

CHAPTER 5



The urgency of equality: ending discrimination against women and its consequences in emergency situations

In the past decade, many instances of violations of women's human rights in emergency situations have been documented by the media, public institutions, non-governmental organizations (NGOs), human rights bodies and humanitarian aid agencies. In most cases, it has been found that the manifestations of violence that women and girls face in emergency situations are severe, and that these violations follow gender discrimination patterns that are widespread. This is why, in recent years, there seems to be a general consensus on the need to strengthen efforts to prevent and address adequately gender-based violence in emergency situations. To name but a few, some of the intergovernmental bodies and agencies that have looked at this issue include the World Bank, the International Labour Organization (ILO), the United Nations Commission on the Status of Women (CSW) and the Pan American Health Organization (PAHO). As a result, a significant number of valuable policy documents, guidelines and resources focusing on the need to undertake emergency efforts from a gender perspective are now available. At the same time, while these advances must be recognized, it is also timely to reflect on the need to develop a consistent understanding of discrimination against women in the context of conflict, natural disasters and other humanitarian emergencies.

Discrimination against women in disaster settings is a serious and life-threatening human rights issue requiring special attention in all phases of humanitarian intervention. Much can be gained by incorporating a better analysis of discrimination against women in efforts being undertaken on the ground. For this to be possible, it is necessary to consider the ways in which discrimination against women is being canvassed, reconceptualized and articulated in accordance with international human rights standards. It is also important to explore better means of implementing the recommendations that have been made to ensure the respect, protection, promotion and fulfilment of women's human rights in emergency situations.

While this chapter does not attempt to provide an exhaustive analysis of discrimination against women, it aims to explore some of the most pressing issues that need to be discussed within the context of humanitarian relief efforts. In order to be

Photo opposite page: Israt Jahan is a student and volunteer trainer for the community disaster preparedness committee at the Khajura cyclone centre in Kalapara, Bangladesh.

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able to present some key elements for the adequate analysis of gender-based discrimination in emergency situations, the chapter focuses on violence against women in natural disasters. Despite the fact that this is not a new problem, many of these issues gained increased attention in the aftermath of the Indian Ocean tsunami and Hurricane Katrina. Even though it is possible to draw parallels between discrimination against women in natural disasters, armed conflict and displacement, they are not the same. In comparison, the gendered consequences of natural disasters have received much less attention, while action lags behind the work being done in conflict settings.

The importance of understanding concepts as reality

International human rights standards can be used as a means to develop conceptual clarity around the steps that need to be taken in order to achieve gender equality and to eliminate discrimination against women and girls. From the outset, it is important to recall that according to Article 1 of the Universal Declaration of Human Rights, human rights are inherent to every human being because we are all “born free and equal in dignity and rights”. In this respect, and in accordance with some of the most important human rights principles, all forms of disadvantage and inequality are social constructions that need to be progressively exposed, opposed, addressed and eliminated. The idea that follows on from this is that the elimination of discrimination against women is one of the major stepping stones to the actual realization of human rights for all. Sadly, since discrimination against women is still prevalent, gender equality could be referred to as a promise that, to varying degrees, states have not been able to keep.

Given that every marginalized and disadvantaged group of individuals that is affected in an emergency situation includes women and girls, gender equality needs to be seen as a cross-cutting issue. The *Sphere Humanitarian Charter and Minimum Standards in Disaster Response* builds on this point by adding that: “Humanitarian aims of proportionality and impartiality mean that attention must be paid to achieving fairness between women and men and ensuring equality of outcome.” This is an important point because equal outcomes for men and women should be the basis of gender equality. This model of equality is commonly referred to as ‘substantive equality’ and is usually considered a starting point for understanding discrimination against women.

The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) provides a framework for the analysis of substantive equality and non-discrimination from a gender perspective. One of the advantages of using the convention is that it is an international treaty that creates legally binding

obligations for the 185 states that have agreed to be bound by it. In addition, the convention is a tool that can be used in the process of developing a framework to address discrimination against women in the context of natural disasters. As already established by the CEDAW Committee in its General Recommendation Number 25:

...the Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results. It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences. Pursuit of the goal of substantive equality also calls for an effective strategy aimed at overcoming under-representation of women and a redistribution of resources and power between men and women.

While, in theory, it is accepted that the principle of gender equality needs to inform efforts undertaken in emergency situations, in practice there are challenges that need to be overcome. In this respect, the principle of substantive equality contained in the convention needs to be methodically applied in the context of natural disasters in order to ensure equal results and outcomes for men and women. Since gender equality is achieved through the elimination of all forms of discrimination against women, the next section explores these dimensions in greater detail.

Discrimination against women: why is it urgent to eliminate it?

Discrimination against women often correlates to the subordinate role assigned to women in society. Most international human rights bodies have established that gender assumptions and expectations made on the basis of the idea of the inferiority of women often impair the recognition, enjoyment and exercise of women's rights. It is, therefore, important to understand how women's human rights violations are caused by inequality, disadvantage and marginalization resulting from discrimination on the grounds of sex and gender. Since CEDAW is the only international human rights treaty that defines and specifically addresses discrimination against women, when trying to clarify the meaning of the concept it is important to refer to Article 1 (see Figure 5.1). It reads:

