

CALL FOR ACTION ON GENDER ISSUES IN DISPLACEMENT ACROSS SOUTH ASIA

**By the participants of the
Women's Regional Network Summit on Forced Displacement & Gender in South Asia
Kuala Lumpur, 27 February – 1 March 2019**

The participants,

Recalling the commitments made by the governments in South Asia to international human rights and humanitarian standards, including the Universal Declaration on Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) 1966, International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, UN Convention on Elimination of Discrimination Against Women (CEDAW) 1979 and its Optional Protocols, UN Convention on the Rights of the Child (CRC) 1989 and its Optional Protocols, Convention on the Rights of Persons with Disabilities (CRPD) 2006 and its Optional Protocol, The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) 1984 and its Optional Protocol, The Convention Relating to the Status of Refugees 1951, International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 1965, The Fourth Geneva Convention Relative to the Protection of Civilian Persons in time of War 1949 and its Additional Protocol 1977, Convention relating to the Status of Stateless Persons 1954, and The Convention on the Prevention and Punishment of the Crime of Genocide 1948,

Recalling further the commitments made by governments through instruments and standards including the Beijing Declaration and Platform for Action 1995, the Political Declaration and Further Actions and Initiatives to Implement the Beijing Platform for Action in 2000 and 2005, Declaration on the occasion of the fifteenth anniversary of the Fourth World Conference on Women 2010 and The Sustainable Development Goals 2016,

Recalling also the international declarations, principles, frameworks, rules and standards that provide guidance to all governments in comprehensively addressing various issues pertaining to the forcibly displaced in general and women among them in particular, such as the UN Declaration on Elimination of Violence Against Women (UNDEVAW) 1993, UN Declaration on Territorial Asylum 1967, UN Security Council Resolution 1325 on Women, Peace and Security 2000, the UN Guiding Principles on Internal Displacement 1998, The Global Compact on Refugees 2018 and The Global Compact for Safe, Orderly and Regular Migration 2018,

Deeply concerned about the exponential increase in the population of internally displaced persons (IDPs) in South Asia, with a large majority of them being women and girls,

Mindful of the fact that they are displaced due to conflict, political upheaval, militarization, predatory development supported by government policies and private projects, land grabs and natural disaster,

Bearing in mind that displacement leads to a violent uprooting, a loss of home, livelihoods and communities, existing standards of living, social support networks and comfort zones, and triggers discontinuities and disruptions,



Acknowledging that displaced populations are vulnerable to death and all forms of violence including sexual and gender-based violence across developing countries and in developed countries that are now experiencing the ramifications of this global crisis,

Convinced that forced displacement is experienced disparately, disproportionately and especially adversely by vulnerable sections of society, such as women and girls, children, persons with disability and the aged,

Expressing concern at the resurgent patriarchy following displacement, witnessed globally, in which uprooted communities draw in upon themselves as a safeguard against alien environments and cultures, thereby providing a breeding ground for extremist ideologies with their repercussions on rights of women,

Deeply concerned that host communities, faced by alien populations and competing with them for scarce resources, feel threatened and turn antagonistic and violent towards displaced persons including refugees and asylum seekers, and that such violence and discrimination targeted at women are within the patriarchal paradigm,

Recognizing that violence is perpetrated within families, communities and through acts of commission and omission by state institutions such as security forces and law enforcement agencies, non-state actors and groups (organized and ad hoc) and by religious majority communities in cases of communal violence; and that the patriarchal control of female sexuality makes women and girls particularly vulnerable to multiple forms of gender-based violence such as rape, forced and under-aged marriages, trafficking, forced impregnation, sexual slavery and slavery-like conditions, and exploitative labour—manual, sexual and reproductive,

Observing with deep concern that not only have religion, race, caste, language, ethnicity and other such identities been deployed strategically in the production of multiple conflicts, but that these also contribute to the perpetration of overt and covert forms of violence against women among the displaced persons, who are treated and targeted as markers of communal identity and ‘honour’,

Reaffirming that justice and peace are not contradictory goals, but form vital components of human rights and constitutional ideals that all governments, global actors and civil society actors must strive towards and achieve,

Emphasizing that prevention and protection from forced displacement of persons, including women, in accordance with international and national legal standards are primarily the duty and responsibility of states and global actors, and that the role of civil society, including organized non-state actors, is to complement their efforts and to hold them accountable,

Emphasizing the urgent need for a shared humanitarian, security, and political response to the crisis and concerted efforts to deliver justice, maintain peace and comprehensively address the causes of forced displacement, in conformity with internationally recognized human rights and humanitarian standards, based on right to life, right to dignity, right to equality and non-discrimination and based on constitutional guarantees within each state,

Affirming that such response and efforts must address and redress the adverse consequences of internal displacement on women, based on their lived experiences, recognizing their agency and with their full participation in all decisions that are made with regard to their lives,

Noting the need for a gender-integrated, comprehensive and holistic policy and intervention towards addressing forced displacement and its repercussions on women’s rights in South Asia

