

The Right Disaster?

**Human Rights and Dignities in Disaster Response:
An Agenda for the 2nd Asian Ministerial Conference**



*The care of human life and happiness, and not their
destruction, is the first and only object of good government.*

–Thomas Jefferson

From an Effort to Turn Local Tsunami Recovery into Regional Disaster Risk Reduction for the Poor



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KEY IDEA

Maintaining Human Dignity and Respecting the Rights is the Hallmark of a Civilised Society

A civilised society is one which puts the well-being of individual citizens, their human rights and dignity at the forefront of its existence. As civilisation advances there is also an ever-increasing number of major emergencies with more loss of life and livelihoods than ever before. Every major emergency in the recent past such as Kosovo, Afghanistan, Iraq, Darfur and tsunami has posed new questions for humanitarian organisations. There is today an increased acknowledgement that answers to some of the questions are not simple due to the many interlinked issues, such as the changing nature of conflicts in complex emergencies, active use of sexual violence as a weapon of war, forced mass displacement, restrictions imposed on humanitarian access, targeting of aid workers, and extensive loss of life and property from recent large-scale natural disasters. In this complex environment aid organisations face many complex challenges in providing the affected people with assistance. These relief efforts can unintentionally create a situation whereby the protection of human rights and maintaining individual dignity becomes a secondary concern due to the complexities in providing the much needed help to the affected people.

We have also learnt a lot from experience that ensuring human dignity and rights can go hand in hand with any relief effort. This issue examines the importance of the preservation of human rights throughout not only the relief phase, but also the post disaster reconstruction and restoration of livelihood phases. The following series of articles address several themes associated with the protection and preservation of human rights during the disaster response process.

The articles draw upon some of the lessons learned from the devastating tsunami of 2004 and in so doing highlight the complexity surrounding these issues. Supporting ownership and human rights through addressing long-term exclusion is examined in the context of the 2004 tsunami (reference is made to the plight of the *Dalit* community for example) as is commentary on gender discrimination and development. Effective communication is critical, the timely inclusion of and dissemination of information to those who are most vulnerable in communities is vital, and should be a fundamental principle and right. The concept of accountability is vital in assessing the results and improving future aid action as evidenced by the Tsunami Evaluation Coalition. In addition one of the articles discusses the Rights Based Approach which amongst other things considers rights to be relational, implying duties and responsibilities and focuses on identifying and exposing the root causes of ongoing vulnerabilities and offering a correspondingly expanded range of responses.

The lasting impact of a disaster is often correlated to the access which those affected have to the resources being made available and the power vested in those individuals with respect to the decision making processes. Respect for the human rights of the indigenous populations of affected areas and the involvement of those individuals in identifying their own needs and the provision of appropriate aid and their involvement in other decisions affecting the relief and the reconstruction effort is critical. With empowerment the

long term sustainability of the initiatives is far more effective. The vital and integral part which women can play in this process is frequently overlooked or underestimated. Often gender neutral aid administration can have the unintended consequence of making women more vulnerable by placing them at greater risk than they were before the disaster struck, for example the provision of emergency shelters following the loss of housing can result in a greater risk of violence towards and exploitation of women.

Whilst disaster is massively traumatic for a community, the event can present a subsequent opportunity to reconstruct that community. Empowerment of local communities in the decision making and implementation process, coupled with careful training can enable the effective rebuilding of lives, with the possibility of building a community with a stronger foundation that reflects respect for the community. It may even be possible to re-address the fundamental causes of the vulnerability to the disaster in the first place. By empowering individuals through the preservation of their individual human rights and dignity, sustainable reconstruction and restoration is possible. This should surely be the ultimate goal of all humanitarian disaster response.