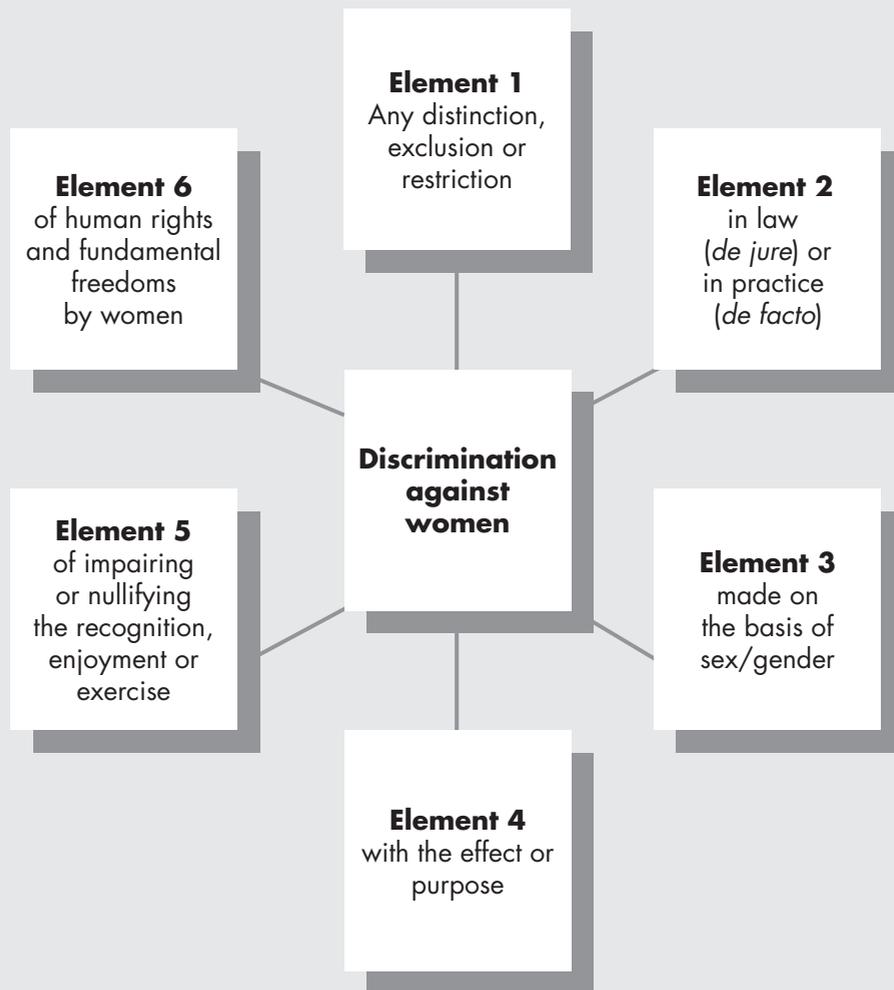
For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and

fundamental freedoms in the political, economic, social, cultural, civil or any other field.

It is also useful to recognize that discrimination against women has been progressively interpreted through the general recommendations and concluding observations by the CEDAW Committee and by other international human rights treaty bodies. Nevertheless, in all instances, some of the most important aspects to bear in mind when analysing discrimination against women are:

Figure 5.1

The six elements of the term 'discrimination against women', as defined by the UN Convention on the Elimination of All Forms of Discrimination against Women



- Discrimination against women is an outcome and, as such, it does not matter whether it is direct or indirect.
 - a. According to General Comment Number 16 of the United Nations Committee on Economic, Social and Cultural Rights (CESCR), direct discrimination occurs “when a difference in treatment relies directly and explicitly on distinctions based exclusively on sex and characteristics of men or of women, which cannot be justified objectively”. While in most cases direct discrimination against women is intentional, it can often trigger additional negative effects that were unforeseen and which, therefore, are unintended. That is why it is important to consider the ongoing effects of policies, laws and programmes that aim to impair or nullify the enjoyment of women’s rights. Discrimination triggers human rights violations that are both intended and unintended.
 - b. General Comment Number 16 states that indirect discrimination occurs “when a law, policy or programme does not appear to be discriminatory... but has a discriminatory effect when implemented”. For example, in country X, a public housing programme aimed at helping those affected by a flood requires all applicants to have completed primary school. Since in country X girls were not allowed to go to school until recently, none of the women affected by the flood is eligible to apply. While the housing programme does not directly exclude women from applying, it clearly affects them negatively.
 - c. Finally, progressive steps towards the elimination of discrimination against women and the achievement of the practical (de facto) and legal (de jure) aspects of gender equality must be addressed holistically.
- Discrimination against women is a human rights violation that does not distinguish between acts that are committed in the private or in the public spheres. Consequently, the definition of discrimination applies to acts or decisions by the state (public officials, government representatives, etc.) as well as non-state actors (humanitarian aid agencies, NGOs, religious organizations, families, etc.).
- In emergency situations, rescue, relief and recovery initiatives should be undertaken in ways that avoid distinctions, exclusions and restrictions that may result in discrimination against women. Gender equality is an absolute obligation of state and non-state actors and, as such, it should be considered a priority. In all stages of humanitarian relief, the elimination of discrimination should be considered urgent and necessary.
- It is also important to note that, in accordance with international human rights treaties, it is ultimately the obligation of the state to respect, protect and fulfil women’s human rights. This means that, ideally, the state is responsible for overseeing plans to ensure that violence against women and other manifestations of discrimination are prevented and addressed before, during and after a natural disaster.

Intersectionality: acknowledging the ongoing effects of multiple forms of discrimination

According to the report of the UN expert group meeting on *Environmental management and the mitigation of natural disasters: a gender perspective*, which took place in Ankara in 2001, women's responses to routine or catastrophic disaster reflect "their status, role and position in society". Thus, women and girls that belong to marginalized sectors or groups in society become more vulnerable to discrimination in emergency situations. For this reason, a better analysis of discrimination against women can be helpful in the process of identifying groups of women that are particularly vulnerable to discrimination and that are at risk of violence in emergency situations.

As already outlined by feminist scholars and activists, there are groups of women that face multiple barriers to the enjoyment of their human rights and to the achievement of substantive equality. These barriers are a result of the intersection of gender discrimination and discrimination based on other grounds such as race, ethnicity, age, sexual orientation, economic status, and disability. Consequently, intersectional discrimination multiplies vulnerabilities and increases the risks that some women face in natural disasters. Overall, intersectional discrimination compounds the negative effects of inequality and disadvantage. At a practical level, the UN expert group meeting acknowledged that there are many casualties among women during disasters because the kind of early warnings issued do not take into account their literacy, mobility, minority status, etc. In other words, vital information on early warnings shared on television does not often reach women that are already disadvantaged because they live in a remote area and only speak a minority language. A better understanding of intersectional discrimination may help to avoid these problems in the future (see Box 5.1).

At another level, economic, civil, cultural, political and social fields are often the main sites of discrimination against women. In this respect, the principles of interdependence and the indivisibility of human rights should also inform the framework for developing components of relief work. When discrimination against women is not properly addressed, the ongoing effects of violations ultimately trump the enjoyment and exercise of women's rights in every field. As already expressed by the expert group meeting, the lack of comprehensive strategies encompassing all the sites of discrimination against women in the context of natural disaster can exacerbate gender inequality and negatively affect discriminated groups of women:

The economic and social rights are violated in disaster processes if mitigation, relief, and reconstruction policies do not benefit women and men equally. The right to adequate health care is violated when relief efforts do not meet the needs of specific physical and mental health needs of women throughout the life cycle, in particular when trauma has occurred. The right to security of

Box 5.1 HIV or silent disaster: the response of the International Federation in Cameroon

HIV is fast becoming the most serious disaster facing the world and Africa is the worst-affected continent, with thousands of people dying every day. If nothing is done, Africa will lose most of its sons and daughters, and this will seriously jeopardize its development.

