



The Centre for Refugee Research  
UNSW  
UNIVERSITY OF NEW SOUTH WALES

# LOOKING FORWARD

A report from Community Consultations  
November 2007 New Delhi India

## THE WOMEN'S LEAGUE OF BURMA



Women's League of Burma New Delhi

*“sexual abuse and harassment..., in the workplace...with landlord...every time you step outside. There is the issue of maid servants and sexual slavery. Then there are issues about exploitation in all areas of life because you appear to be from Burma, discriminated against. Then there is the issue of arrest, torture & rape. Fleeing from home, forced relocation, death and child abandonment... issues of widows and single women who are never safe...Domestic violence. Issues in relation to police, lack of access, protection and their invasion and intruding into homes. Issues of subsistence allowance, unemployment and poverty. Child abduction, child rape and education denied”*

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# Summary Report

## Introduction

There are approximately 2000 refugees from Burma registered with UNHCR and an estimated 70 000 more unregistered refugees from Burma in India. In November 2007, a group of 38 refugee women from these groups, and from refugee settlements in Mizoram and Manipur attended 8 days of training in New Delhi. The work focused on documenting human rights abuses, and the potential of using United Nations Security Council Resolution 1325 as part of their advocacy work. 14 men from the community attended a simultaneous training on gender roles and human rights. The training was organised by the Women's League of Burma, and was facilitated by the Centre for Refugee Research, the University of New South Wales, Australia.

Workshops were held over a two week period and used a range of strategies and techniques including story circles, storyboards, group presentations and interviews to collect the testimonies of the refugees and to identify potential solutions to the problems experienced by them. The training workshops focused on the International Human Rights and Humanitarian Law Framework, human rights advocacy and documentation.

Using a Human Rights Framework, the groups identified issues of concern affecting their families and communities and the impacts of these on their lives. The women shared personal and often painful experiences. They provided detailed testimonies and explored ways in which to use these for future advocacy and as part of their human rights documentation.

An over-arching theme was that of the desire for peace and democracy in Burma so that the refugees could return in safety to their homelands. This was reflected throughout the testimonies and in the recommendations made by the refugees.

A second consistent theme was the sexual and gender based violence experienced by refugee women and girls. This is reflected in each section of the report.

India does not officially recognise refugees within its borders and is not a signatory to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. The lack of legal mechanisms and policies on refugees is one of the fundamental flaws of refugee protection in India. Nevertheless, with regard to the minimum standard of treatment of refugees, India has undertaken an obligation by ratifying the International Covenant on Civil and Political Rights and the International Covenant

on Economic, Social and Cultural Rights to accord an equal treatment to all non-citizens wherever possible.

The situation of the refugees in New Delhi is poor. The situation of the unregistered refugees who are not recognised either by UNHCR or the Government of India is worst of all.

This report presents a brief summary of the analysis undertaken by the refugee women and men, indicating the issues and impacts identified and outlining their recommendations. The full details are in the full report. The report, plus a short video highlighting issues raised by the refugees are available from [www.crr.unsw.edu.au](http://www.crr.unsw.edu.au).

A strict code of confidentiality was observed during the workshops. These reports and the accompanying video have been signed off by the participants for distribution.

The women and men groups came together at the end of the week to discuss the issues raised by both groups and to make recommendations to address the problems identified.

This report was compiled from the transcripts taken at the training sessions by the student interns from UNSW.

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## ISSUES OF CONCERN

The following issues were identified as significantly impacting on the lives of refugees from Burma living in New Delhi, Bangladesh, Mizoram and Manipur.

### LIVELIHOODS

***“Because of the phasing out of the Subsistence Allowance many are not having sufficient food to eat and also with the landlord they cannot pay the rent on time”***

#### Issues

- Long delay in the processing of UNHCR refugee status applications
- Newly arrived refugees have no access to financial support
- UNHCR financial support policies are confusing and often change
- Inadequate financial assistance is available
- When financial assistance is provided, limited payment periods apply
- Recognised refugees not given work permits in India
- A lack of safe employment opportunities
- Refugees forced to take dangerous and undesirable jobs
- Discrimination in the workplace by employers
- Unequal pay and conditions in comparison with Indian employees
- Unreliable and inconsistent wage payments
- Harassment by employers & work colleagues
- Forced payment of bribes



### **Impacts**

- Low self-esteem, loss of dignity and low social status
- Poverty
- No rights at work. Refugees forced to work long and dangerous hours
- Forced observation of religions other than their own
- Limited access to education due to parents financial constraints
- Children forced into child labour
- Sexual harassment in the workplace against women and girls
- Women forced to scavenge for food from night markets, at risk of sexual harassment
- Survival sex used to support families
- Families forced to separate to find work
- Conflict with landlords due to inability to meet rent payments
- Domestic violence & family breakdown
- High risk of work related illness and injury

### **HEALTH**

***“Imphal one of the towns in Burma a pregnant women had to have a caesarean has to pay 13,000 and women didn’t pay money, they wouldn’t do the operation until they had the money and the women die waiting for the money to be raised. Sometimes just the women die and the children live and sometimes both mother and child die”***

### **Issues**

- Limited access to health services
- Unsanitary living conditions
- Insufficient food causing malnutrition and health deficiencies
- Medical services and medicines too expensive
- Mental Health issues including depression and suicide
- Increase in cases of HIV/AIDS
- Increased in vulnerability to preventable diseases and illness
- Inability to read and understand medicine prescriptions and instructions
- Lack of interest in normal sexual activity due to illness
- Increased drug and alcohol abuse
- Decreased participation in community life

### **Impacts**

- Affect on livelihood and employment
- Decreased life expectancy
- Increases in preventable illness
- Increase in isolation and loneliness
- Mental health issues resulting from domestic violence

- Marital rape and domestic abuse resulting in injury
- Parents cannot work due to caring for sick family members
- Children's educational ability and school attendance affected
- Stunted growth for children, resulting in long term complications
- Complications in female menstrual cycles
- Complications in pregnancies
- Community discrimination against HIV/AIDS affected individuals
- Risks of complications from inappropriate or out of date medication
- Financial debt
- Decreased possibility for resettlement

***“One man died in March 2006, aged 39. He had two children, and the same day he died the landlord chased the wife out because he did not think she could pay the rent. The children could not go to school. They prepare snacks and sell house to house.”***

## **EDUCATION**

***“In a family of 4, 1 child goes to school...some children go to park & pluck leaves which people eat and they sell, when they get older if they don't go to school future is hopeless”***

### **Issues**

- Periods of no access to education due to refugee status
- Insufficient education allowance provided by UNHCR
- Parents unable to pay school fees
- Inadequate government school system
- Children not receiving rounded education
- Preference given to male children to attend school
- Discrimination and harassment of children by teachers and students
- Illiteracy
- Little or no access to higher education
- Forced to learn Hindi, not given a choice to learn English or Burmese

### **Impacts**

- Financial pressure on families to afford adequate education
- Children do not want to attend school due to harassment
- Girls not given educational opportunities
- Limited participation of uneducated women in community/family decisions
- Uneducated girls forced into early marriage
- Inequality in relationships
- Illiteracy and limited education limits capacity to function in community
- Limited work opportunities, capacity only for low paid positions

- Women and children forced into unsafe work environments
- Women and girls forced into survival sex
- Increased discrimination and harassment in community
- Lack of understanding and a limited capacity to fight for human rights
- Consideration for third country resettlement affected



## ACCOMMODATION

1 Two widows rent a room together with four of their ~~four~~ daughters because of their financial crisis.

2 One of the daughters, 14 years old was abducted <sup>and raped</sup> by the landlord at night time and hide her at his kitchen in the absence of his wife.

**“Women raped by men. If she shouts the other people will know and she will get shamed. If the Indian neighbours find out, they will make the people from Burma leave. For every room where there is 4-5 single people sharing, at least one woman would be raped. Hard to know exact figures because nobody reports it”**

## Issues

- Lack of affordable accommodation
- Difficulty in gaining accommodation without references
- Limited or no assistance given in finding and maintaining accommodation
- Overcrowded and inadequate living conditions
- Poor sanitation
- Limited or no provision of electricity, gas, sewerage, water
- Lack of adequate cooking and food storage facilities
- Refugees have no rights against landlords



- Discrimination and harassment from landlords and local community
- Rape & sexual violence by landlords and local community
- Rent exploitation by landlords
- Lack of privacy for married couples and families
- Single men and women forced to share cramped accommodation

### **Impacts**

- Illness due to lack of sanitation and overcrowding
- Unpredictable and high rates of eviction
- Insecurity of accommodation
- No recourse against landlord discrimination & eviction
- Mental health issues due to stress of living conditions
- Lack of privacy
- Loss of personal dignity, especially for women and girls
- Domestic violence
- Marital rape
- Unwanted pregnancy
- Early and forced marriage
- Relationship and family breakdown