A friend (Ms. Watkins) who works for the private sector told me recently that anyone can hand out relief items but what distinguishes professional efforts is the ability to meet the twin challenge of protecting dignity and rights of the affected people and providing the right assistance at the right time. Let us hope and wish that by highlighting the issues we have learnt and giving it the focus which it deserves, the protection of human rights and dignity becomes an integral practice and a lasting cornerstone of all relief efforts. ■

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Human Rights and Dignity should not be Overlooked in Disaster Recovery

The United Nations Universal Declaration of Human Rights (UDHR) states that: Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. When the international community adopted the Universal Declaration of Human Rights in 1948, it recognised that human beings can only achieve freedom from fear and want, as well as freedom of speech and belief, if conditions are created whereby all people can enjoy all human rights.¹ Almost sixty years after the Declaration of Human Rights, all people are still not able to enjoy the human rights and human dignity that should be inherent to each one of us. Not every child born today is born into a world that can guarantee him or her the basic rights described in the UDHR. Not every child that is born will be able to live its life in dignity. Abuse, neglect, and discrimination by governments, society, and individuals are still present throughout the world.

Human Rights in Disaster

When disaster strikes, human rights and dignity may be overlooked by governments and aid agencies. Sometimes, in a hurry to provide relief, people's rights and dignity may seem like a secondary concern. Women, children, the poor, the disabled, migrants, internally displaced persons, may all be at constant risk of being pushed off the edge. The powerful in society are able to survive without aid, still they are the most likely to receive it. The vulnerable, voiceless groups are in danger of being overlooked.

Disaster-stricken, marginalised groups must be provided relief, but with respect. Through the assessment of people's individual needs and by extending assistance to help them provide for themselves, we can decrease vulnerability and improve their feelings of self-worth. ■

1 For further information see: Amnesty International: Human Rights for Human Dignity.

A Definition of Human Rights

"Human rights refers to the concept of human beings as having universal rights, or status, regardless of legal jurisdiction, and likewise other localising factors, such as ethnicity and nationality. For many, the concept of "human rights" is based in religious principles, or else is otherwise directly related to them."

(http://en.wikipedia.org/wiki/Human_rights)

A Definition of Human Dignity

Human dignity is an expression that can be used as a moral concept or as a legal term. Sometimes it means no more than that human beings should not be treated as objects. Beyond this, it is meant to convey an idea of absolute and inherent worth that does not need to be acquired and cannot be lost or sold. In Immanuel Kant's philosophy, the claim is made that rational beings have an intrinsic and absolute value, which is referred to as dignity. The idea is in some ways controversial, mainly in regard to the question of whether it also applies to human embryos or non-human beings and if not, why. Utilitarian philosophers see a conflict with their principle of equal consideration of interests, and sometimes the idea is criticised as an example of speciesism.

(http://en.wikipedia.org/wiki/Human_dignity)

Various Actors' Activities in Human Rights and Dignities

Actor	Role/activities
Government (National/Local)	<ol style="list-style-type: none"> 1. Making and implementing policies that work towards human rights and dignity at the national/state/district/local levels using education, focus group discussion and awareness activities. 2. Requiring all staff to respect human rights in their humanitarian actions, and making clear that negligence will be prosecuted. 3. Creating special departments to monitor women's rights and protect women's and children's dignity.
Non Government Organisations (NGOs)/ International Non Government Organisations (INGOs ²)	<ol style="list-style-type: none"> 1. Enhance the organisation's expertise, the sharing of information, education and policy implementation regarding human rights in all aspects of disaster risk reduction. 2. Develop and articulate strategies and actions for protecting human rights and promoting human dignity in the organisation's emergency response programme. 3. Develop indicators to measure the progress and outcomes of the organisation's attempts to support human rights. 4. Establish a taskforce on human rights and recovery at the outset of each emergency response to promote best practices among the organisations involved in recovery.
United Nations Organisation (UNO ³)	<ol style="list-style-type: none"> 1. Encourage a culture of human rights and focus on standards and obligations. 2. Encourage a serious national process of review and reform through partnerships at the national level. 3. Provide an accurate, pragmatic, quality end product in the form of concluding observations for each level of human rights and dignity. 4. Mainstream human rights in the UN system and mobilise the UN community to assist with implementation and the dissemination of the message of rights and obligations. 5. Promote equal response irrespective of gender, cast, religion, or country.
Other volunteer organisations (Religious institutions, Local volunteer committees, local communities, social groups)	<ol style="list-style-type: none"> 1. Formalise equality in all relief activities. 2. Strengthen human rights and human dignity in all groups of people. 3. Initiate capacity building among communities to help restore human dignity. 4. Spread knowledge and awareness of human rights to improve the accessibility of the community during disasters. 5. Link with other humanitarian agencies to share knowledge and promote activities.
Community ⁴	<ol style="list-style-type: none"> 1. Acquire knowledge and information about human rights and dignity from relevant sources (NGOs, government, religious institutions etc.) 2. Let go of previous discriminative assumptions and work together as a group to overcome disasters. 3. As an individual, respect people of any other cast, religion and social norms. 4. Participate in all disaster mitigation related actions and decisions. 5. Create awareness about various rights that are relevant during disaster recovery.