Several organizations have joined forces with governments to respond to HIV and, as part of this alliance, the Cameroon Red Cross Society, with the support of the International Federation's Central Africa Sub-Regional Office, has set up the *Filles Libres* project. This pilot project, which derives its name from the term for young female sex workers, *filles libres*, provides psychosocial and medical support to about 2,000 sex workers. One of the most important aspects of the project is the provision of therapeutic support to 250 *filles libres* in Cameroon's capital, Yaoundé. The project, which is currently being implemented in Douala, the economic capital, will soon be extended to other towns across the country.

The *Filles Libres* project is also supported by the *Association des Filles Dynamiques* in Douala, a local association composed of *filles libres* which has been facilitating regular contact with over 1,000 young women. Its members, who have been trained in peer education by the Cameroon Red Cross Society, organize educational talks and conduct sensitization campaigns and interpersonal communication. The National Society also runs theatre groups in Yaoundé and Douala, whose role is to reinforce educational talks.

Women in Cameroon suffer serious health and psychological problems as a result of gender-based violence. Women suffering from violence are afraid to talk about their experience because of society's reaction. Even when they do talk, excuses are found to justify what

men did to them. This fear prevents them from negotiating their own sexuality; they cannot even impose the use of condoms on their sexual partners, their aim being to get through the day without being brutalized.

Women are regularly subjected to forced sexual intercourse which exposes them to the risk of HIV. The Cameroon Red Cross Society has been encouraging victims of gender-based violence to refer immediately to the nearest health centre, even when they are not willing to denounce the perpetrator of the violence. This could help prevent sexually transmitted diseases (STIs) and HIV infection, as well as unwanted pregnancies.

The Henry Dunant Health and Social Welfare Centre is a product of the *Filles Libres* project. The centre, which is open to the public, welcomes targeted young women and guarantees them confidentiality, offering special rates for tests and treatment. With the opening of the centre, *filles libres* can now be screened for STIs, including HIV, without fear of being exposed by health workers in the event that they test positive.

People in Cameroon are afraid of AIDS and there is much ignorance about the subject, despite various information, education and communication campaigns. The knowledge or suspicion that someone is HIV-positive often provokes feelings of panic and hostility towards that person, who is made to feel ashamed and isolated. People believe this attitude will prevent them from having any contact with an HIV-positive person, which, according to them, means getting infected.

Because of discrimination, people living with HIV (PLHIV) are stigmatized and are virtually treated as outcasts due to their status. By targeting *filles libres* within the framework of

this project, the Cameroon Red Cross Society is encouraging people to view this group as victims who need assistance.

Choosing sex workers as a target group was a courageous decision, as the most commonly known target groups included truck drivers, soldiers and youths. Why, then, did the Cameroon Red Cross Society decide to focus on sex workers? This was mainly because of their high level of vulnerability. By working with *filles libres* and PLHIV, the Cameroon Red Cross Society is sending a strong message to other actors in the fight against the AIDS pandemic. The society believes it takes more than just words to respond effectively to HIV: there is a need for action to include all targeted groups in the fight in order to achieve a greater impact.

Reinsertion is another important feature of the project in the sense that one of the main causes of sex work is poverty. During the ongoing pilot phase of the project in Yaoundé and Douala, some *filles libres* were trained in

female entrepreneurship, while others have already benefited from the funding of income-generating activities. The aim is to offer *filles libres* an alternative to sex work, namely, another livelihood so they have the option to stop sex work. At the same time, the HIV-prevention programme empowers sex workers to protect their lives and that of their clients, making them front-line, HIV-prevention educators.

There is still a long way to go, but the project has already created a climate of hope which is progressively dispelling fears and eliminating discriminatory attitudes. In other towns where the project will be copied, existing public and private medical centres will be identified to ensure medical and psychosocial support to *filles libres*. The building of the Henry Dunant centre can be considered a success, but the greatest achievement of the project lies in its ownership by the *filles libres* themselves, as they are currently involved in all the activities of the project. ■

persons is violated when women and girls are victims of sexual and other forms of violence while in relief camps or temporary housing. Civil and political rights are denied if women cannot act autonomously and participate fully at all decision-making levels in matters regarding mitigation and recovery.

Ultimate manifestations of discrimination: violence against women and other women's human rights violations resulting from natural disasters

For gender inequality and discrimination against women to be addressed in emergency situations, it is necessary to challenge the myth that violence against women is inevitable. This section aims to illustrate how discrimination against women has the effect of leaving some groups of women vulnerable to human rights violations and at risk of sexual violence in emergency situations. In order to illustrate the extent of discrimination against women in emergency situations, various examples of violence against women in natural disaster settings are briefly described. From the

outset, however, it is also necessary to emphasize that while disasters such as the Indian Ocean tsunami are natural phenomena, its effects are not. In addition, this section touches on the gaps that exist as a result of a lack of a consistent approach to address gender-based discrimination in the context of humanitarian and relief efforts.

Risks faced by women in emergency situations

In most circumstances, humanitarian actors do not have access to the affected populations in the crisis phase of a natural disaster. Even if relief and rescue efforts are mobilized quickly, gaining physical access may take some time. It is during this acute crisis phase, when communities are scrambling to survive or seeking refuge in temporary, and often unplanned, shelters, that women and girls may be most vulnerable and at risk of violence. For example, in her article on sexualized violence and the tsunami, Claudia Felten-Biermann refers to reports by *medica mondiale*, the Asia Pacific Forum on Women, Law and Development (APWLD) and others which established that there were many instances of women being raped by rescuers and strangers who took advantage of the lawlessness and chaos immediately following the disaster. Interestingly, the Oxfam briefing note on gender and the tsunami also mentioned that years of conflict in the north-east of Sri Lanka and in Aceh “left a legacy of human rights abuses and a history of sexual and other violence against women” which exacerbated risks of violence in overcrowded camps.