## **UNREGISTERED REFUGEES**

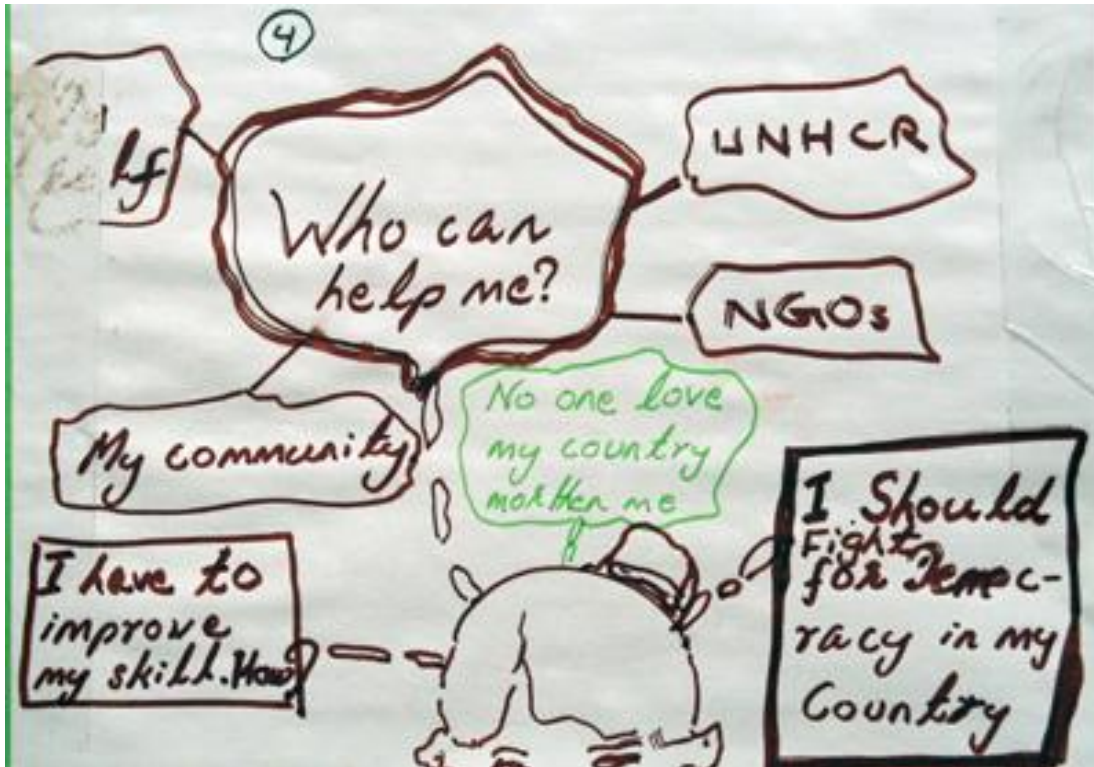
### **Issues**

- No access to UNHCR services or implementing partners
- Not allowed to participate in UNHCR meetings
- No access to refugee health care services
- No access to UNHCR financial support
- Living in inadequate accommodation or homeless
- restricted rights of appeal of refugee status
- Forced to take on the worst jobs which is unwanted by others
- Women at increased risk from sexual harassment & rape
- No or very limited access to education, especially for females
- Vulnerable to police harassment and arrest
- Subject to bribery
- Very low social status
- Discriminated and harassed by local community
- No possibilities for recourse

### **Impacts**

- Severe mental health issues
- Affect on ability to care for family or look for work
- Family breakdown
- Individual and family debt
- Social stigma
- Low self-esteem and loss of dignity

- Domestic violence
- Child labour
- Women forced into survival sex
- Unsafe and illegal abortions
- Serious health problems
- No resettlement options



## REFUGEE SUPPORT SERVICES

*"...So the next day the whole community had to leave the house, and they went to UNHCR, and UNHCR said it was the responsibility of YMCA, so they went to YMCA and they could not do anything. It is like they are a volleyball between UNHCR and YMCA"*

### Issues

- Limited accessibility to UNHCR
- Poor quality and inadequate services from Implementing partners
- Minimal UNHCR services for refugees in Mizoram & Manipur
- Insufficient consultation with refugees regarding services provided
- No recourse to voice concerns about implementing partners
- Culturally inappropriate services
- Local police do not appropriately respond to complaints
- Refugees do not receive timely and accurate advice of service changes
- Implementing partners services not meeting the needs of refugees

## Impacts

- Perceived lack of concern and response from UNHCR and Implementing Partners
- Lack of confidence and trust in implementing partners
- Mistrust of UNHCR
- Refugees unaware available services
- Perpetrators of harassment and sexual abuse enjoy impunity
- Discrimination against most vulnerable groups
- Feelings of resentment against Indian authorities
- Refugees forced to miss paid work hours to access banking, hospitals and other welfare institutions



## VIOLENCE AND DISCRIMINATION AGAINST WOMEN

***“If women are sexually harassed they have nowhere to report it to, because our existence itself is illegal. It is best not to approach the police because otherwise they will arrest us and send us home”***

### Issues

- 
- Rape and harassment in the workplace
- Sexual harassment from the local community
- Single refugee women particularly vulnerable
- Lack of redress for crimes
- Women who are sexually abused or raped ostracized by local community
- Lack of community support for legal redress or divorce
- Wage discrimination against women
- Marital rape, in particular in crowded accommodation
- Low social status of women
- Girls given unequal access to education
- Forced and early marriage

- Domestic violence

### Impacts

- Inequality in family relationships
- Lack of women's participation in community and family decision making
- Limited safe employment and livelihood options
- Social stigma. Feeling of shame, humiliation, helplessness
- Neglect of care of children
- Sexually transmitted diseases
- Emotional effects of family abuse and breakdown on children
- Children copy patterns of behaviour
- Serious mental health issues
- Physical injury, affecting livelihood
- Early and unwanted pregnancy
- Lack of access to political participation
- Lack of trust of local community, perpetuating isolation



# **RECOMMENDATIONS FROM THE COMBINED WORKSHOPS:**

## **TO UNHCR NEW DELHI AND IMPLEMENTING PARTNERS**

- To facilitate regular consultations and dialogue with refugees about their concerns
- Provide advanced notice of consultation meetings to all ethnic groups
- Keep a record and provide minutes for all meetings
- Ensure participation of most vulnerable groups in consultation sessions, including unrecognized refugees
- Based on refugee concerns, UNHCR New Delhi to hold implementing partner organisations (YMCA, Don Bosco, SLIC) responsible to provide adequate assistance with health, accommodation, education, job placement, legal representation and advice
- Process refugee status applications quickly and efficiently
- Consider third country resettlement applications as a recommended durable solution
- Prioritise most vulnerable groups when considering resettlement placements
- Provide sufficient and ongoing education (EA) and subsistence (SA) allowance
- Genuinely assist refugees in negotiations with landlords, particularly during conflict resolution and rent disputes
- Provide adequate healthcare to refugees irrespective of status (i.e. unrecognized) of persons and extent of health conditions
- The UNHCR funded Women's Centre should take a more active mediation role in cases of violence against women
- Include refugee women from Burma as staff in a variety of roles, and in decision-making processes at the Women's Centre.
- Work closely with community organisations to raise awareness of domestic violence issues
- Provide accessible safe houses and facilities for the most vulnerable women

## **UNHCR GENEVA**

- Member states to uphold their obligations as outlined in international refugee conventions, protocols, treaties and accords.
- Send a UNHCR representative to Mizoram and Manipur with the responsibility of assessing the needs of refugees not currently receiving assistance.
- As a matter of urgency, provide UNHCR support services to these refugees as needed
- To increase resources available to UNHCR New Delhi, in particular money for subsistence allowances.

## **INDIAN NATIONAL AND STATE GOVERNMENT**

- To review Indian national policy towards refugees.
- Commit as a signatory to the 1951 Convention relating to the status of refugees and its 1967 protocol.

- Allow UNHCR permanent access to Mizoram state
- National government should prioritize cultural and gender awareness training to government agencies and services.
- Particular focus to be placed on investigating police corruption and discrimination in the judicial system
- Allow and support local NGOs to provide awareness training to local communities on women and child rights
- Establish employment agencies to assist refugees in finding adequate job placements
- Ensure that local government departments have in place appropriate legal procedures for dealing with refugee concerns.
- To actively discourage institutionalized racism and religious discrimination within local and national government bodies
- to monitor and take action against discrimination towards refugees in schools
- Establish strategies and programs within government schools to take into account the specific needs of refugee children, i.e. language skills
- Provide training to school staff and management to increase understanding and possible challenges faced by refugee youth

### **GOVERNMENTS WHO ARE FRIENDLY TO REFUGEES FROM BURMA**

*USA, Denmark, Norway, Australia, Canada, Japan, France, UK*

- To increase resettlement options for refugees from Burma
- Process resettlement applications quickly
- Prioritise resettlement options for women at risk
- Continue international political pressure focused on establishing democracy in Burma
- Prioritise tripartite talks process
- Uphold committed financial contributions to UNHCR as a matter of urgency and without restriction
- Increase pressure for international trade sanctions against Burma
- Ensure perpetrators of human rights violations are held accountable according to international law
- Provide more training to refugees in fields of political participation, human rights, lobbying and advocacy
- Humanitarian and human rights groups to increase international pressure regarding the political situation in Burma.

### **TO GOVERNMENTS WHO ARE FRIENDLY WITH THE BURMESE REGIME**

*China and Russia*

- Reconsider trade agreements, specifically gas, petroleum and arms, with the regime in Burma
- Engage in dialogue with Security Council members and reconsider veto position

For copies of the full report or the DVD, please contact The Centre for Refugee Research, University of NSW [crr@unsw.edu.au](mailto:crr@unsw.edu.au), [www.crr.unsw.edu.au](http://www.crr.unsw.edu.au)

# Full Report



## ***KEY ISSUES OF CONCERN***

The key issues of concern identified were:

- Lack of livelihoods
- Inadequate and overcrowded accommodation
- Lack of access to education
- Lack of livelihoods
- Unregistered refugees
- Sexual and Gender based violence

## **LACK OF LIVELIHOODS**

The everyday struggle for survival in India is compounded by the fact that the refugees are not legally permitted to work. Forced to search for employment in the informal sector, they told of discriminatory conditions, inadequate wages and the risks they faced of serious harm and abuse.