1. Urge national, regional, international governmental and non-governmental actors that the following principles that inform this Call for Action, must form the basis of any gender-sensitive policy and action on forced displacement, namely to:

- a) commit to conflict prevention, peaceful conflict resolution and to abjure forced displacement as a strategy to drive conflict;
 - b) ensure women's qualitative participation in every stage of the displacement cycle, such that they are visible and heard in every forum and participate equally in making all decisions that affect their lives;
 - c) adopt a gender analysis of existing legal frameworks, policies, program interventions, and investments, which is critical to ensure justice for women and girls, as well as to integrate a gender perspective into the formulation of policies and programs;
 - d) formulate strong and adaptable legal frameworks, addressing the issues faced by women and girls, and implement the same in a gender-equal manner, in order to meet the complex economic, social, and political dynamics that drive displacement; and
 - e) address impunity and enforce accountability at every stage of the displacement process, in particular, for the ongoing epidemic of rape and other forms of and sexual and gender-based violence.
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2. Call upon all actors to ensure that legal and policy frameworks are formulated and implemented with a gender lens, including

- a) implementing the UN Global Compact on Refugees 2018, the UN Global Compact on Migration 2018 and the Comprehensive Refugee Response Framework in a manner that articulates the rights of women and comprehensively addresses sexual and gender-based violence;
 - b) enacting legal frameworks (in countries where none exists) and implementing legal frameworks (in countries where frameworks exist) on forced displacement based on international and humanitarian standards to protect the rights of IDPs, with a special focus on women and children;
 - c) advocating for law and policy reforms, particularly by members of civil society;
 - d) formulating and implementing all laws and policies without discrimination on the basis of identities such as gender, religion, class, caste, language and nationality; and
 - e) allocating and disbursing funds which are the responsibilities of governments, and earmarking funds for not only protection, relief and resettlement but also for prevention of forced displacement.
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3. Request all actors to ensure that women are qualitatively engaged in every process of policy formulation and implementation, and speak for themselves including

- a) commit to engaging women in processes for justice, peace and conflict resolution through consultative processes that respect women's agency and autonomy as rights-holders and equal citizens, and foreground women's voices and perspectives in determining policy and programs across all phases of the displacement cycle: prevention, protection, relief and resettlement;
- b) design programs to address needs of women and implement all such programs in consultation with displaced women, women in host communities and local civil society, and ensure women's participation in all decision-making structures;
- c) collect disaggregated data during all stages of the displacement cycle, at least by sex, age, marital status and ability and use the same to better inform policy development and programme implementation, prioritizing women's rights and concerns; and
- d) raise public awareness, particularly by civil society actors, in a manner that documents and amplifies voices of women at the national, regional and international levels.

4. Call upon all actors and institutions providing humanitarian assistance to internally displaced persons to meet the holistic needs of women and girls, founded upon a rights-based approach, including

- a) removing unnecessary bureaucratic hurdles;
- b) preventing non-state groups from hampering, attacking or impeding humanitarian efforts that assist refugees and IDPs, including women;
- c) increasing access to need-based services in health, education, and economic opportunity including maternal and mental health services to address trauma and access to sanitary materials for all women IDPs;
- d) according special attention to displaced girls and their specific barriers to education, including the high risks of sexual abuse and exploitation at school and on the way to/from school;
- e) allocating adequate budget for humanitarian assistance to women; and
- f) providing new and improved pathways, such as humanitarian visa programmes, educational visas, and employment programmes, focusing on safe areas where they can realize their rights and live in dignity.

5. Recommend the prioritization of the security of internally displaced women, inter alia, by

- a) addressing the root causes of all forms of violence, including militarization, hate speech and extremism, systemic sexual and gender violence, and working towards demilitarizing the region and creating an alternative discourse to war and militarism;
- b) ensuring women's personal security at all stages of displacement, including violence and exploitation that rapidly increase in the aftermath of forced displacement;
- c) ensuring that women are adequately represented in response and security providers;
- d) increasing access to justice for women in a manner in which justice entails not only prosecution and punishment, but also include reparations and rehabilitation for the concerned women;
- e) increasing the role of regional organizations in peace-building; and
- f) including, in governmental efforts to promote national security, a commitment to protect and promote individual human security, particularly of women.

6. Call upon all actors to end legal discrimination and impunity for violations of human rights of women affected by forced displacement, including by

- a) ending impunity for human rights violations especially for gender-related human rights violations including sexual and gender-based violence, and strengthen mechanisms for justice delivery;
- b) assisting in the acquisition of legal documentation; and
- c) providing necessary funds for essential health, education, livelihood, legal, and other support services.

7. Encourage the governments in South Asia to establish, adopt and implement a regional system of response to forced displacement in order to find a durable solution, including protection against repatriation to countries that remain unsafe for the displaced, and issuance of a regional visa to facilitate and enhance cross-border exchanges and meetings.