At the peak of a crisis resulting from a natural disaster, law and order breaks down, families are separated, community and social supports and formal and informal means of protection fall apart. At the same time, the level of distress, insecurity and desperation among individuals often triggers the social consequences of natural disaster, which are frequently reflected by waves of violence. For these reasons, during the relief phase women and girls directly affected by these disasters are at greater risk of being subjected to violence.

There is general agreement among experts that women and girls are at higher risk of sexual violence, sexual exploitation and abuse, trafficking and domestic violence in disasters. As mentioned earlier, these manifestations of discrimination against women result in grave and systematic violations of women’s human rights. Furthermore, as a result of intersectional discrimination, poor, single, elderly women, adolescent girls, girl children and women with disabilities are often at greatest risk because they have fewer personal, family, economic and educational resources from which to draw protection, assistance and support.

Another concern is that data on gender-based violence and discrimination against women is not routinely compiled and made public (the notable exception to this is the work of the Gender and Disaster Network). Research by the International Medical Corps (IMC) into post-Katrina health and security issues is the first such

study and provides valuable new information for understanding violence against women in the aftermath of disasters (see Box 5.2).

Research also suggests that different groups of women are likely to experience natural disasters and cope with the consequences in diverse ways. For example, women that are part of the formal workforce and earn a steady income are more likely to find ways of borrowing money to buy or rent housing, etc. It should also be stressed that the accumulated losses of recurrent small- to medium-scale disasters often make it harder for women affected by discrimination to advance towards equality. Since such losses are often significant, these situations should be addressed from a rights-based approach that takes into account the continuing effects of discrimination and that incorporates a sustainable development model.



A woman and children at the Lologo transit camp for refugees and internally displaced people in Juba, southern Sudan. Women and children in camps may face discrimination, abuse and even violence from fellow residents.

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Box 5.2 Violence against women soars in post-Katrina trailer parks

The 2005 hurricane season devastated the US Gulf Coast and forced over 3.2 million people from their homes. Of these internally displaced people (IDPs), some 99,000 relocated to temporary trailer camps in Louisiana and Mississippi, according to the Federal Emergency Management Agency (FEMA).

In order to inform recovery efforts, the International Medical Corps (IMC), a US-based NGO, conducted a survey in 2006 (using systematic random sampling) which is representative of all those still living in trailer camps.

The survey found alarmingly high rates of gender-based violence following the disaster compared with baseline rates provided by the US Department of Justice. Some 5.9 rapes were documented per day per 100,000 women following displacement. This equates to 527 rapes among the 32,841 women displaced to trailer parks. This rape rate is 53.6 times higher than the highest baseline state rate (0.11 per day per 100,000 women in Mississippi in 2004).

The above data refer to 'non-perpetrator specific' rape. Equally disturbing were the high rates of violence perpetrated by intimate partners or spouses. Intimate partner rape was 16 times higher than the US yearly rate. In the 274 days following the disaster, the rate of women experiencing beatings by a spouse was 3.2 per cent – more than triple the US yearly rate.

High rates of respondents in this study claimed they knew someone who had experienced intimate partner violence, which suggests that intimate partner violence in this population was under-reported, despite the extraordinarily elevated rates.

Many factors increase the risk of gender-based violence during disasters, including

educational level, financial autonomy, the level of empowerment, social support, alcohol and drug abuse, employment status and cohabitation or marital status.

The story of Hannah (not her real name) makes this clear. She reported beginning a relationship with a man in a shelter following the storm. After only a month of dating, they got married. The following month, Hannah found out her new husband was still married to another woman, making their new marriage void.

Despite Hannah's desire to leave, she was trapped financially: they had received a travel trailer as a couple and all their ongoing benefits were being provided in his name. With no family in the area, she was completely reliant on him for food and shelter – even while trying to reach the government for separate assistance. During this time, Hannah's new husband forced her to have sex on several occasions. She was only able to escape the situation when she was provided with a new trailer – located directly across the road from her 'husband'.

Hannah's situation exemplifies many of the root causes that increase gender-based violence following disaster. The sudden destruction of lifestyles, livelihoods and community ties left survivors physically, emotionally and financially vulnerable. Stressed relationships became violent. A lack of security meant perpetrators could strike with impunity.

Data from the survey substantiate these causes:

- Suicides were five times the states' baseline rate – attempted suicides were 79 times the baseline rate.
- Fourteen per cent of respondents had increased substance abuse since displacement.

■ Forty-nine per cent of respondents did not feel safe walking around their trailer park at night.

In Gulf Coast IDP camps, efforts to curb gender-based violence are limited to inadequate security and understaffed social service providers. Only half of all IDP camps had any kind of security. Even so, security does nothing to prevent intimate partner violence, which is frequently perpetrated in the privacy of the home.

Gender-based violence can be prevented, but it requires initiatives across many sectors.

Collaboration between organizations engaged in law enforcement, legal aid, health care, public health, education, social services and economic development are needed to ensure integrated prevention and response.

Sexual violence in humanitarian emergencies is a human rights issue, primarily affecting women and girls, with serious health consequences. Programming to meet their needs should follow well-developed, international models of rights-based care. ■

It is also important to mention that the Hyogo Framework for Action adopted by the 2005 World Conference on Disaster Reduction specifically addresses the gender perspective of disaster management. However, it is essential to highlight that one of the main priorities agreed is to “reduce the underlying risk factors” for vulnerable groups. In this respect, the elimination of discrimination against women should be an integral part of all strategies undertaken in the present and in the future.

Barriers faced by women in emergency situations

As discussed in the previous sections, it is important to acknowledge that some women will be more vulnerable to discrimination in emergency situations and at risk of sexual violence. While it is accepted that gender-based violence prevents many women from benefiting equally from relief, rescue and recovery efforts, at a more practical level a more sophisticated understanding of intersectional discrimination is lacking. One of the benefits of understanding intersectional discrimination is that it is likely to help identify groups of women most at risk of bearing the brunt of discrimination in emergency situations.

Certain conditions and situations that trigger discrimination on multiple grounds are exacerbated in natural disasters and lead to more extreme manifestations of violence against women. Nevertheless, efforts to predefine target groups for relief and rescue should take into account the fact that there are, as described in the UNHCR *Executive committee conclusion on women and girls at risk*, a range of factors that may put women and girls at risk of further violations of their rights. At another level, the report continues, “identification and analysis of the presence and severity of these different factors help determine which women and girls are at heightened risk and enable targeted responses to be devised and implemented”.