*The refugees lack the right to participate freely in political movements and the right to free speech and association. There is no real and genuine support from UNHCR whose “doors are often closed” when approached with such matters*

For those refugees arriving in New Delhi, registering at UNHCR is their first step. However, the women described the application process taking months, leaving refugees in limbo, depending on other community members for support. Once recognised (refer to section on unrecognised refugees), those refugees living in New Delhi are entitled to subsistence allowance, which can again take 2-3 months to be issued by UNHCR service provider YMCA. The women unanimously described the inadequacy and inconsistency of this allowance, with different entitlements depending on individual or family circumstances. Subsistence allowance payments were received for the first six months, and then reduced or cut entirely. Payment amounts and periods would often change, with little or no notice from UNHCR or YMCA. Subsistence Allowance payments are made mid-month, not coinciding with end of the month rent payments and causing conflict with landlords. Further pressure is placed on larger families or those caring for additional children to their own, as the Subsistence Allowance is only available for the first 3 dependents, after which families are entitled to no extra financial support. The issues associated with inadequate subsistence allowance, was cited by the women as one of their major concerns.

In New Delhi, UNHCR service provider Don Bosco is responsible for assisting refugees to find work in the informal sector. Along with accompanying job seekers to prospective employers, Don Bosco's role is to negotiate their employment and allocate 'top up' entitlement bringing their wages to the Indian minimum (3100 rupees). The women expressed their despair at the flaws in this system.

The majority of jobs available to refugees in the informal sector are those unwanted by Indian workers. The women reported that Don Bosco may take months to find a position, by which time the refugees are desperate & will take any work available. Employers are not required to process the refugees' wages through Don Bosco, resulting in payments often being made late, or not at all. If a worker falls ill, their wages are cut by both their employer and Don Bosco, leaving few options for the seriously ill who are supporting a family on a single wage.

The women described appalling working conditions which included dangerous worksites, very long hours with few breaks and factory work that involves standing for extended periods in dim light, with no ventilation. Due to their desperation, women will often take positions and work hours that put them at risk of serious sexual harassment or abuse. Many women recounted incidents of this harassment, and were distressed at the service providers' lack of response to their reports. The women also told of those who were forced into prostitution in order to support their families.



### Case Study

*At a UNHCR meeting in August 2007, a refugee woman told of her experience after requesting assistance from Don Bosco with job seeking. She explained that her subsistence allowance had come to an end & that she had approached Don Bosco for help. She was called to come in to the Don Bosco office & sent to a workplace with an Indian man. No other refugees worked on the premises although she had specifically asked to be with other refugees. After dropping her at the company, she was left alone in a room with the man, who started touching her breast and molesting her. She shouted, asking for help & finally managed to run away. She reported the incident to Don Bosco & SLIC & requested that they accompany her to the police. However, she was told that as she did not speak Hindi, she had better not complain to the police and should just keep quiet. Although this was reported at the UNHCR meeting with women's protection officers and two UN officials present, still no action has been taken.*

For those refugees who do not access work through Don Bosco, their option is to search for work independently. This leaves them open to wage discrimination and no access to "top up" allowance. Employers will often assume that refugees are accessing this top up allowance however, and justify lower wage payments. For some, family survival means that children are also forced to work. Don Bosco state that children under the age of 18 are not to work, and offer no assistance or protection to these young people.

Some refugees are employed at the service providers, including YMCA and Don Bosco. If they are receiving subsistence allowance, they must give it up to commence this employment. The women described how even within these organisations they were discriminated against, receiving lower wages than the Indian workers, and losing money for tax, even though they do not legally have a permit to work.

Those refugees living in other locations in India and Bangladesh face a different situation. In Mizoram, UNHCR services are not available and refugees are given no assistance to find jobs. Livelihood options for the women include working as domestic maids, in small factories as weavers or selling goods at the local markets.

### Case Study

*At the beginning of 2006 a girl 14 years of age was sexually harassed by her employer. Per month she got 600 rupees. Every evening the employer would ask the girl to massage him, at the start she thought this was innocent, but after a month, while she was cooking he came and showed his private parts to her. He then frequently started rubbing his private parts on her while she was trying to work, she felt uncomfortable and unsafe. As a result she left the job, but she was never paid.*

Fourteen year old girls are employed as domestic maids, with children as young as 12 working in the factories with their parents. The long-term impact on the children

from lack of access to education is a serious concern for refugee families. Those women working as maids described how wages were unreliable and often women would go from months to a year without being paid. Depending on their ages, they were paid wages ranging from 600 to 1,000 rupees per month, but often they would only receive half of what was owed.

Those refugees that gained employment as weavers, work long hours, often from 6am-11pm. Weavers are employed on a rate of 100 rupees per shawl or longyi, however, their actual wages often fall below that at a rate of 70 rupees. Employers are well aware of the refugee's inability to protest. Some individuals, who manage to save enough money to purchase their own weaving machines, are not permitted to apply for a license to sell their goods, and are forced to sell products on the black market for a much lower price.

All the workers live in the factories in crowded conditions. For those who work in factories owned by Christian employers, their lives are controlled even to the extent that they are forced to attend church on Sundays, despite their personal religious beliefs. A third of the factory employers impose a funeral benefit of 20 rupees per month on each refugee employed, however, no refugee has received assistance with payment of funerals and they are not permitted to bury their dead in the local cemetery.

The women described how vulnerable they are due to their classification as foreigners in India; with once a year the police arresting refugees in order to deport them back to Burma. Once the women and men are separated at the police station, women are offered their ticket back to the factories in exchange for sex. Some women are lucky enough to be able to afford the bribes to return.

#### Case Study

*At the start of 2007 the employer raped the maid, the woman became pregnant. When the woman was 3 months pregnant, he paid her 2000 rupees to leave his house; he said "if you come back I will beat you". The woman then had to take the baby back to Burma.*

With rent ranging from 1,000-2,000 per month, 110 rupees for water, 50-70 rupees for electricity and 1,400 rupees for a basic food items, refugees struggle for daily survival, before even considering extra costs such as healthcare and clothing.

During consultations with the women, they reported that of the 1000 refugees working as domestic maids, more than half of them have been sexually abused in their workplace.

#### Case Study

*Another woman working as a maid was raped by her employer. Her employer made her leave the house and told her all the ways she could have an abortion. She then went to human rights training on the border and used the money she was given for*

*participating to buy medicine so she could have an abortion. Still the employer would not give her job back. She had an abortion because of the stigma from her community for having the baby. This happened in the rainy season (May, June) in 2006.*

Those refugees from Manipur and Bangladesh told of similar struggles for survival. In Bangladesh, refugees are told by UNHCR that they must learn the language in order to secure a job. Outside the refugee camp, there are approximately 500 refugees, only about 90 of them recognised by UNCHR. Each refugee receives 120 taka per day to live on, with half that amount allocated for children. With room rent of 7,500 taka per month, this is not nearly enough. In Manipur, refugees arrive from Burma, desperate to make money to survive. Although recognised as refugees by the Indian government, the 100 or so refugees living in the camp still suffer considerable discrimination. The women described how they are forced to pay bribes to cross the border and sell goods, and how they earn about 50 taka less per day than their Indian counterparts receive for the same work as tailors. Frequent curfews lasting for up to 10 days confine people to their houses, unable to work, buy food or take their children to school.

## **INADEQUATE AND OVERCROWDED ACCOMMODATION**

### **Issues presented by Refugees**

For the majority of the refugees, irrespective of their location in India, accommodation and living conditions were described as desperate. In New Delhi, often up to fifteen or twenty people live in cramped conditions, sharing one toilet, shower and cooking facilities. The women spoke of a range of health problems arising from this overcrowding, insufficient water and lack of fresh air or circulation. Landlords do not allow residents to see electricity or water bills, but still demand high payments despite the inadequate and intermittent supply.

*Cooking facilities are inadequate for the number of families living in the overcrowded accommodation*



Families and single men and women share small rooms with no opportunity for privacy. Children attending school are unable to study at home due to the number of people and lack of space. Women described how distressing it is for couples who are never alone, with women embarrassed and reluctant to have sex with their husbands. They spoke of an increase in domestic violence and marital rape caused by the stress on their relationships, and an increase in family breakdown.

Single men and women are forced to share very close quarters, often resulting in young women becoming pregnant. To avoid community shame, these women are forced into early, unwanted marriage or suffer unsafe and expensive abortions.

No assistance is provided by UNHCR in finding accommodation however the women spoke of the role they are meant to play negotiating with landlords. However, the women could provide few positive examples of this assistance. Landlords charge higher rent to refugees, and demand rent increases with little or no notice. Evictions were reported as a common occurrence, with regular moving having a negative effect on children's mental health and schooling.

#### Case Study

*On 27<sup>th</sup> April 2006, 3 Burmese families sharing accommodation were preparing a traditional dish of Nga Pih (dried fish). Their landlord arrived saying he had received lots of complaints about the families' children being noisy. The landlord demanded that they leave immediately, dismissing their requests for more time. The residents reported the problem to YMCA, but YMCA offered no assistance and they were forced to leave. Stray dogs often came and went to the toilet in-front of the houses. But the landlord said it was their children & they had to clean it up.*

*After this happened they went to another house, after staying there 8 months, in May 2007, the landlord said there are lots of people, I have to increase by 1,000 rupees. They originally paid, 2,500, but the landlord said that if they want to stay they have to pay 1,000 more. This is for 8 people. When asked to see electricity bill, the landlord said no.*

*"Landlords come & ask for more rent - increase without notice. They are never asked nicely, they just say give me now or leave."*

The women spoke of many instances of sexual harassment and even rape by landlords against refugee women and girls. Due to the crowded living conditions, women are also at risk of sexual harassment from men within their own community.

