also a factor in the distribution of aid. This was noted by a joint research report launched in March 2007 by ActionAid and Shirkat Gah, which claimed
that the Sawati castes were discriminated against by the Syeds, who received the bulk of relief material in the village of Charan Gada, in Muzaffarabad district, Pakistan-administered Kashmir. A focus group discussion with residents of Ratta Chanja, in the Kaghan Valley, NWFP, revealed that about 66 households were not given corrugated galvanized iron (CGI) sheets because of their political affiliation to a certain party, which was opposed by the local elite. Syed Qasim Shah, an International Federation field officer, noted that sectarian affiliations also played a role in relief distribution in the villages of Shot and Meera, in Chakothi district, Pakistan-administered Kashmir.

A joint study by Church World Service Pakistan/Afghanistan and Duryog Nivaran Secretariat revealed cases of religious-based discrimination following the earthquake. It reported that, at the time of the October 2005 earthquake, about 37 Christian families had been living in Muzaffarabad. During the relief and recovery phase, these families were discriminated against as they were not allowed to share shelters with Muslim survivors. Despite the fact that these families had been living there for 25 years, they had not been registered as citizens and voters, nor had they been issued with national identity cards. They faced problems burying their dead as no place had been specified as a graveyard for the Christian community.

In another example in Bagh, members of the Christian community had erected their tents on land belonging to the forestry department, which subsequently dismantled them, leaving them without refuge. Local social activists later took up their case and organized protests, demanding equal rights for religious minorities affected by the earthquake. It was only then, and with the intervention of a government minister, that the Christian community was allowed to set up its tents again on the same land.

*Disaster Alert*, a newsletter published by the Islamabad-based Rural Development Policy Institute (RDPI) and Sri Lanka’s Practical Action South Asia, reported a unique case of ‘strategic disadvantage’ in areas close to the Line of Control (LoC) between India and Pakistan. The case concerns Khalana Union Council, situated some 64 kilometres from Muzaffarabad on the Muzaffarabad-Chakothi-Srinagar road. Because of its location in a high-security zone, Khalana Union Council remained neglected by government organizations and INGOs. This is mainly because access to the area for ‘outsiders’ is restricted, while the local population did not receive assistance and support in relief and recovery compared with other earthquake-affected areas, where the aid flow remained unhindered and no security clearance was required to enter.

The South Asia earthquake not only exposed institutional inefficiencies in the response to a large-scale disaster; it also re-activated dormant conflicts and allowed latent discriminatory factors to come into play against politically, socially and culturally marginalized communities, households and social groups in the affected areas.

Busisiwe, a 37-year-old mother of five whose husband had died of AIDS in Swaziland, fell foul of agency criteria during a food security intervention in southern Africa in 2003. Busisiwe had tuberculosis and was HIV-positive. Her health and strength were waning and she was struggling to feed her children.
On her homestead the maize was already high, but the impression was misleading. Unable to afford seed or to work her fields properly she, like many other widows, leased them to neighbours for a share of the crop. So even after the coming harvest she would retain only a few bags of maize.

She was eating into them already. Short of food, she was cutting and grinding the unripe crop, and those bags would be depleted further. Her children’s school fees were in arrears and, come the harvest, she would have to sell some maize to pay them or the youngsters would be unable to attend school.

Help was at hand, but not for her. The agencies active in her district had excluded landowners from relief.

The needs assessments had failed. Landowners as a group did not need assistance, but many women widowed by AIDS did. It raised fundamental questions about how humanitarian agencies assess emergency needs, who they involve in the process and on what they base their criteria.

**Recommendations**

Each of the chapters that follow assesses and analyses discrimination as it relates to different groups and lists recommendations specific to that group. There are, however, some clear changes and initiatives that overarch the whole:

- Individual countries need to be encouraged, enabled and supported to conduct an accurate and reliable census of their population in order to identify all those who, through vulnerability or marginalization, could or might be at risk of discrimination in an emergency.
- The international community needs to agree on clear definitions of all potential minority groups to prevent opposing interpretations and to ensure a common understanding of the vulnerability of minorities.
- Aid agencies need to improve initial needs assessments by sharing information, learning from experience and developing common indicators on the impact of discrimination.
- Community-based organizations for minority groups need to be encouraged and enabled in times of stability in order to build capacity, empower the groups involved and reduce potential vulnerability in an emergency.
- Minority and vulnerable groups need to be supported and enabled to participate in the planning, design and implementation of all emergency and non-emergency programmes.
- Agencies need to advocate within communities to change existing negative attitudes towards minority and vulnerable groups. Government and non-governmental agencies must also identify and address obvious and hidden discrimination within their own organizations.
Conclusion

The first steps in addressing discrimination in disaster situations should occur before emergencies happen. Risk reduction and preparedness are as much a part of the process as any aspect of disasters. Preventing discrimination – and changing attitudes – has to be the first priority. Advocacy and community development are needed to make vulnerability more visible. Greater efforts must be undertaken to map discrimination in crises, and guidelines need to be shared through the humanitarian system.

The participation of the marginalized is essential in disaster management, both in planning response and in implementation. Empowerment is a powerful remedy.

Disaster can be an opportunity for change. Following the Indian Ocean tsunami, former US President Bill Clinton called for the recovery programme to “build back better”. This goal is equally relevant to all efforts to eliminate discrimination: what existed before can be replaced by an environment conducive to social justice.

This chapter was contributed by John Sparrow, an independent writer and communications consultant currently working on disaster risk reduction issues, who also contributed Box 1.2; Tim Large and Alex Whiting, journalists with Reuters AlertNet, a web-based, humanitarian news network. Box 1.1 was contributed by Yvonne Klynman, Senior Officer, Disaster Policy at the International Federation. Box 1.3 was contributed by Dr Katrien Beeckman, Senior Officer, International Disaster Response Laws, Rules and Principles at the International Federation. Preti Taneja, a journalist working with Minority Rights Group International, which works to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, contributed Box 1.4. Box 1.5 was contributed by Amjad Bhatti, a development journalist specializing in the political economy of disasters and development in South Asia.

Sources and further information


Web sites

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Global Fund for Women www.globalfundforwomen.org
International Development Law Organization www.idlo.int
International Federation Reference Centre for Psychosocial Support http://psp.drk.dk
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