To illustrate this point, information on those made homeless by Hurricane Mitch in Honduras shows that 51 per cent were women. In addition, these women were on mainly low incomes, while 16 per cent of women in shelters declared they were pregnant. Similarly, following the Indian Ocean tsunami, some authors such as Claudia Felten-Biermann and some NGOs have stressed that there is evidence to show that, overall, the disaster had a greater negative effect on women. For example, according to some reports, many young girls and women in Sri Lanka, Aceh and India were forced to marry 'tsunami widowers' because their families were no longer able to provide for them. Other reports, for instance the Oxfam briefing, note that in some areas the ratio between female and male deaths was three to one and that the loss of property, mobility, work and family members has aggravated the situation of many women who were already considered to be below the poverty line.

Since it is clear that most of these women were experiencing varying levels of discrimination and did not enjoy all their human rights before the natural disaster, women that were subjected to violence in the emergency are more likely to continue to be negatively affected by the ongoing effects of these violations. In addition, violence against women and other forms of discrimination may result in 'extended risk' for some women. Yet these barriers to equality and the advancement of women are not always acknowledged in emergency situations. Power imbalance, the abuse of power by some and the exclusion of women in planning and implementing programmes and services contribute to ongoing manifestations of discrimination (see Box 5.3). Overcrowded camps and shelters and inadequate humanitarian relief also contribute to extending the risks of sexual violence for women and children.

Documenting and researching gender-based violence is extremely sensitive and can be dangerous, even life-threatening, to interviewees and participants (generally these are community members, including survivors of violence against women), communities and those involved in collecting the information. The ethical and safety issues are difficult to manage in emergency settings, particularly in the early phases. At the same time, it is also important to note that the principles of equality and non-discrimination are not always included as part of an overarching framework for understanding and documenting violence against women in emergency situations.

Despite these challenges, experiences described in *Gender and Natural Disasters*, a PAHO factsheet, show that women's capacity to respond to disasters can fast-track equality by having the effect of changing society's perceptions about women's capabilities. For example, in the aftermath of Hurricane Mitch, women in Guatemala and Honduras took an active role in "building houses, digging wells and ditches, hauling water and building shelters". Similarly, when reflecting on the lessons learnt from earthquakes in Turkey, a participant at the UN expert group meeting mentioned earlier stated that "disaster creates socially acceptable and legitimate reasons for women to get into the public arena". In addition, a paper by Lynn Orstad refers to

Box 5.3 The role of power

Discrimination is more than just distinction or differentiation; it is action based on prejudice resulting in the unfair treatment of others. At the core of this discriminatory action lies the misuse of power. Discrimination can occur, continue and devastate when power is abused.

Power dynamics in disaster settings are very complex. Existing power relationships between women and men, adults and children, the young and the elderly, persons with disabilities and those without, and different political, religious and ethnic groups, all become intensified during disasters. Power equations, like those between displaced populations and the native community, develop. People who had power may lose it or those with little power may see it increased: resentment over power can develop, fester, and lead to violence.

Humanitarian workers have heightened power in disasters; they have money, resources, information, networks, emblems and authority. They come into contact with people in difficult and desperate situations, who are feeling powerless, whose lives have been ripped apart. Aid workers and organizations make decisions about who is vulnerable, who needs protection, who receives aid and about the actual process of working with individuals and communities. 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. An awareness of the power dynamic is crucial to understanding how it can be used effectively, or misused, in interactions with vulnerable people.

Types of power

There are several types of power, including:

- **Relationship power.** A person with greater relationship power has power because of their determined standing within the social system. For example, adult-child, aid worker-beneficiary.
- **Organizational power.** Different positions within organizations bestow specific authority, rights and privileges as determined by job descriptions.
- **Position power.** A person with position power has the capacity to influence and obtain respect, resources and support from others.
- **Expert power** is based on the perception of a person's expertise, skills and knowledge.
- **Information power** is based on a person's possession of or access to valuable information.
- **Connection power** is determined by a person's influential connections and relationships within or outside an organization.
- **Network power** is derived from membership of formal or informal networks.
- **Personality power** is based on gender, ethnic identity, age, physical appearance and personal presence.
- **Resource power.** A person with resource power has the ability to access human, financial, technical and/or educational resources.
- **Reward power** is based on a person's ability to give or to withhold rewards, benefits and services.

Power questions

Every humanitarian aid worker has power. With power comes a responsibility to use the power to advance the safety, dignity and sta-

tus of vulnerable people. The questions we must ask ourselves are:

- Where does my power come from?
- How do I use my power in a responsible way?
- What are the power dynamics within the disaster setting?
- What kind of power do vulnerable people, like children, have in the disaster setting?
- How might my power be misused?

- In what situations am I at risk of misusing my power?
- How do I respond when I know that power is being misused?
- How do I maintain a power balance with beneficiaries?

Understanding power is critical to preventing discrimination and violence. Power will either be used positively or negatively; it does not stand neutral. ■

studies showing that women perform well in disasters when they are collectively organized and even better when they have received prior training to adequately respond to situations that may emerge on the ground (for example, an increase in domestic violence in the aftermath of a natural disaster).

Gaps identified by those working with women in emergency situations

Some of the gaps relating to efforts aimed at assisting women in emergency situations identified by relief workers, researchers and other experts working on the ground include:

- **Inadequate women's reproductive health services.** While basic health needs are often taken into account in emergency situations, it is essential for obstetric care and specialized care services to be made available to pregnant women and women that have been affected by violence.
- **Inadequate design and location of shelters.** Reports and studies focusing on instances of violence against women in shelters set up in the aftermath of Hurricane Katrina and the Indian Ocean tsunami (particularly in Sri Lanka and Aceh) stress the need to consider the personal security and protection of women and girls when setting up such shelters. Special measures should be adopted in shelters that are overcrowded, where communal sleeping and living spaces are shared by all. As a starting point, the guidelines for the protection of refugee and internally displaced women already promoted by UNHCR should be considered in emergencies resulting from natural disasters.
- **Invisibility of women's experiences in natural disasters.** Although it is widely accepted that women face violence and other forms of discrimination in emergency situations, statistics and data gathered during and after natural disasters rarely reflect these problems. For instance, when trying to analyse the interventions taken in response to Hurricane Mitch, a study conducted by the

Economic Commission for Latin America and the Caribbean (ECLAC) found that “there are not many statistics on the differentiated effects on the basis of gender”. The report recalls how “the majority of the agencies that were interviewed indicated that they do not consider gender explicitly and that they do not disaggregate their data according to sex or analyse their results from a gender perspective”.