#### Case Study

*Two widows and their families were living together, renting a small room in a 2 storey building with their landlord downstairs. One night the electricity went out & the families were forced to the roof of the house. One of the widows and the three daughters went upstairs to the roof, but the other widow was feeling unwell & stayed in her room. One of the daughters, a 14 year old, needed to use the toilet and so*

went downstairs. The landlords grabbed her, covered her mouth dragging her down the stairs into his room. The widow who had remained in her room heard the scuffle and alerted other family members. The following day, with help from their neighbours, the women reported the incident to YMCA. They returned to the house with representatives from SLIC, and the police to the house. The police did arrest the man on this occasion, but he was not taken to the jail. In the evening the landlord held a meeting with the local people, claiming that the refugees were causing problems in the area. They demanded that the seven refugee families living in the area leave. The families, some with small children as young as 2, were forced from their homes with no food or water, depending on assistance from a local Chin Christian fellowship.

In Mizoram, families employed in the weaving factories live on the premises, often separated to men and women's buildings. If a family wants to stay together, deductions will be taken from their pay. Conditions are appalling, with refugees forced to sleep on top of the machinery due to lack of space. Amenities such as toilets and bathrooms are shared and there is little water, and no windows for ventilation. Once again, the women reported a very high risk of sexual abuse and harassment due to the crowded living conditions.

#### Case Study

In 2006 a single girl aged 17 years old was staying with a newly wed couple in a small room in a building with many other refugees' tenants. The girl was conscious of their need for privacy and wanting to give them some space, she went to another room to sleep. The residents of the room were out at the time, but one Burmese boy came and raped her. She became pregnant, and they married to save face.

For those refugees who live outside the factories, their accommodation options are limited by discrimination they face from Indian landlords. The women expressed their despair at the inability to move between houses because of the need for a reference from the landlord and the village council. With this held over their



heads, they are forced to suffer discriminatory conditions in silence. The refugees are forced to live long distances from the city, paying high transport costs to get to

work. They are charged 500 more per month than Indian tenants, but the women stressed that about 50% of the time, even if they have the money, they are still refused rental properties.

Refugees living on the border of Bangladesh build their own houses, but for those in Dhaka, they also face difficulties with accommodation. Up to 10 people share crowded rooms, with single men and women pretending to be married in order to rent together. Evictions are very common, with intelligence officers from the government regularly visiting members of the WLB, resulting in landlords forcing them to leave. Non-Muslim families are discriminated against, charged high rent and bills.

In Manipur, private rental is very difficult due to the need for references, so the majority of people live in the camp. For those that do rent, the women told of similar incidents of rent exploitation and discriminatory rules,

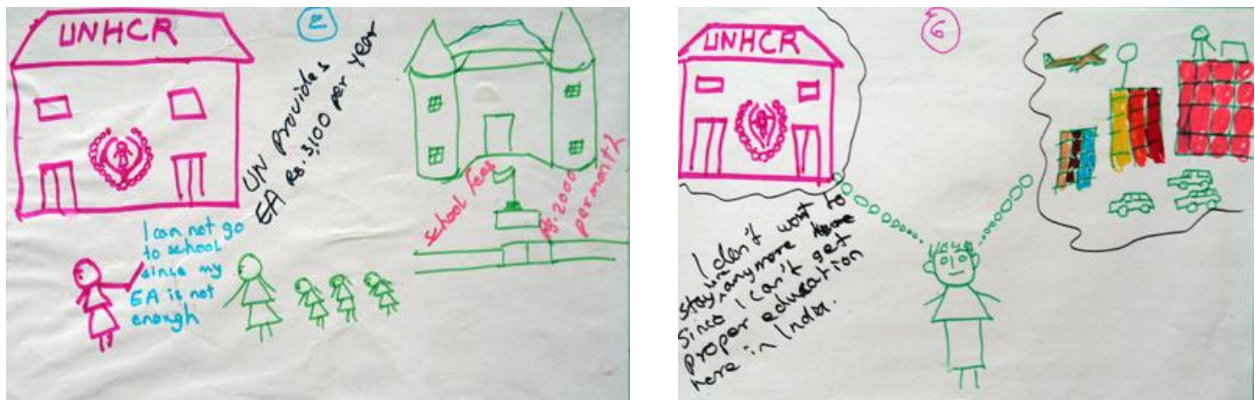
### **LACK OF ACCESS TO EDUCATION**

There is a strong commitment in the Burmese community to both primary and higher-level education, but many can simply not afford it – especially those who have had their Subsistence Allowance cut off, or those with large families or additional dependants to provide for. The women reported widely varying amounts of money received for the education of their children. For most, the education allowance provided by UNHCR does not cover the actual costs of a child's education. While new education initiatives have been introduced by UNHCR with the intention of improving access to education, these proposals have largely been met with disinterest or scepticism due to UNHCR's failure to adequately consult or inform refugees about the plans.

Although the UNHCR's global mandate is to provide educational assistance only up to the 10th standard, under its "Special Assistance program," educational aid is offered to "credible" 11th and 12th standard students. However, the criteria needed to be deemed "credible" is neither understood nor spelled out. Despite the assistance they receive, refugees still struggle to educate their children.



The women also stated that they are forced to meet significant costs out of their own pockets and, or, from neighbours, family or friends. These costs include transportation, stationary, uniforms and school functions. Some don't even have these support groups; as a consequence children are often forced to drop out and are made to work in unsafe environments. Women in particular, without an education can only obtain poorly paid work that others do not want.



In addition to the costs, refugees face other barriers to education. Sometimes students are barred from admission because they missed several years of schooling when they fled their homeland. Teachers complain that language and cultural barriers demand more attention than they are able to give. So they resort to “placing the child in the back of the room” to avoid disruption of the other children’s learning. Other forms of discrimination are often also experienced. For example, when families can not afford to pay the school fees on time, children of refugee background are discriminated against and made a mockery of in front of other students.

Furthermore, according to UNHCR policy, if a child is more than four years behind in school, they are termed "over-age." "Over-age" children are ineligible for the general education reimbursement program. Consequently, some refugee children are unable to access their full rights to development and equality as stated under the Convention of the Rights on the Child (CRC), of which India is a signatory.

Under its global policy, UNHCR will provide financial assistance to those refugees who can prove they were eligible to be refugees when they were forced to flee. Unfortunately, most cannot prove their qualifications because they did not bring their educational certificates with them.

### Case Study

*When I came to the YMCA office to apply for Education Allowance (EA) for my daughter, I was attended to a YMCA officer. She asked me to show her a certificate that showed the principal's signature stating that my daughter is allowed and accepted to enrol in the school. I did not have this certificate with me as I didn't know I had to provide such a letter. The school and the office is very far from where*

*I live so I did not get the report card and certificate this time round. She promised me to give me the EA if I come back and give the letters. Two weeks later I returned with the certificate and letter but she refused to provide the allowance as she claimed I had forged the paper work and she crossed in pen over the documents. She had no proof that it was forged and did not check with her superior to verify. She decided herself. When I said I can prove it is real. The officer said come back another time. When I came back again, she was not there only the interpreter, who wasn't there at the start. The boss wasn't there, the officer wasn't there.*

## **VIOLENCE AND DISCRIMINATION AGAINST WOMEN**

Among the major human rights violations against the refugee women from Burma in India are exploitation, discrimination and abuse of women in the workplace, at home and high rates of gender-based violence. Refugee women in general suffer from the same issues that other women from Burma face, like rape and sexual assault, but their refugee status means they are doubly disempowered, for they lack the protection of the state, the opportunities for free movement and the surplus income to escape situations of violence and discrimination. *“If women are sexually harassed they have nowhere to report it to, because our existence itself is illegal.”*



*The right to work in a safe environment, without fear of being harassed or violated against. The right to legal protection and safe houses for women. The end to impunity for human rights violators. Timely resettlement is required and as seen as a viable durable solution for the refugees from Burma*



The refugees don't have facilities for income generation and lack any kind of *"space to even grow vegetables."* Their recreational activities are therefore very limited and after years of waiting, the incidences of depression and mental illness have risen, as people become more disillusioned and frustrated with the lack of progress in resolving the refugee crisis. Most refugee men have lost their livelihoods and income generating capacity upon becoming refugees, and this widespread feeling of frustration often creates an environment in which women are beaten and abused within the home.

As refugee women, victims of domestic violence rarely have any options to better their circumstances. Women rarely report incidences of domestic violence for a variety of reasons. Women are often dependent and held subservient to their husbands. The threat of losing their access to food and other aid is always a risk inherent in their decision to report incidences. On the other hand men, who are afraid of the women telling, restrict their movement. Women who are able to leave their husbands, for whatever reason; *"have great difficulty supporting themselves"*, lose custody of their children, are often *"looked down upon"* by the larger community and forever carry social stigma within the community. - *"people gossip and look down on the women [who end up being] more isolated."*

As well as this, the police often ignore such reports or become a part of such abuses. There are no avenues for support and redress provided for the abused women from the perpetrator of the violence.