(Source: IWRAW Asia Pacific, AWID Forum, Bangkok, October 2005)

The UN Human Rights Treaties⁵

The UN human rights treaties are at the core of the international system for the promotion and protection of human rights. Every UN member state is a party to one or more of the seven major human rights treaties. It is a universal human rights legal system which applies to virtually every child, woman or man in the world.

Accessibility

The successful implementation of the human rights treaty standards, whether at the international or national level, depends on their accessibility to the victims of human rights abuse. This means both familiarity with the standards and access to remedial mechanisms. ■

² Source: NGO Impact Initiative: An Assessment by the International Humanitarian NGO Community' October 2006

³ Source: www.bayefsky.com/the-United-Nations-Human-Rights-Treaties

⁴ Source: IWRAW Asia Pacific, AWID Forum, Bangkok, October 2005

⁵ <http://www.bayefsky.com>

Obligations and Disasters: Opportunities to Increase Dignity

The commitment to achieving human rights often challenges us to respond with vision and clarity in times of great loss. Often, early assistance and attention are abundant, especially when the disaster is well documented by the media. The long-term resettlement and rehabilitation, however, often attracts less attention, although it is vital in preventing new disasters.

This phase can be most effective only when human rights standards are met. The process of rehabilitation often leaves the disaster victims, especially the poor, ignorant in methods of procuring land, capital, and rights. Unfortunately, disasters also tend to create discrimination in terms of class, race, caste, gender, religion, age, and disability among others a challenge to human dignity.

The good news is that a disaster brings great opportunities in the sense that it provides ways to work towards a better treatment of the people concerned. The rehabilitation process provides opportunities not only to provide relief to the survivors, but also to create sustainable human rights with visible results through the

application of international human rights and humanitarian standards in all aspects of disaster response.

Failure by the aid agencies to apply basic human rights in humanitarian assistance certainly raises questions about their capacity and efficiency. The promise, made by countries and organisations alike, of social justice for all people including those affected by disasters, require organisations to promote human rights and human dignity in all actions regarding disaster response.

Affected countries often have their own human rights institutions and instruments, which can give direction to policy and legislative measures needed to strengthen and restore human dignity and human rights. These human rights instruments can ascertain that there is protection from threats such as discrimination in the distribution of compensation, gender-based discrimination, and violence against women; and that certain practices will be promoted, such as community involvement in the design and implementation of rehabilitation plans and housing, restoration of livelihood, and security.

Over the past decades, the focus on human rights has begun to make its way into the international development circles, and many agencies have attempted to implement it in their strategies for long-term disaster recovery. During the immediate disaster response, many agencies focus only on saving lives. Later on in the process of the humanitarian assistance, however, the focus should be on thoughtful and effective support to communities in achieving their own priorities.

The findings of the Tsunami Evaluation Coalition (TEC) show that gender inequality and discrepancy remained the main violation of human rights in the 2004 tsunami response. Women-headed and poorer households were most disadvantaged after the disaster, but those who were more articulate in asserting their demands received greater benefits.

There seems to be an increased tendency to provide aid to marginal groups during the relief phase, but to overlook their rights and inability to access common services (being less informed and organised), in the recovery and reconstruction phases. Their special needs and constraints require a more proactive and targeted response.