Sadly, these problems are also common all over the world and that is why, even today, data collection, disaggregation and analysis from a gender perspective need to improve. Furthermore, the lack of appropriate data also veils the scale and extent of discrimination against women. This, in turn, makes it very difficult to address intersectional discrimination at a practical level because the degree of inclusion of women depends on the groups of women considered to be part of the target groups. Without an understanding of discrimination in the context of data-gathering and analysis, the specific needs of women and girls in situations of emergency and in the context of natural disaster will not be adequately addressed in the long term (see Box 5.4).

In an effort to address some of these problems, UNHCR began piloting a new and improved system for confidential data collection and analysis of gender-based violence in refugee settings in 2006 which could eventually be used in natural disasters. UNHCR and its partners in other UN agencies and international non-governmental organizations (INGOs) are currently exploring how best to use and streamline such a system, while at the same time ensuring ethical and safe practices.

Another problem is that the links between gender equality and non-discrimination are rarely included as part of the framework and methodologies for analysis in emergency situations. As a result, gaps in efforts aimed at improving the situation of women could be addressed through better coordination and cooperation among all players involved in emergency relief efforts. All entities and individuals intervening in emergency situations resulting from natural disasters should be committed to eliminating discrimination against women and addressing violence against them.

Recommendations for a unified approach: breaking the cycle of discrimination and ending violence against women in emergency situations

In 2005, the Inter-Agency Standing Committee (IASC) published its *Guidelines for Gender-based Violence Interventions in Humanitarian Settings*. These guidelines are designed for use in the early stages of any emergency, including disasters. The purpose of the guidelines is to enable humanitarian actors and communities to rapidly plan, establish and coordinate a set of minimum, multi-sectoral interventions to prevent

and respond to sexual violence during the early phase of an emergency, and to expand interventions as the situation becomes more stable. The interventions in the guidelines are a set of good practices from conflict and disaster settings worldwide. The guidelines put forth a rights-based approach, emphasizing issues of gender, the needs of women and girls in emergencies and their involvement in designing and implementing programmes and services. In order to strengthen this initiative, the IASC recently published the *Gender Handbook in Humanitarian Action*. The handbook, which complements the guidelines mentioned above, provides a range of concrete strategies for promoting gender equality.

In this connection, other efforts to develop frameworks to address the situation of women in emergency situations include the UNHCR *Executive committee conclusion on women and girls at risk*, and the recommendations of the UN expert group meeting on *Environmental management and the mitigation of natural disasters: a gender perspective*. However, although these documents are very comprehensive, this section sets out recommendations that specifically address the need to develop conceptual clarity and consistent approaches to deal with the issue of discrimination against women in emergency situations.

Substantive equality needs to become a central element in the prevention of gender-based violence and, for that to be possible, all forms of discrimination against women need to be recognized. While relief and rescue initiatives often consider immediate effects – without adequately including the discrimination dimension – the urgency for gender equality is often reduced in the process of reconstruction. It is also important to mention that the analysis and recommendations in this section are meant to supplement the work already undertaken by practitioners, experts, aid organizations and other institutions.

The following recommendations are organized according to the phases of humanitarian and development work undertaken in situations of emergency resulting from natural disasters.

Box 5.4 In the margins

Children – those under 18 years of age – represent the single largest demographic group in most disasters. Because of their size, age, knowledge, reasoning and level of dependency, they are the most vulnerable. Despite international legal protection under the United

Nations Convention on the Rights of the Child, which also covers non-discrimination, children experience discrimination and violence before, during and after disasters.

Before a disaster, children are all too often exploited and abused. Young children and

boys are at greatest risk of physical violence, while sexual violence most often affects those who have reached puberty – especially girls. Children are bought, sold, trafficked, exploited, abandoned, neglected, forced into the sex trade and armed conflict, tortured, maimed, abused and misused. They suffer discrimination in its most violent forms.

Discrimination that takes place before a disaster is magnified during and after the disaster. Children's safety is compromised not just by the disaster but by the adults, agencies and communities that gather to help, to await rescue or to observe. In the chaotic environment of a disaster, where family and community support systems are under stress, existing discrimination against children is intensified.

Children who are separated from caregivers or orphaned, or seen as 'different' due to gender, disability, religion, health status, community status, language or ethnicity, can face even greater levels of discrimination. Disasters peel away the layers of protection and leave vulnerabilities even more exposed.

Layers of discrimination

Discrimination against children operates on many levels: by individuals and systematically by institutions, communities and societies.

1. Individual level

During a disaster, the main risk to children comes from people in positions of power: in families, schools, displacement camps, transition centres, places of refuge. In most cases, the people who hurt children are the very people that children know and trust.

Violence against children in disasters can also be inflicted by strangers, many of whom rush into a community after a disaster strikes. This violence often takes the form of sexual exploitation, abduction and human trafficking.

In recent years, aid workers from numerous humanitarian agencies have been accused of sexual exploitation and abuse of children. They have misused their power and have harmed the most vulnerable.

2. Systematic level

Systematic discrimination can be overt or covert:

- **No standards.** According to the UN's *World Report on Violence against Children*, just 2 per cent of the world's children are legally protected from violence – sexual, physical, and emotional – in all settings. In disasters, there are no common standards across humanitarian agencies to protect children from harm such as sexual abuse and exploitation.
- **Not a priority.** Before a disaster, most humanitarian agencies do not prioritize or integrate child protection into operations, policies or training programmes. During disasters, assessments addressing children's unique needs are often superficial and conducted without the appropriate expertise or tools. Staff and volunteers are often not effectively screened. Many aid workers are ignorant of children's rights and needs.
- **No participation.** Children normally have a minimal, if any, social or political voice. In a disaster response, despite the available tools, few humanitarian agencies make the effort or commitment to ensure that assessments and the design of programmes include sincere child participation. This results in interventions and programmes – even those specific to children – that do not include children's voices.
- **Girls versus boys.** Girls and boys are equally vulnerable, but in different ways, to many threats including violence before a

disaster ever occurs. During disasters, both genders need resources, support and protection. Boys cannot be excluded in order to protect girls. Similarly, girls cannot be excluded in order to protect boys.