*"When I walk past on motorbike he slap me"... [Policeman says at time of reporting] "if you cannot remember the person if you cannot remember number of bike we cannot do anything at all" September 2007.*

Other acts of violence like rape, and sexual or physical assault, are also under reported. This is because a clear multidisciplinary approach to handling complaints is yet to be established. Women face the usual cultural and social stigmatisation barriers to reporting incidences of sexual abuse so as a consequence; *"mental health issues are rising to the point of being suicidal and or having depression."* To report an incident also means risking isolation from the family or community, and therefore access to food, supplies and personal documentation.

Private issues such as domestic violence are considered as something not to be disclosed to the wider community and for these reasons women are made to feel shameful and are considered the initiators of such violence. The impact on children being fatherless – if the woman divorces him - brings stigmatization, so in order to try to 'save face' for the sake of the children it seems better not to say anything or do anything other than 'just take it.' Children grow up in an environment where the possibility of mimicking the same violent and aggressive behaviour will carry onwards to the next generation.

*The refugee women most at risk need somewhere to turn to.*



Women who are refugees, have no source of personal capital and therefore leaving a violent relationship or reporting incidences of domestic violence and risking isolation is a dangerous issue, for they are essentially reliant on their husbands for survival. For women in a desperate refugee environment, the issue of reporting offences is grossly complicated by these issues. A multidisciplinary approach to handling complaints is also yet to be established making seeking redress complicated and confusing for abused women. Women in a refugee environment also lack access to education and avenues of wider community awareness on social issues; this increases their likelihood of being drawn into trafficking rackets.

To combat these issues, women need education, empowerment, and the support of society and outside parties. They need help in accessing avenues for redress, they need support in the event of leaving their husband under violent circumstances, and they need the education to lobby for a better recognition of their needs. In this way, refugee women have specific issues that must be isolated from general issues facing the refugee community, in order to be addressed fairly and competently.

### Case Study

*“Once a year the police come round to all the factories (because these refugees are the easiest to find) and arrest the refugees. They are taken back to the police station and sent back to the Burma border. At the police station they separate women and men. They then call the women in individually and say “if you sleep with us we will let you go back to the factory.” Some women do this because they have no choice, most of the women who are arrested are forced to sleep with the police officers, and others bribe the police by paying thousands of rupees.”*



## PROBLEMS WITH SERVICE PROVIDERS

*The refugees from Burma want to deal directly with UNHCR New Delhi*



During the workshops, the participants reported a general lack of trust towards and frustration with the implementing partners in New Delhi. The women told of limited access to support agencies, extended timelines for processing of applications, and inadequate provision of support. The impact of this is that service providers may exacerbate further the issues facing the refugees.

The limited access to UNHCR impacts greatly on the lives of the refugees. The participants report that UNHCR will only see refugees from Burma one day per month, and that only 60 people are allowed interviews. The interviews are on a first come first served basis. Refugees who need to see UNHCR are forced to queue often for days; cooking and sleeping on the street in the hope of securing what is often a five minute interview.

*Refugees are forced to sleep on the streets outside UNHCR*



This has a direct affect on the livelihood of the refugees reducing the amount of days they can work. There is no shelter or shade while queuing outside UNHCR, so refugees are exposed to the extreme climate of New Delhi. In the past UNHCR has allowed those waiting use of their amenities but this has recently stopped.



*“A pregnant women she queuing to see UNHCR, on the street after one and a half days, she start having baby, - asked for UNHCR for help - but UNHCR do nothing, baby half born on street”*

Even if the refugees are able to secure an interview with UNHCR, they told of the challenges they face presenting their case. UNCHR provide interpreters but are insensitive to the different ethnic and language groups amongst the refugees from Burma. UNHCR often do not supply an interpreter competent in the language of the interviewee. This can result in the individuals' case not being presented to UNHCR accurately, and the conversation subject to misinterpretation.

This cultural insensitivity was also seen at the UNHCR service providers. At the Women's Centre, the refugee women seek support and assistance for often sensitive matters such as domestic violence, or sexual abuse. However, the trauma of relaying their experience is exacerbated by interpreters with inadequate understanding of their individual language.

The women also spoke of the uneven ratio of men to women staff working at UNHCR and their service providers. Depending on their circumstances and experience, as well as taking into account cultural norms, many of the women expressed their reluctance to speak openly about their experiences with men, the majority of who would be Indian. However, a lack of female staff often places the women with no other option.

Another area of concern identified by the participants was a lack of cultural understanding and empathy towards the plight of the refugees and the circumstance in which they find themselves in exile. The refugee women did identify a certain female staff member who works at the service provider YMCA. They spoke of the inadequate, inappropriate and disrespectful attitude of the female worker towards their concerns. With very few options available to them, the refugee women are often deterred from reporting such instances and speaking about the serious issues they face.

The participants expressed their despair at the lack of places they have to turn to in times of crisis. Those women facing domestic abuse at home are forced to stay in their desperate situation due to no safe haven to which they can escape..

*The current Women's Centre has limited opening hours and access times, which do not meet the needs of women at serious risk of harm*

There are approximately 2000 Refugees from Burma in New Delhi, 1,300 of these are recognised by UNHCR and a further 700 are still being processed (estimates). The processing time for a new refugee application can take from 6 months to over a year, in this time the unrecognised refugees cannot access any of the services offered by the service providers. The women spoke of the frustration and confusion experienced by refugees who are not granted status by UNHCR. With no feedback provided regarding their case, refugees are given no reason for their rejected application, making any appeal process that much harder.

The women told that regular open house meetings are meant to be held with UNCHR. These meetings are meant to be a forum for the refugees to express and

discuss their concerns. However, the meetings are irregularly held, with UNHCR often changing dates and times with little or no notice. Information about scheduled meetings is not communicated sufficiently amongst the refugee community, with some groups often unaware that the meeting is taking place. The meetings are not inclusive, and lack representation from different ethnic groups and vulnerable members of the community. Unrecognised refugees are also not able to attend, leaving this most disadvantaged group without a voice. Minutes are not taken, and no record kept of those attending. The refugee women gave examples of issues raised at meetings, discussing specific incidents of sexual abuse or discrimination. However months on they state that there has been no response or follow-up from UNHCR or their service providers.

A limited number of refugees are employed by the service providers. The participants stated that some of the employees are paid at a lower rate than Indian nationals working in the same role. Their income is also often below the Indian minimum wage. *"I asked why we don't get the same like refugee working outside (of Don Bosco) we should at least get the same. They said that because you are working in a good environment that's why they give less - if you don't like payment leave job."*

Even though Don Bosco's role is to assist the refugees with employment, the participants reported that they did not adequately fulfil this role. Reasons given were that Don Bosco did not assist with wage negotiations and fair working conditions and did not respond or assist with reports of discrimination and harassment. Victims of sexual abuse or assault have been discouraged by service providers from reporting cases to police for fear of further repercussions.

The Refugees also reported a similar lack of support in regards to obtaining accommodation and mediating disputes with landlords. This is the responsibility of YMCA but the participants reported little or no assistance when they turned to service provider staff for help. While the refugees agreed that the UNHCR support helps them while they are in exile, the amount of aid, along with the way in which it is provided, is insufficient in meeting their needs. For some issues even a small increase in assistance from UNHCR would have a significant impact on their lives.

## **HEALTH**

In the consultations the refugees concerns about health were threefold. Firstly, the refugees spoke of overcrowding, substandard living conditions. These living conditions, along with inadequate nutritional intake increase the chance of diseases and serious illness. Thirdly the refugees face the high costs of accessing the already limited healthcare options available to them. *"If we admit a person to hospital the fee at least 1500 (rupees) not including medicine. If can't pay (you get) nothing..."*

The overcrowded accommodation and general lack of amenities exacerbate the spread of commonly reported communal diseases such as Diarrhoea, Tuberculosis

and Influenza. On visits to the refugees' accommodation during the consultations, it was common to see 15 to 20 people sharing a single room, with residents of an entire level often sharing only one toilet. The overcrowding increases when children return from schools outside of Delhi during the winter and summer school breaks when temperatures are at their most extreme, increasing the spread of disease.

The lack of income along with exploitation of refugees by some locals does not provide for an adequate dietary intake, *"When they see us they say 40 rupees, then when we say it is 20 rupees they say that is our price, this (40 rupees) is the price for you to buy"*. The participants told how they compete with cows and stray dogs for the waste vegetables from the market, but now even this is limited as the market owners have started charging them to do so. *"There use to be the local market, pick up off the floor, but now market owners charge, there is no chance to even pick up"*.

Malnutrition is common with some children displaying distended bellies. The participants report that women are most affected by malnutrition as they give priority to feeding their children. Dizziness and lack of menstruation is common. This is of particular concern for pregnant and breast feeding women, *"a close friend was pregnant but she cannot eat proper food and also – do not take any medicine, had to work till 7 months- when she deliver baby almost die."* Children suffering malnutrition at a young age or born of mothers suffering malnutrition, are likely to have a marked decrease in standard of health and earning capacity throughout life. To feed their families and meet healthcare costs, some women resort to survival sex, increasing the chance of additional health conditions such as HIV/AIDS and depression.

UNHCR, though YMCA provides only partial re-imbusement of costs for treatment received at government hospitals. The participants reported that the only way to access treatment at the hospitals was through YMCA. If there was an emergency and the refugee went directly to the hospital, they would not receive treatment. The participants also reported high transport costs to and from the hospital, as being a barrier to accessing treatment particularly for those with chronic conditions. They also spoke of the overcrowding at government hospitals coupled with the lack of interpreter services. This often results in refugees being referred to private hospitals where the cost of their treatment is much higher and not covered by UNHCR.