The TEC evaluation of the international tsunami response concluded that a lack of human dignity and human rights undermined the opportunity to address issues of equity, gender, and governance in an integrated and holistic way. A right based approach (RBA) endeavors to undertake duty-driven disaster response in a non-standard way. ■

(For further details, refer to TEC Synthesis report: www.tsunami-evaluation.org)

All photographs in this issue: AIDMI



AIDMI surveys disaster-affected communities to understand their views on rights-based recovery.

Human Rights in Disaster Risk Reduction

The use of human rights should be prioritised in the different phases of disaster recovery as a means to empower the local community and make it less vulnerable to new disasters. This approach to disaster risk reduction should be an integral part of disaster response. During the relief and rehabilitation phases, assessing people's needs and complying with human rights certainly does much towards helping victims rebuild in a way that complies with the need for human dignity.

When trying to rebuild for the long term, people's rights should be especially carefully recognised so that people can choose their own fate and therefore recover faster and be pulled out of a downwards spiral of poverty and lack of power. Especially among women, empowerment through recognition of rights will help reduce vulnerability to future disasters. Human Rights training for NGOs and key individuals within the affected community is therefore essential.



Women in a tsunami-affected area of Tamil Nadu come forward to discuss their experiences. Such participation can help bring women's concerns into development and risk reduction efforts.

The following important points can be determined in using human rights in DRR⁶:

- All INGOs, local, and national governments should be committed to articulating strategies for protecting and promoting human rights in

their disaster risk reduction programme;

- An inter-agency team should be established, dedicated to ensuring that humanitarian rights are prioritised in the agencies' coordination and DRR mandate;
- It is necessary to develop a way of monitoring both the process and outcome of the implementation of any human rights framework;
- Developing, learning resources and teaching methods for the community level about people's rights and its procurement during emergencies. This can be formalised through focused group discussion at village and *panchayat* levels;
- The host government should link with humanitarian agencies during any recovery and rehabilitation process to monitor fair policies on the ground;
- Human rights approaches should be mainstreamed in all phases of disaster relief, so that preparedness, relief and recovery, and rehabilitation all help ensure long term development and disaster risk reduction. ■

What Do We Mean by a "Rights-Based Approach"?

The rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. Essentially, a rights-based approach integrates the norms, standards, and principles of the international human rights system into the plans, policies, and processes of development⁷.

- RBA is not a fixed set of interventions but rather a conceptual framework that can inform all humanitarian assistance decisions and activities.
- RBA recognises a need to provide goods and services during an emergency but it views this support as a right rather than as a handout.
- RBA considers rights relational: they imply duties and responsibilities.
- Rather than viewing 'vulnerability' as consequence of disaster that can be addressed with a technical fix, RBA focuses on identifying and exposing the root causes of ongoing vulnerabilities, and offers a correspondingly expanded range of responses. ■

(Source: *NGO Impact Initiatives, an assessment by the International Humanitarian NGO Community-2006*)

⁶ Source: OSE Office of Special Envoy, ⁷ UNOHCHR definition from website.

Capacity Development for Defending Rights

The policies of international humanitarian actors during aid operations are often not consistent with the need for long-term sustainability of disaster risk reduction efforts. The pressure to provide fast relief and fast results, as well as a paternal attitude towards affected populations mean that human rights are often disregarded. This endangers human dignity in emergencies.

Often, international response underestimates the local capacity in setting up humanitarian aid, and prioritises external assistance while ignoring the capabilities and human dignity of the local population. However, the main object of the aid operation, the local population, is often very capable of putting efforts of their own towards securing their future. Moreover, this future will only be secure if the local population has an active involvement in its procurement.