- **Media images.** In a disaster, it is common to see images of children, often vulnerable, often unwell, used by humanitarian agencies to generate compassion and funds. While the images can create the desired effect with donors, children's protection and special needs are rarely incorporated within budget lines and programmes, resources are not prioritized, and there is a lack of clear strategies to support and protect children. Children are too often used to generate support, but they do not always enjoy the benefits.

What children's vulnerability requires

Children's vulnerability requires a comprehensive approach by all humanitarian agencies – not just those with specific mandates to focus on children. All humanitarian agencies have a responsibility to ensure the safety of children in disasters.

Recommendations

1. Prohibit all violence against children. This includes pursuing clear policies to stop violence in all settings during disasters, such as corporal punishment, emotional abuse, neglect, sexual abuse and sexual exploitation.
 2. Prioritize prevention of discrimination and violence against children. This means clear budget lines for prevention programmes and services.
 3. Enhance the capacity of all humanitarian personnel through education on children's rights, unique vulnerabilities and reporting procedures.
 4. Ensure the participation of children. Involve children in all disaster preparedness, response and recovery programmes, services and operations that have an impact on them.
 5. Create accessible, safe and child-friendly reporting systems and services. This includes safe, well-publicized, confidential and accessible mechanisms for children, their caregivers and others to prevent and to report violence against children.
 6. Ensure accountability and end impunity. This means holding humanitarian workers and organizations accountable for safe environments.
 7. Meet children's unique needs. Ensure that girls and boys who are especially vulnerable – such as those with disabilities, those who have been separated from caregivers, orphaned or stigmatized – all receive programming that incorporates their unique needs.
 8. Develop and implement tracking systems. These can help identify the number of children affected by a disaster response, the most vulnerable children, and data collection on reports of violence.
 9. Improve collaboration between humanitarian agencies. This includes developing clear systems and standards to prevent and respond to all forms of violence against children at all stages of a disaster – preparedness, response and recovery.
- Despite the rhetoric and good intentions, children's unique needs in disasters continue to be marginalized. Children are not getting the support and protection they need. This marginalization *is* discrimination, discrimination that has painful consequences. Children must be moved away from the margins and back to the centre of disaster response. It is their moral and legal right. ■

Phase 1: preparing for natural disasters

Effective prevention of discrimination against women must begin during disaster preparedness and continue through recovery and beyond. In order to develop plans of action for emergencies, it is first necessary to consider the overall situation of women in a particular country or region. Before discussing and preparing general plans of action for emergency situations, it may be useful for key players and institutions to conduct a review of the following:

- national and state-level plans of action for women
- country reports prepared by states parties to CEDAW every four years
- country-specific recommendations by CEDAW
- reports by international organizations, NGOs and human rights institutions on discrimination against women in that particular country or area

Understanding the factors that make particular groups of women vulnerable to discrimination and put them at risk of violence in ‘normal’ circumstances will improve the effectiveness of actions to address these situations in times of emergency. For this reason, communication strategies for delivering information on disaster preparedness should also take into account women’s basic literacy levels and other social factors that may make it difficult for women to enjoy timely and adequate access to information.

Phase 2: rescue

Once the natural disaster reaches its peak, it is necessary to identify groups of women at risk and vulnerable to grave and systematic violations of women’s rights. It is essential to ensure that the identification of target groups in rescue efforts does not have the unintended effect of enhancing vulnerabilities or contributing to extend the risks of violence for women and girls facing intersectional discrimination. Furthermore, relief workers should have the capacity to rescue and assist women and girls who may have been victims of violence during the crisis stage of the natural disaster. It is also important to note that plans for rescue efforts should be undertaken in association with police and military forces, with the aim of providing safety and protection to women at extended risk of violence and other grave violations. In this context, there should be codes of conduct for all those participating in rescue efforts in order to ensure that rescuers – including police and military forces – do not become perpetrators of violence against women.

Phase 3: relief

All relief efforts should take into account the protection needs of women and thereby develop adequate responses to gender-based discrimination. From the earliest stages of relief, efforts should, as a minimum, include:

- The active involvement of women in planning, designing and implementing programmes, facilities and services. This includes equal participation of women in decision-making and leadership.
- The adequate presence of security (for example, the police) to properly maintain the rule of law and order. At the same time, monitoring processes and rules should be in place to ensure that security staff do not perpetrate violence against women.
- An awareness of gender discrimination and risks of violence against women when designing the layout of shelters, camps and settlements, including the location of and access to services and facilities.
- Access to psychological care and support from health providers or community-based providers, such as women in the community.
- Adequate means of documenting gender-based discrimination, its manifestations and its effects.
- The adoption of measures to assist women (with legal aid) in denouncing and taking action against perpetrators of violence against women in emergency situations.
- Adherence, by all actors involved in providing direct assistance or support to women that have experienced violence and other grave forms of discrimination, to a set of guiding principles in all work with survivors. These include:
 - a. Safety – at all times, the safety and security of the survivor must be the highest priority.
 - b. Confidentiality – maintain confidentiality; do not reveal any information about the survivor or her situation without her informed consent.
 - c. Respect – respect the dignity, autonomy and ability of the survivor. Do not ask irrelevant questions; do not subject her to multiple interviews; do not tell her what to do.
 - d. Non-discrimination – assist all survivors of violence against women equally, without regard for race, ethnicity, nationality, marital status or any other factor.

Phase 4: recovery

In the recovery phase, it is important to ensure that women's immediate and long-term needs are met. For this reason, it is necessary to ensure women are benefiting equally (that is, there are equal outcomes) from programmes and services aimed at helping those most affected to cope with the effects of disaster. In many cases, it will be necessary to develop models for temporary special measures – also known as affirmative action – which must be adopted by governments as well as by all key players and bodies involved in responses to natural disasters.

In accordance with CEDAW Article 4.1, the adoption by states parties of temporary special measures “aimed at accelerating de facto equality between men and women

shall not be considered discrimination as defined in the present Convention... [and] shall be discontinued when the objectives of equality of opportunity and treatment have been achieved”. In this respect, CEDAW General Recommendation Number 25 on temporary special measures could be used to inform strategies and steps adopted as a response to natural disasters and other emergency situations. It is at this phase that access to justice becomes more relevant to survivors of violence against women during natural disasters. After immediate care and support is provided and safety is guaranteed, women will benefit from the mechanisms of redress and remedies available to them. For this reason, a legal response to perpetrators of violence against women should be expected. At the very least, incidents of violence against women and other criminal offences affecting women that are reported to the authorities should be investigated. From a gender equality perspective, impunity for perpetrators of violence against women in emergency situations is unacceptable and non-negotiable.