In Delhi there are two community health clinics within the community, one is a voluntary clinic, and the other is run by The Women Rights Welfare Association of Burma (WRWAB). The participants report that UNHCR also provide a clinic with supplies, but this is irregular in regards to the amount and frequency of supply, *"Sometimes a little bit, sometimes not at all"*.

## UNREGISTERED REFUGEES

During the workshops, some of the main issues raised were those facing refugees who had not been 'recognised' by UNHCR. This group would have little or no access to the already limited assistance that is provided to recognised refugees.



The long processing time of refugee status applications results in many refugees being without assistance for extended periods of time. The lack of access to services such as healthcare, education allowance or financial support, have a negative impact on the individuals, families and the refugee community as a whole. This situation leads to unrecognised refugees having a very low social status among this already marginalised group. Their lack of status also increases their vulnerability to police harassment, and arrest.

The lack of financial assistance to unrecognised refugees leads to a standard of living even lower than that of the general refugee population. They are also at a greater risk of exploitation in the work place, and are forced to work for substandard wages with no recourse in the case of unpaid wages or abuse. The inability to provide for their families forces many women into survival sex, increasing their vulnerability, the risk of illness and disease.

The long term uncertainty felt by refugees as they wait for determination of their status, in addition to the other stressors in their lives, significantly increases the chance of mental illnesses such as depression. Due to their unregistered status they lack assistance from any formal service providers and are at a greater risk of exploitation by landlords and employers. They have no access to local trusting authorities and therefore have no means for redress over disputes.



Feelings of helplessness

The lack of access to the education allowance (EA) leaves unrecognised refugee children with no access to formal education. This significantly reduces any future role they can play in the decision making process within their communities both in exile and once they return to Burma. The lack of education opportunities coupled with the absence of financial support forces many children into child labour. *“One family 5 children-unrecognised, 11 months pending case, wife is sick, but can not get help. The parents can not work. The eldest girl has to work (15-16 years old) the other children do not go to school, she earns 1600INR per month, and bus fare alone is 420 per month.”*

The impact of a lack of adequate nutrition has been covered in the health section of this report. Members of unrecognised families are at an even greater risk of illness and disease caused by inadequate diet and poor housing. *“One family unrecognised, husband got sick, she (the mother) is working but is still breastfeeding. She got sick, she approached YMCA but she was not recognised so they would not help. She died. The husband still not recognised, [sic] still now. All of the issues outlined in the previous sections have a greater impact on the unrecognised refugees, due to their illegal status, lack of assistance, exploitation and abuse.*



## ***LINKING ISSUES AND IMPACTS TO SECURITY COUNCIL RESOLUTION 1325***

United Nations Security Council Resolution (UNSCR) 1325 addresses the way that armed conflict particularly impacts women. It recognises that women and children make up a vast majority of the people affected by conflict, and recognises that during the violence, the way in which women and girls suffer is different to the way that men are affected and suffer. UNSCR 1325 states that the impact on women and girls also affects their family, their society and the entire international community. This is because women have the capacity to make a unique contribution to peace and security in their society, and in the international arena. No women, No peace.

Through Security Council Resolution 1325, the international community states that if we are to achieve international peace and security, we need to first understand how women are affected by armed conflict, and how women are marginalised from the political process. We must then address these problems by making sure that the human rights of women and girls are protected, and by making sure that women can, and do, participate in political decision-making. All of these things will help create a future where women's human rights are respected, women's opinions are heard and where there will be international peace and security.

Prior to commencing the training, WLB requested that during the workshops, training was provided on Security Council Resolution 1325 and the international community's 'Responsibility to Protect'. Facilitators provided a general outline of the resolution and illustrated how the women could apply the practical applications of UNSCR 1325 to their advocacy work.

Drawing together the issues and impacts that were identified during week one, the women linked these to articles within UNSCR 1325 which were most appropriate and relevant to the challenges they face, and would face in the future.

The women were encouraged to use these tools in future advocacy work when calling upon the international community to fulfil their obligations specified in these documents.

Having analysed the issues they face in conjunction with Security Council Resolution 1325; the women identified links with those articles they felt appropriate. These links have been outlined in the following table.

Article	Linking to issues as identified by the women
<p>1. Urges Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict</p>	<p>Due to their situation as refugees, limited educational allowance and gender discrimination, women and girls do not have equal access to quality education. Higher education for refugee women from Burma is often out of the question, and many young women marry at an early age. A lack of education limits the women's opportunities and results in a lower representation of women in decision making roles. Women must have a role in the resolution of the conflict in Burma.</p>
<p>2. Encourages the Secretary-General to implement his strategic plan of action (A/49/587) calling for an increase in the participation of women at decision-making levels in conflict resolution and peace processes;</p>	<p>As per the issues identified above, the Secretary General must take action to increase educational opportunities for refugee women from Burma.</p>
<p>4. Further urges the Secretary-General to seek to expand the role and contribution of women in United Nations field-based operations, and especially among military observers, civilian police, human rights and humanitarian personnel;</p>	<p>Many women do not report crimes committed against them, due to the lack of understanding and gender sensitivity shown by the civilian police. Representation of suitably trained female workers in civilian police would allow for a more appropriate avenue for women's protection. Cultural sensitivities must also be considered.</p>
<p>6. Requests the Secretary-General to provide to Member States training guidelines and materials on the protection, rights and the particular needs of women, as well as on the importance of involving women in all peacekeeping and peace-building measures, invites Member States to incorporate these elements as well as HIV/AIDS awareness training into their national training programmes for military and civilian police personnel in preparation for deployment and further requests the Secretary-General to ensure that civilian personnel of peacekeeping operations receive similar training;</p>	<p>More accessible medical assistance is required for the refugees, regardless of their recognised status. For those suffering from acute diseases such as HIV/AIDS, the limited medical support is of much greater impact. For those unrecognised refugees, no medical support is available. Further understanding is needed of the particular issues they face, and these aspects taken into account when assessing the assistance provided to refugee groups from Burma.</p>
<p>8. Calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including, inter alia:  (a) The special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction;  (b) Measures that support local women's peace initiatives and indigenous processes for conflict resolution, and that involve women in all of the implementation mechanisms of the peace agreements;  (c) Measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the constitution, the electoral system, the police and the judiciary;</p>	<p>In addition to the common needs of the refugees like food, shelter, clothing and medical care; refugee women and girls require special protection and assistance ranging from physical security to cultural sensitivity. In addition to physical health problems, some refugee and displaced women suffer from mental health problems. Women often face emotional problems and difficulties in adjustment resulting from loss of family or community support. Protection of women and their access to assistance are integrally woven. So too, is their involvement in the design, development and implementation of programmes.</p>

<p>9. Calls upon all parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977, the Refugee Convention of 1951 and the Protocol thereto of 1967, the Convention on the Elimination of All Forms of Discrimination against Women of 1979 and the Optional Protocol thereto of 1999 and the United Nations Convention on the Rights of the Child of 1989 and the two Optional Protocols thereto of 25 May 2000, and to bear in mind the relevant provisions of the Rome Statute of the International Criminal Court;</p>	<p>India should enact a national refugee law to ensure that all genuine asylum seekers who have fled to India are offered uniform treatment, equal protection and support and are not treated differently based on their nationality. By conferring refugee status on those who have fled their countries to escape persecution, a national refugee law would give refugees identification cards, travel permits and uniform benefits. It would also make the protections permanent. A national law would also limit interference by the home countries of the refugees who are seeking asylum in India. The India government should sign and then obey its international obligation set forth in the 1951 Refugee Convention and the 1967 Protocol and allow UNHCR New Delhi to play an appropriate and more involved role and permit UNHCR access into Mizoram State where currently there is no refugee assistance.</p>
<p>10. Calls on all parties to armed conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, and all other forms of violence in situations of armed conflict;</p>	<p>Women are targets of sexual and physical abuse both at home, in the community and in the workforce. For instance, rape has been used as a weapon of ethnic cleansing and or power control, and under the laws of many countries, women do not have the same legal rights or protection as men. As a direct result adequate attention to general and comprehensive reproductive health needs of refugee women is of key importance to the survival of refugee population. Counselling and such things as safe havens need to be provided and made accessible to all as a result of GBV.</p>
<p>11. Emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity, war crimes including those relating to sexual violence against women and girls, and in this regard, stresses the need to exclude these crimes, where feasible from amnesty provisions;</p>	<p>Impunity builds a climate of normalcy and acceptability to crimes of beating, rape and other forms of violence. Women know this and so find it difficult to report such incidents and therefore do not seek justice. As a consequence the cycle of violence continues. The women ask that this be recognised as endemic within the current judicial system and within the police force. Consistently enforced policies need to be assessed and made applicable to all regardless of status or position in the community.</p>

<p>12. Calls upon all parties to armed conflict to respect the civilian and humanitarian character of refugee camps and settlements, and to take into account the particular needs of women and girls, including in their design, and recalls its resolution 1208 (1998) of 19 November 1998;</p>	<p>With current gaps in knowledge suggest the need for further inquiry to understand the complex interplay among gender identity, power, and violence in refugee settings and initiatives. The women ask that optimal strategies to promote the human rights of women in reconstruction and conflict prevention be paid more attention. As the example of sexual violence in conflict settings has suggested, gender and human rights are inextricably intertwined. Consequently, a framework of human rights and reconstruction must address socially entrenched gender-based discrimination in refugee camps and settlements</p>
<p>15. Expresses its willingness to ensure that Security Council missions take into account gender considerations and the rights of women, including through consultation with local and international women's groups;</p>	<p>In addition to formal state structures, groups including religious movements, local communities and families are also responsible for Human Rights violations. It is vital for the Security Council and human rights strategies to take these actors into account when involving refugee women and girls in a cultural context.</p>

## ***PARTICIPANT RECOMMENDATIONS***

The following recommendations address issues on the international, national and local level. The women will continue their advocacy to bring about change at all levels.