Over time, aid agencies have been seeking to refine and develop the basic concepts of humanitarian response. Norms and standards such as the Red Cross Code and Sphere Common Standards, recognise the dignity of the local people to help enhance humanitarian responses. In an effort to support recognition of human rights and local capacity in response to emergencies, government, local and international agencies have come together to discuss various aspects of humanitarian approaches, principles, advocacy and norms to extract the standard procedures for the next ten years. This approach may help build a common goal, ensuring a humanitarian response that recognises human dignity and integrity by utilising local capacity for long-term sustainability. This process will not be confined to relief but will be extended to all branches of disaster response, reconstruction,

restoration of livelihood etc. The credibility of the humanitarian system will thus be preserved and vulnerability move suitably addressed.

Local capacity development: Key Recommendations

Local capacity focuses on the strength and weakness of local resources, infrastructure, socio-economic parameters etc. In the context of human dignity and rights, capacity should be defined in relation to not only skills and training but also the empowerment of poorer and marginalised groups. The following points are key TEC recommendations:

- Strategies should be developed in all aspects of disaster response (Food, shelter, livelihood, compensation and other relief and development process) to ensure that women and marginalised groups have full access to information;
- Women claimholders should be represented in all decision-making bodies affecting them;

- Planning should be done, based on the assumption that aid is likely to reinforce inequalities within the community unless corrective action is taken;
- Planning should also take into account the complexity of community structures and the consequent need for knowledgeable local intermediaries with the power to influence decisions;
- Inclusion of the most marginalised people should be treated as a fundamental principle or right, regardless of costs;
- Aid should be given according to need rather than being limited to a particular disaster – in the case of the tsunami, people affected by conflict should be included in aid responses. ■

(Sources: TEC Impact of the tsunami response on local and national capacities by Elizabeth Scheper, Arjuna Parakrama, Smruti Patel. With contributions from Tony Vaux Published by the TEC, July 2006, www.tsunami-evaluation.org)



Capacity development through training, participation and group discussion builds confidence and decreases vulnerability to future hazards.

Human Rights and Accountability in Disaster Response

In a disaster situation, humanitarian actors play an important role in dealing fairly in their disaster relief and rehabilitation initiatives in an environment that is often affected by disruptive circumstances that challenge human rights, these include gender abuses, ethnic conflicts, corruption, and neglect of duty at the national and local level. The actual relief work, humanitarian aid should concentrate on confronting and improving human rights issues. A process of accountability is vital to assess the results and improve future aid actions.

Accountability in Tsunami Response

During the Indian Ocean tsunami response, many agencies did not use human rights and dignities as the basis for their assistance. A lack of knowledge of the area, communication barriers, and little access to the area in the preparation for the aid process may be partly to blame, but the TEC has concluded that lack of interest in accountability towards the affected people is one of the major reasons human rights were not integrated early on.

With regard to human rights, the quality and capacity of the international relief system during the 2004 Indian Ocean tsunami response was inadequate. The capacity of the international disaster response system to respond to sudden increase of demand is limited, resulting in standard response activities rather than a focus on human needs and preferences.

The following guidelines can be used for accountability initiatives that aim to help ascertain human dignity and human rights in disaster response⁸:

- **Transparency** in the distribution of relief material, and fairness in the distribution of compensation irrespective of gender, or social patterns and political connections;



Women have special capabilities that should be recognised when outside organisations design post-disaster response.

- Organisations should enable key stakeholders to **participate** and play an active role in decision making processes and activities aimed at development;
- Evaluation of people's response through a **monitoring** framework which will review the humanitarian response in the context of human rights;
- Creation of a **special agency** to protect women from being sexually abused or neglected in the distribution of compensation and to make sure special attention will be paid to women with regards to livelihood restoration and health related activities.

TEC framework of accountability

The TEC Synthesis Report recommends certain points towards improving the quality of response and a prime issue was accountability.