Phase 5: redevelopment – sustainable outcomes in relation to the advancement of women

The reconstruction stage after natural disasters makes it evident that the processes of sustainable development and disaster prevention are interrelated. According to the report of the expert group meeting on *Environmental management and the mitigation of natural disasters: a gender perspective*, quoting Sri Lankan gender and disaster specialist Madhavi Ariyabandu, “sustainable development is not reachable and complete unless disaster prevention is an essential element in it, and disaster prevention is not something which can be discussed removed from development”. At the same time, there is no doubt that gender equality and non-discrimination are cross-cutting principles that should be central to these efforts. While it is accepted that “in reaching gender equality, the methods of analysis and tools of application can be the same”, there is a need to undertake a comparative analysis of existing tools, guidelines and methodologies being used in the field.

The gender equality and non-discrimination outcomes of emergency responses and programmes need to be durable and ongoing. For this to be possible, a wide number of players need to be involved. In a statement made by CEDAW in response to the Indian Ocean tsunami, the committee stated:

Proactive steps must be taken to ensure that women and girls living in the affected communities, as well as local women’s groups, women community leaders and government officials are full, equal and effective participants in all relief, rehabilitation and reconstruction efforts, including in distribution of assistance of all kind.

Consequently, all state and non-state actors collaborating to respond adequately to emergencies should be committed to the elimination of all forms of discrimination

against women. One example of good practice in this regard is a training programme undertaken by the International Federation earlier this year that aimed to enhance the capacity of field staff working in earthquake-affected areas in Pakistan. The topics covered were participatory development and gender awareness-raising processes, which are seen as integral components of every project.

As already outlined in *Comparative advantage in disaster response*, a study undertaken by the US-based Hauser Center for Nonprofit Organizations, recent natural disasters have shown “that the world of responders has grown beyond international aid agencies”. Interestingly, this study maps the way government involvement has significantly increased and describes the way armed forces, private companies and individuals are responding to these situations. One of the most important findings of the study is that “different types of actors...bring strengths and weaknesses that both are inherent to their organizational type and that can be exacerbated, or perhaps even reversed, depending upon the specific context of the disaster”.

In the future, an in-depth study on the strategic and comparative advantages of various initiatives that have already been undertaken by a range of actors to minimize discrimination against women in times of emergency and, more specifically, to try to address violence against women, should be considered.

It is also important to note that the patriarchal attitudes entrenched in particular organizations and institutions often affect their approach to discrimination against women and their responses to violence against women. In the long term, these gender biases are also forms of discrimination against women that should be exposed and addressed when evaluating responses in times of emergency. Once again, the importance of understanding discrimination is that it provides a framework for addressing inequality and moving forward.

A cross-cutting requirement: building capacity in discrimination against women

All players taking action in emergency situations should understand discrimination against women and the overarching principles of CEDAW. After all, it is the only international human rights treaty dealing specifically with discrimination against women. As outlined in this chapter, it is important to bear in mind that violence against women is a manifestation of discrimination and to recognize that there is room for improvement in terms of the analysis of gender discrimination in emergency situations.

Given that CEDAW is a stepping stone to understanding discrimination, capacity-building in gender equality and women’s human rights is needed at every level. For

this reason, it is essential to sensitize and educate relief staff and officials on gender-based discrimination and its consequences. The importance of human rights education and the incorporation of women's rights into codes of conduct cannot, therefore, be overlooked.

Adding new dimensions to international standards on discrimination against women in emergency situations

As humanitarian organizations, institutions and NGOs continue to gather data and analyse the situation of women in emergency situations, it is important to continue to undertake advocacy efforts in order to ensure that the dimensions of gender-based discrimination are reflected and included in evolving international standards. It is important for the key players in relief efforts to keep on adding to existing analytical tools, standards and frameworks on discrimination against women in emergency situations that are in place globally. When informed and based on local experiences and lessons learnt, international human rights standards become more relevant and meaningful.

To illustrate this point, as already stressed by the CEDAW Committee and women's NGOs, it is important to undertake advocacy for the adoption of a UN Security Council, action-oriented resolution on the gender perspectives of disaster relief and humanitarian assistance. This resolution could supplement Security Council Resolution 1325, Women, Peace and Security, which was passed in 2000. It could potentially fill some of the gaps that exist in relation to the analysis of discrimination against women in emergency situations.

Conclusion

As already discussed, many instances of violence against women in the context of natural disasters and other kinds of emergency situations can be prevented. For this to be possible, consistent approaches and methodologies need to be developed to be able to incorporate an analysis of discrimination against women in emergency situations. Policies, programmes and services aimed at protecting women and girl children at risk of violence in times of emergency should be part of a comprehensive and ongoing plan of action for the elimination of all forms of discrimination.

It is also important to continue to discuss the ways in which emergency situations can potentially open windows of opportunity to further women's human rights and to strengthen gender equality. At the same time, while a better understanding of discrimination against women in emergency situations is likely to offer many possibilities for change, it also poses practical challenges. For this reason, efforts to

adequately document, analyse and evaluate responses that have already been tested in various contexts are likely to strengthen the process of drawing lessons for the future.

This chapter was contributed by María Herminia Graterol Garrido, a women's human rights lawyer and visiting research associate at the Australian Human Rights Centre, University of New South Wales, Sydney, who also contributed Figure 5.1; Beth Vann, an independent consultant specializing in gender-based violence in humanitarian emergencies. Box 5.1 was contributed by Jean-Jacques Kouoh, head of the Communications and External Relations Department of the International Federation's Central Africa Sub-Regional Office. Box 5.2 was contributed jointly by Lynn Lawry and Mike Anastario, respectively Director of Research and Research Associate at the US-based Center for Disaster and Humanitarian Assistance Medicine, and Ryan Larrance, Senior Research Associate at the International Medical Corps, a global, humanitarian, non-profit organization. Box 5.3 was contributed by Judi Fairholm, National Technical Director of RespectED, a Canadian Red Cross programme that aims to prevent child/youth abuse, neglect, harassment and interpersonal violence. Box 5.4 was contributed jointly by Judi Fairholm and Gurvinder Singh, child protection delegate for the Canadian Red Cross in Sri Lanka.

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