### **UNHCR NEW DELHI AND IMPLEMENTING PARTNERS**

The refugees recognize their dependence on UNHCR New Delhi and their implementing partners; and in doing so request that all parties involved:

Facilitate and attend regular consultations and dialogue with refugees about their concerns, provide sufficient notice of consultation meetings to all ethnic groups, and provide necessary translation services as appropriate.

Improve transparency by keeping accurate records of meetings and providing minutes in appropriate languages to the refugees in a timely manner.

Ensure participation of the most vulnerable groups in consultation sessions, including unrecognised refugees, women and girls, young people, aged and disabled individuals.

Hold accountable UNHCR New Delhi's implementing partner organisations (YMCA, Don Bosco, SLIC) in providing adequate assistance with health, accommodation, education, job placement, legal representation and advice

Provide resources to enable quick and efficient processing of refugee applications and requests. Make regular feedback available to refugees on the progress of their application, including legitimate reasons if the outcome is unsuccessful.

Consider third country resettlement applications as a recommended durable solution and actively campaign for countries to increase their refugee resettlement quota, with particular emphasis on women and girls at risk.

Provide sufficient and ongoing education (EA) and subsistence (SA) allowance, based on genuine consultation and feedback from refugees relating to their circumstances.

Establish and maintain formal processes to assist refugees in negotiations with landlords, particularly during conflict resolution and rent disputes

Urgently afford the necessary resources for adequate provision of healthcare to refugees irrespective of status (i.e. unrecognised) of persons and extent of health conditions

Encourage and support the UNHCR funded Women's Centre to take a more active mediation role in cases of violence against women. Take an active role in promoting community driven education and awareness programs that are accessible to all members of the refugee community

Increase the numbers of refugee women from Burma employed as staff in a variety of roles, and in decision-making processes at the Women's Centre, providing appropriate training and remuneration.

Ensure the provision of accessible safe houses and adequate facilities to provide protection of the most vulnerable, with particular focus on women and their children

## **UNHCR GENEVA**

In recognizing restrictions of UNHCR New Delhi to implement many of these recommendations without the assistance and support of UNHCR Geneva, the women ask that:

Encourage member states to uphold their obligations in fully supporting refugees from Burma, as outlined in international refugee conventions, protocols, treaties and accords. In doing so states can uphold their 'Responsibility to Protect'.

Ensure that UNHCR representatives are dispatched immediately to Mizoram and Manipur with the responsibility of assessing the needs of refugees not currently receiving assistance.

Urgently provide UNHCR support services to the refugees in these areas as required

## **INDIAN NATIONAL AND STATE GOVERNMENT**

The refugees request that both the Indian government recognize the plight of refugees who are unable to return to Burma at this time & have been forced to seek temporary asylum in India. In doing so they make the following recommendations:

Enact a comprehensive national policy that recognizes and supports refugees within India's borders.

Ratify the 1951 Convention relating to the status of refugees and its 1967 protocol.

Allow UNHCR permanent access to Mizoram state and support UNHCR activities

Prioritize cultural and gender awareness training to government agencies and services, with particular focus on those services responsible for meeting the needs of refugees.

Investigate police corruption and discrimination in the judicial system, ending the impunity for perpetrators of crimes committed against refugees.

Allow and support local NGOs to provide awareness training to local communities on women and child rights

Establish employment agencies to assist refugees in finding adequate job placements

Ensure that local government departments have in place appropriate legal procedures for dealing with refugee concerns.

Actively discourage institutionalized racism and religious discrimination within local and national government bodies

Monitor and take action against discrimination towards refugees in schools. Provide training to school staff and management to increase understanding of the challenges faced by refugee youth

Establish strategies and programs within government schools to take into account the specific needs of refugee children, i.e. language skills

## **GOVERNMENTS WHO ARE FRIENDLY TO REFUGEES FROM BURMA**

The women acknowledge that many governments are sympathetic to refugees from Burma. The following recommendations are made in particular to the United States of America, Denmark, Norway, Australia, Canada, Japan, France and the United Kingdom:

Consider increasing resettlement options for refugees from Burma and to process resettlement applications quickly

Prioritise resettlement options particularly for women and girls at risk

Focus on continuing to place international political pressure in establishing a democratic Burma

Ensure that Burma is held accountable to their obligations under the International treaties Declaration of Human Rights, the Convention on the Rights of the Child and Convention of the Elimination of Discrimination against Women

Urge all parties involved to prioritise the tripartite talks process and come to a timely and durable solution

Uphold committed financial contributions to UNHCR as a matter of urgency and without restriction

Increase pressure for international trade sanctions against Burma if the regime continues to violate its Human Rights obligations and to hold accountable according to international law those perpetrators of human rights

Provide more training and assistance to refugees in fields of political participation, human rights, lobbying and advocacy

Encourage humanitarian and human rights groups to increase international pressure and to raise awareness regarding the political and the human rights situation in Burma.

### **TO GOVERNMENTS WHO ARE FRIENDLY WITH THE BURMESE REGIME**

The following recommendations were made to governments who the women identified as having friendly relations with the Burmese Regime. In particular they recognised the close relationship that Burma has with China and Russia.

They ask these governments to:

Reconsider trade agreements, joint development projects specifically gas and petroleum and the sale of arms, with the regime

Engage in greater dialogue and cooperation with other Security Council members and to reconsider their veto positions on resolutions concerning Burma.

Consider the environmental impacts of current and future projects they undertake in the region



## General Recommendations Which Emerged From The Training

- Open House Meeting minutes

that the refugees from Burma make as a priority the documentation of minutes from every open house meeting held with UNHCR and implementing partners. These minutes should clearly identify the following information:

- The date of the meeting
- The attendees present, with particular focus on UNHCR and implementing partner staff
- All issues discussed, including responses from UNHCR or implementing partner staff

The minutes of these meetings should be sent to a UNHCR representative within a week of the meeting. They can be typed or hand written. These meeting minutes are a record of all issues raised and can be used in follow up to UNHCR when issues are not addressed.

- Open House Meeting representatives

The representation of all ethnic and vulnerable groups at open house and community meetings is critical to ensuring that all issues are raised and addressed. It is recommended that the refugees make special effort to include representatives from all ethnic groups at all meetings. Also, issues of vulnerable groups such as elderly, disabled and young people should always be taken into account. Ideally, unrecognised refugees should also be invited to attend these meetings. However, if this is not possible due to UNHCR regulations, the specific issues facing these unrecognised refugees within the community should be highlighted and recognised refugees should use this forum to advocate on behalf of those not present.

- Domestic violence committee

Due to the clear evidence presented during the workshops of increasing levels of domestic violence within the refugee communities, we recommend the formation of a joint men and women's committee in each location (Delhi, Manipur, Mizoram, Bangladesh). An equal number of men and women should be included on the committee, and members should be a variety of ages. The committee should have a maximum of 15 members. The committee will show a united front from both men and women, that violence against women is unacceptable.

The committees should have the following aims:

- To collect data on the incidence of domestic violence in each refugee community
- To develop strategies to address the issues of domestic violence within their own communities
- To develop community education resources raising awareness of the issues of domestic violence and advocating that it is

unacceptable. This may include the production and distribution of literature and the facilitation of discussion groups.

- To develop networks and provide support to women who are victims of domestic violence. This may include approaching and working the Women's Centre (where available) and advocating for more services focusing on women suffering from violence.
- To develop strategies to support men who are responsible for domestic violence, and work with men to address the underlying reasons involved.

- Men's and women's group training

Particular issues faced by women were identified during the workshops; however it was clearly understood that these issues could not be addressed by women alone. If a woman is affected by harassment at work, domestic violence, lack of education or healthcare etc. then so is her husband, children, other family members and community. Women alone can not address the issues they face. The Women's League of Burma acknowledge the need for men's involvement in addressing women's human rights, as was seen by the inclusion of four days of men's training in New Delhi in November 2007.

It is recommended that further workshops and joint training is held with both men and women refugees from Burma. This training should be clearly identified as focusing on women's human rights and should be facilitated by an external party if possible. The workshops should aim to increase understand between the women and men regarding the specific issues they face. Joint workshops would also give women the opportunity to increase their confidence in discussing openly the issues they face with men within their community.

- Building partnerships

All refugees living in India are faced with the same domestic laws. Refugees from different backgrounds and home countries are forced to flee to a country where they are limited in opportunities and support services. It is recommended that the refugees from Burma work towards the establishment of networks with other refugee groups in the area. Refugees, despite their background, will be facing the same issues with unsatisfactory accommodation, lack of healthcare, insufficient subsistence and education allowance. In order to strengthen advocacy towards UNHCR Geneva, UNHCR New Delhi, the Indian Government and the international community, diverse refugee groups can work together to present a united front regarding the issues they face.

- Livelihoods

As outlined in the workshops, the refugees from Burma have very limited livelihood opportunities, unable to work in the formal sector and forced to seek unsuitable and dangerous work in the informal sector. There are few income opportunities for the refugees to pursue independently.