The TEC recommends the following on accountability⁹:

1. It is necessary to establish accountability of all the actors at local and national level on the

issue of prioritising community strength;

2. Access to high quality information enables affected people to define and demand accountability based on their own expectations and standards. It also allows them to plan their own recovery;
3. Standardised relief and rehabilitation processes are implemented because of a communication barrier between the aid organisations and the local people. This could be fixed by greater emphasis on hiring appropriately skilled staff, both international and local;
4. Systematic information dissemination to vulnerable groups irrespective of social, ethical, and political position or gender is important. Special focus should be on ensuring that women have full access to information sources;
5. Assessment processes should be improved and adapted so that they involve local people as much as possible, and address local concerns as rapidly as possible. ■

⁸ Source: NGO Impact Initiative. An assessment by the International Humanitarian NGO Community, 2006

⁹ Source: TEC synthesis report. www.tsunami-evaluation.org

TEC Findings: Supporting Ownership and Human Rights through Addressing Long-term Exclusion

Humanitarian activities may help to protect basic human rights, but they do not necessarily promote the population's right to participate if it involves speaking 'for' the population. To have a voice of its own, the affected population must have a functioning relationship with government officials and other actors.

Even this is not foolproof. In the presence of humanitarian agencies during assistance operations, affected populations may appear to have a voice. However, if the underlying patterns of exclusion are not addressed, these same populations may not be able to continue to participate after the aid organisations leave. Changing underlying patterns of exclusion requires a long-term commitment.

For many, especially the most vulnerable populations, relationships are constrained by issues of power, governance, and social position. Research indicates the most effective emergency responses have focused on rebuilding social relationships. Building social relationships requires more than building houses, and is especially difficult in tsunami-affected areas where many of the settlements being planned do not represent genuine 'communities'. As one field staffer (during the tsunami response) noted: "We can't suddenly start a representative body, decision-making structures, accountability, etc. just because a disaster happened; we need to have something in place to start with."

Also, a vision of social transformation must be formed by careful conflict analysis to avoid interventions that aggravate pre-existing conflicts or trigger new ones. The process of addressing social exclusion and

related power imbalances will usually exceed the timeframe of humanitarian assistance operations, but initial steps towards promoting participation can and should begin during the initial stages of response.

Working towards human dignity

In an attempt to implement the *Universal Declaration of Human Rights* concept that all people are "equal in dignity and rights," many NGOs have stated a commitment to help the people they serve to achieve this basic right to life with dignity. This involves respect for the disaster-affected population's right to participate in decision-making processes that affect their lives.

Public access to information about aid activities often did not reach tsunami-affected populations during the initial response phase. By now, most NGOs have designed mechanisms to address the issue. Some disseminate information through local leaders or officials. Because information about aid flows is a source of power, others distribute documents in local languages for broad accessibility. The most promising approach may be the publicly accessible information centre.

Information about aid activities alone, however, is not sufficient. INGOs should inform the local population about human rights, the way NGOs are promoting them, and possible obstacles to their realisation for the local population. INGOs should also provide any support populations may need to utilise this information. Ensuring that affected populations have a voice to exercise their rights is also an aspect of participation.

INGOs have been active in advocating for the tsunami-affected populations, most notably the right to return to previously occupied land; land and property rights; women's rights; equal access to humanitarian assistance and recovery processes; and children's rights. Recognising the need for two-way information flow, INGOs have established many ways to gather community input and feedback, including suggestion boxes, grievance committees, complaint cards, watchdog committees, community consultations, and even a helpline. These initiatives will increase people's empowerment through recognition of their human dignity. ■
(Source: *NGO Impact Initiative: An Assessment by the International Humanitarian NGO Community, October 2006*)



Disaster victims design and lead their own recovery.

Gender Discrimination, Development and the Tsunami

Although all human beings are entitled to the same treatment and the same basic human rights, women are often subjected to discrimination and mistreatment.

The rules and customs restricting them can be official or unofficial; placed by the government, society, or family members; structural or not; systematically or unsystematically applied. Gender discrimination can apply to a woman's right to vote, right to express herself, right to be educated, and many other basic rights all human beings should receive.

The effects of gender discrimination on socio-economic development

Violence against women, low social position, and lack of respect for women's integrity of body are among the many gender issues apparent in the global context of human rights

Gender– Human Rights Assessment

"It is clear from our research that rehabilitation has been largely insensitive to women. Special measures to protect women from exploitation and gender-based violence have been mostly nonexistent. In fact, the manner in which temporary housing has been planned and organised exposes women to domestic and sexual violence. Issues such as reproductive rights of women have also been largely ignored. Little regard has been shown to women's and adolescent girls' right to privacy and security."

