

Addressing sexual and gender-based violence

by Bill van Esveld and Kirsten Young

UNHCR is working to prevent domestic, sexual, physical and emotional violence affecting women in refugee camps along the border between Thailand and Burma.

Sixty thousand Burmese women are living in nine refugee camps in Thailand.¹ Many are survivors of rape and other forms of sexual abuse in war-torn Burma and continue to face sexual and gender-based violence even after fleeing to Thailand. Perpetrators include Thai soldiers, officials and villagers but most are fellow refugees. Girls are frequent targets as perpetrators feel that girls can be scared into silence, but patriarchal social structures that 'punish the victim' make it difficult for women of any age to report sexual violence. In many cases, women are not able to divorce violent husbands. Rape victims are sometimes subjected to forced marriage to save their 'honour'. Women who muster the courage to report violence find there is often nowhere for them to go. In some camps, refugee women's organisations have set up 'safe' houses, but in a closed camp environment where nothing is secret, these shelters are far from safe.

Male refugee leaders are often indifferent to the problem. When action is taken, refugee justice procedures are arbitrary. If the perpetrator is influential he may escape punishment or, at most, have to make a token compensation payment to the survivor's family. By contrast, members of ethnic or political minorities can face excessively harsh punishments, including summary executions.

Survivors of sexual and gender-based violence must surmount enormous hurdles to pursue their right to a Thai legal remedy. Refugee leaders generally only allow cases to be referred to the Thai judicial system when the perpetrator is a Thai national. Thai authorities are equally content to leave the administration of justice in the camps to the refugee leadership. Thai camp commanders may ignore cases, hand them to the refugee-run camp committees or fashion their own remedies. Until recently, most investigations by Thai

police and prosecutors have taken place only after persistent prodding by UNHCR and NGOs.

Since 2002 formal programmes to address sexual and gender-based violence have been a major feature of UNHCR refugee protection in Thailand. In collaboration with refugee leaders, camp commanders, police, prosecutors, UNICEF, NGOs and refugee women's groups, UNHCR is developing response mechanisms in accordance with international standards. Awareness raising with refugees and with Thai authorities has led to better reporting and more referrals to the Thai legal system. Committees have been established in the camps to monitor and report incidents, and persistent advocacy with the Thai authorities has led to increased levels of investigation and prosecution.

UNHCR recognises that preventing sexual and gender-based violence involves changing social attitudes and justice systems and requires long-term commitment. Success depends on refugee 'ownership' of the issue. Committees comprised of refugee men and women are now responsible for awareness-raising and for designating refugee focal persons, who refer survivors to medical and support services and report incidents to UNHCR. The need for such independent reporting and referral mechanisms is clear: refugee leaders often oppose the new committees and continue to ignore the suffering caused by sexual and gender-based violence.

Because the prevention of gender-based violence is closely related to increasing the leadership roles of refugee women, UNHCR is working to increase women's representation on camp committees by training women in leadership and public speaking. We are also funding and coordinating a film project that allows refugee women to relate their

experiences of violence. The film will be used as a teaching tool in the camps.

It is vital to establish clear and simple reporting and referral mechanisms. UNHCR – which is not allowed to maintain a permanent presence in the camps – works with numerous stakeholders in responding to incidents of sexual and gender-based violence. Standard operating procedures are being developed in each camp to better coordinate responses. Key elements include:

- assuring the survivor's right to security, confidentiality and respect
- outlining a 'road map' of steps a survivor can take and ensuring she is informed of her options
- defining the responsibilities of each stakeholder for responding to incidents of violence
- availability of psychosocial support
- provision, when required, of UNHCR-funded legal counsel.

UNHCR's efforts have improved the situation for survivors of sexual violence, but they have also shown the daunting scale of the problem. Greater combined efforts of civil society, refugees, the Thai authorities and UNHCR are needed to meet the protection needs of refugee women.

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1. UNHCR is denied access to a further 200,000 ethnic Shan in northern Thailand, who should be considered refugees from Burma. Well over one million Myanmar nationals are in Thailand as economic migrants; many could have valid refugee claims but have not been screened or recognized. The Thai government has not signed the 1951 Refugee Convention or its Protocols, does not use the terms 'refugee' or 'refugee camps' and has no refugee-specific legislation.