It is recommended that the refugees consider alternative income generating possibilities, based on the activities of other refugee communities in the area. For example, in Delhi, the Tibetan and Nepalese refugee communities have established market businesses creating handicrafts, weaving and clothing which are then sold at tourist destinations. It is recommended that the refugees from Burma focus on traditional handicrafts that would appeal to the local Indian and tourist market. Working in partnership with other refugee communities within New Delhi (as also indicated in the point above), could assist with the establishment of a small trade in goods, which could then be expanded upon.

- Building bridges between groups

It became clear during the workshops in India that there is some existing mistrust between members of different ethnic and community groups. This may be due to historical difference in circumstances, discrimination or misunderstanding. Following our short time with the refugees we do not attempt to understand the complex layers within the lives of refugee communities from Burma.

However, it is hoped that the different refugee groups can be encouraged to engage in positive dialogue in order to address ongoing and existing issues. If groups could overcome existing barriers and work together as a united community, rather than working to individual agendas, advocacy efforts and community based support networks would, we hope, be stronger.

- UNHCR Recommendations

Outlined in the previous section of this report are the recommendations the women drew together to present to various stakeholders. It is suggested that the following recommendations are also made to UNCHR New Delhi:

- UNHCR and implementing partners should be encouraged to appropriately train, and offer employment positions to refugees. These opportunities should be made within all UNCHR services and partner organisations, not just at the Women's Centre in New Delhi.
- UNHCR should address as a matter of urgency, their lack of understanding of different ethnic groups within the refugee communities. More training of UNHCR staff is required in order for them to fully understanding the issues that different refugee groups face.
- UNHCR need to focus on the provision of interpreters with appropriate and adequate language skills for all ethnic groups. Training should be provided to members of the refugee community to fulfil these roles & special attention paid to ensure that that an appropriate interpreter is employed for each case.

# **BACKGROUND INFORMATION**

## **Timeline**

Burma is ruled by one of the world's most brutal military regimes, a dictatorship charged by the United Nations with a "crime against humanity" for its systematic violation of human rights against their own people. The National League for Democracy (NLD), led by Nobel Peace Laureate Aung San Suu Kyi, won a landslide victory in Burma's 1990 election. The result has never been honoured.

## **India and Burma Relations**

Due to a strong historical and geographical connection between the two countries, Burma and India have traditionally had a very close bond in terms of trade, commerce, political philosophy, religion and culture. This changed following the brutal military crackdown against the democracy movement in 1988, but since the mid 1990s, and in the past five years India has become increasingly close to Burma's dictatorship.

India has ratified the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ratified in 1979), the International Convention on Economic, Social and Cultural Rights (ratified in 1976), the UN Convention on the Rights of the Child (ratified in 1989) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (ratified in 1974) (Ananthachari, 2001), but significantly it has not ratified the Refugee Convention.

## **Domestic Refugee Law in India**

There are currently around 70,000 Burmese refugees residing in India. Most are in north-eastern states, in particular Mizoram and Manipur. As the relationship between India and Burma warmed, the Indian government made life increasingly difficult for many refugees. All refugees are subject to the constant threat of forced repatriation or deportation, raising concerns of re-outright, which is contrary to international law. India is not a signatory to the 1951 UN Refugee Convention or its Protocols. Any refugee who enters India without authorisation is considered an illegal immigrant. The Indian government dispenses what limited assistance available to refugees in a discriminatory and inequitable fashion. As a result, refugees have an ambiguous legal status and are treated differently depending on which country they are from (Ananthachari 2001).

Many of the refugees in Mizoram are not recognised as refugees, as the UNHCR requires refugees to come to its Delhi office for recognition - a condition most refugees, who are very poor, can not comply with. Most refugees face significant hardship, with some receiving a nominal subsidy from UNHCR, and many nothing at all. Most Burmese refugees work in low wage industries, such as at tea stalls and factories in and around Delhi. Prostitution is common, with many women forced into the sex industry. Over

the last couple of years, UNHCR has been threatening to cut their financial assistance in order to promote self-reliance. Lack of education and employment opportunities combined with inadequate and cramped living standards make their lives miserable. The Indian authorities have issued them with residence permits, but denial of work permits makes any attempt at self-reliance almost impossible and illegal. (Source: *The Refugee Situation on the Western Borders of Burma*, Forum Asia, 9 October 2002)

UNHCR's mandate to protect and assist refugees extends only to those living in Delhi. Even so, many refugee and humanitarian groups believe that the UNHCR-recognised refugees are receiving inadequate assistance for fear that better treatment will result in a mass exodus of refugees from the North East to Delhi. Direct service delivery is contracted to a number of implementing partners. These are:

The Young Men's Christian Association (YMCA), Don Bosco, and the Social Legal Information Centre (SLIC).

Under a sub-contracting agreement with UNHCR, YMCA has been responsible for all refugee education and training courses since early 1996. They are also in charge of distributing and implementing the educational assistance program, to refugees recognised under the mandate of UNHCR, living in and around Delhi. Don Bosco assists refugees in finding employment, and is responsible for the "top-up" scheme in which those refugees who find employment through the agency are given an allowance each month to bring their income up to a basic monthly salary. Don Bosco also provides computer and language courses to refugees in order to broaden their skills and enhance their chances of finding employment. SLIC is responsible for providing legal assistance to refugees, for file renewals, naturalisation, legal protection and intervention to all UNHCR recognised refugees in Delhi.

### **Brief background of WLB**

The Women's League of Burma (WLB) is an umbrella organisation comprising 12 women's organisations of different ethnic backgrounds from Burma. The WLB believes women's participation in the national reconciliation and peace-building process is essential and that the contribution of women in the struggle to bring about human rights, democracy and equal rights for all nationalities in Burma will have a great impact. WLB advocates on behalf of its member organisations representing women and their families in diverse situations, whether inside Burma, displaced to refugee camps or living as undocumented migrant workers in neighbouring countries.

## **Appendix 1**

### ***METHODOLOGY***

Workshops were held with refugees from Burma over a period of two weeks in November 2007. The training venue organized by the WLB, was a Burmese Community Hall in Vikaspuri, a suburb in North West New Delhi close to where a number of the participants lived.

Women travelled from locations outside Delhi to attend the training, including Bangladesh, Manipur, Mizoram and Thailand. A number of the participants were not official members of WLB, but were involved with other community based refugee women's groups. Training each day ran from approximately 9.30am to 4pm. Over the course of the two weeks, approximately fifty women were involved in the workshops; with the majority of participants attending both weeks of workshops. Two Interpreters, who spoke English and a number of other languages from Burma, were employed for the duration of the training.

Facilitators from the CRR documented the workshops in full. Observations of participants' behaviour and emotional responses were also recorded, and the sessions were filmed and photographed.

Training was based on particular themes identified by the WLB. Week one focused on the fundamental processes of the International Human Rights and Humanitarian Law Framework, human rights advocacy and documentation, and the assessment of the refugees' experiences with particular reference to the rights of women and girls. The second week looked at the central role women play in the maintenance of international peace and security, with particular reference to Security Council Resolution 1325 and relating this back to the women's everyday experiences.

The methodology of the workshops focused on eliciting from the women information regarding the issues they currently face, the underlying reasons for these problems and possible future solutions. Facilitators used a range of strategies and techniques including story circles, and interviews to collect the testimonies of the refugees and to identify potential solutions to the problems experienced by them. The women analysed the risks they faced through group work and illustrated the issues using storyboards. In order for the facilitators to assess the commonalities and difference in risks facing refugees from different settlement locations, women were separated appropriately during group work.

Referring to Security Council Resolution 1325, and the International Communities' 'Responsibility to Protect', the refugee women pulled together their issues and the subsequent impacts. The women provided detailed case studies during one on one interviews and group consultations.

Acknowledging the significant trauma the refugee women had experienced and based on their practical needs, facilitators incorporated psychosocial aspects into the workshops.

Observations of the women's responses and emotional reactivity during sessions were recorded. Activities included basic training on emotional healing, debriefing and relaxation techniques.

The women were encouraged to reflect on how recalling their own experiences, or hearing other women's stories of traumatic events affected them. Facilitators worked with the participants to rate their levels of stress and how they could ease their anxiety.

Facilitators encouraged the women to focus on their strengths, and current coping mechanisms, as well as suggesting practical tools they could use to assist other women in their communities. A separate consultation meeting was held with a group who had formed to offer personal support to women suffering from domestic abuse.

During the first week, separate training was conducted with a men's group. This training was also based within the context of the human rights framework, but with emphasis on risks faced by women and girls. Four days were spent with the men, using similar methodologies to the women's group, including storyboards, group work, and one on one consultation. The particular risks for women were perceived differently by the men, with much greater focus given to the bigger political struggle back home in Burma rather than the everyday issues faced by their families in New Delhi. On the final day of week one, the men and women's groups were brought together to present their storyboards and findings to each other. The rationale behind this joint presentation was to promote dialogue and greater understanding amongst the men of the particular issues the women face.

A strict code of confidentiality was observed throughout the workshops, and all attendees and facilitators signed a confidentiality agreement. Documentation released from the workshops, and the final DVD will only be made available following approval from the participants.

### **Constraints**

Limited access to funding placed constraints on time for both the men's and women's training. The men's training was conducted in the first week only, which limited the benefits of the consultation.

Training materials were provided in English, with limited resources available in other languages relevant to the participants.

Participants were from various ethnic groups, and spoke different levels of Burmese, English and other languages, making translation during the group activities quite challenging.