(Source: Tsunami Response. A Human Rights Assessment, ActionAid International)

and dignity. This neglect of human rights results in socio-economic problems. The right to education, for example, is often neglected in women and girls, who may be kept from education for a variety of reasons such as perceived impropriety of education for women; a low opinion of women's intellect; lack of money; or the need to stay at home and do housework.

Women who are denied their right to education have severe social and economic disadvantages. They will remain second-class citizens because they are unable to fight for their rights within society and politics. They also have little knowledge of how to fight for their rights in the legal system, they may not be aware there is a legal way, or worse, they may not even know there are alternative ways to treat women.

Economically, women are in a difficult position because often they sometimes depend on husbands or fathers for a livelihood, since they have received little or no education.

The right to education is only one of the basic human rights. Gender discrimination denial of any basic human right to even a single woman is morally wrong and inevitably leads to inequality, especially if the discrimination is structural and embedded in society.

Women are vulnerable when they lack human rights or human dignity. Human rights and human dignities are essential to gender equality,



No development initiative can be sustainable when it ignores half of the population. Development must address needs of all the sections of a society through their proportionate representation in policy-making processes.

which in turn is essential in avoiding women's vulnerability before, during, and after disasters.

TEC: Gender issues before and after the tsunami

The TEC has found that in many tsunami-affected countries, the gender discrimination that was prevalent before the tsunami affected the ability of women to cope with tsunami-related losses. Pre-existing vulnerabilities whether socioeconomic, environmental, political, psychological, age or gender-based, resulted in multiple impacts. Chronic poverty, displacement, inequalities, weak respect for human rights, and long-running armed conflict compounded the impact of the disaster.

In *Banda Aceh*, conflicts between the government and a separatist group and poverty had made all marginalised groups vulnerable, including women. National advocacy NGOs played an increasingly prominent watchdog role to advocate for, among others, women's rights, especially relating to issues such as land rights, forced relocation, corruption, and traditional interpretation of Shari'a law¹⁰.

Internal conflict in *Sri Lanka* had increased the vulnerability of certain social groups. After the tsunami, these groups, including women, needed immediate help. Women and children suffered significantly higher casualties than adult men during the tsunami, but actual statistics are difficult to obtain. Women survivors are doubly vulnerable, particularly if they have become heads of households or carry an additional burden on behalf of their extended families. Domestic violence increased significantly because of general trauma. It was found that women were raped by other survivors and abused repeatedly. Even in camps, many women were not spared from sexual violence. The dignity and integrity of women were disregarded even in the state policy of land allocation, which only recognised the male head of a household as the legitimate owner of land.

Tsunami-affected communities were critical of local leaders for failing to ensure equity and inclusion—especially for women, who saw gender discrimination overlooked and sometimes even implemented in aid policies. Instead these favored men because their livelihoods were easier to prove to have existed before the Tsunami, or easier to provide for by the aid agency, such as fishing boats. Often, international agencies could not take corrective action in many gender issues within their aid programmes because they were pressured to spend the aid money quickly. The TEC has

10 Shari'a law: Traditional Islam law following the Koran literally.

Thwarting Dalit¹¹ Rights:

"Rights are real only if they are accompanied by remedies. It is no use giving rights if the aggrieved person has no legal remedy to which he can resort when his rights are invaded." – Dr. B. R. Ambedkar

The situation of the *Dalits* has been made complex by the caste system in the villages, coastal districts of south and west India. Discrimination based on caste prevalent in these village societies was visible during the tsunami relief operations too. Various fact-finding teams' reports¹² that *Dalits* were denied even food aid because there were no deaths among them. It is also reported that at times beneficiary lists contained only names of the dominant community, and *panchayat* leaders. When asked about it, these individuals said that they would distribute to the others what is due to them. In some cases, *Dalits* families were not issued tokens for the relief materials, and there have been instances in which they were not allowed to stand in queue to collect aid. Further, it appears that entire *Dalit* villages and hamlets were left out of the enumeration of tsunami-affected villages.

During the immediate response phase in Tamil Nadu, there was also controversy regarding the enlistment of scavengers for body removal and disposal. It appears that they were not provided with adequate protective gear or with medical facilities as a result suffered severe health problems from prolonged contact with decomposing bodies. To make matters worse, they were also not paid for this work until civil society organisations brought this to the attention of the government. Even in relief camps, while fish workers were accommodated in marriage halls and school, *Dalits* were put in warehouses without toilets and other infrastructure. Problems are cropping up in the rehabilitation process as well. A large population of the affected agricultural labourers are *Dalits*, and their situation continues to be precarious given that the livelihood rehabilitation policy by the concerned authorities does not provide much for them. It is important to note here that while there indeed have been instances of discrimination and exclusion of *Dalits*, some observers both within and outside the government were of the opinion that there has been a degree of exaggeration of the scale of the problem in the manner in which the issue was projected by some civil society groups and the media. They pointed out that this has created unwarranted tensions between the fishing and *Dalit* communities that can only have adverse consequences in the long run and negatively impact the recovery process as ultimately these communities are part of a larger social, ecological and economic complex. However, it also needs to be emphasised that even a single instance of such discrimination is one too many. ■ (Source: *The State and Civil Society in Disaster Response, an Analysis of the Tamil Nadu Tsunami Experience* by Tata Institute of Social Science 2005)

11 *Dalits* are a community of people who, have been defined as untouchable for centuries and have been denied social, political, religious, economic and ownership rights. – New Entity for Social Action (NESA)

12 Alternative Law Forum, Towards Ensuring Food Security for the Tsunami Affected: A Position Paper, <http://www.altlawforum.org/Resources/Tsunami/Positionpaper.doc>.

concluded that analysis and consultation are needed to avoid policies that may lead to more, not

less, inequality within disaster-affected societies. ■

(Sources: *TEC Capacities Report*; *TEC LRRD Report*)

The Universal Declaration of Human Rights

Some 50 years have elapsed since the Universal Declaration of Human Rights was adopted by the United Nations on 10 December 1948. The Declaration was one of the first major achievements of the United Nations, and after 50 years remains a powerful instrument which continues to exert an enormous effect on people's lives all over the world. This was the first time in history that a document considered to have universal value was adopted by an international organisation. It was also the first time that human rights and fundamental freedoms were set forth in such detail. There was broad-based international support for the Declaration when it was adopted. It represented "a world milestone in the long struggle for human rights", in the words of a UN General Assembly representative from France.

The adoption of the Universal Declaration stems in large part from the strong desire for peace in the aftermath of the Second World War. Although the 58 Member States which formed the United Nations at that time varied in their ideologies, political systems and religious and



Basic human rights—such as rights to education, health care, fair living conditions, and so on—advocated by international codes are often not seen in practice.

cultural backgrounds and had different patterns of socio-economic development, the Universal Declaration of Human Rights represented a common statement of goals and aspirations — a vision of the world as the international community would want it to become.

Since 1948, the Universal Declaration has been translated into more than 200 languages and remains one of the

best known and most often cited human rights documents in the world. Over the years, the declaration has been used in the defense and advancement of people's rights. Its principles have been enshrined in and continue to inspire national legislation and the constitutions of many newly independent states. References to the Declaration have been made in charters and resolutions of regional inter-governmental organisations as well as in treaties and resolutions adopted by the United Nations system.

The year 1998 marks the fiftieth anniversary of this "Magna Carta for all humanity." The theme of the fiftieth anniversary—"All Human Rights for All"—highlighted the universality, the indivisibility and the interrelationship of all human rights. It reinforces the idea that human rights—civil, cultural, economic, political and social—should be taken in their totality and not disassociated from one another. ■

(Source: UN News service/Unitarian Universalist United Nations Office)

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