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# **WHY ARE WOMEN MORE VULNERABLE DURING DISASTERS?**

## **Violations of Women's Human Rights in the Tsunami Aftermath**

## Introduction

October 2005

This report is a joint effort of women's organisations and groups involved in relief, rehabilitation and reconstruction efforts in the countries affected by the Indian Ocean Tsunami on December 26, 2004. Representatives of women's organisations participating at the Asian Civil Society Consultation on Post Tsunami Challenges in Bangkok, February 13-14, 2005, from India, Indonesia, Thailand, Burma, Sri Lanka and Maldives felt there is a need for a comprehensive report focusing on women's human rights violations in the tsunami aftermath given the gravity of the violations and the extent of marginalisation and exclusion of women from the rehabilitation process.

We would like to make special acknowledgements to Titi Soentoro of Solidaritas Perempuan (Indonesia), Fatima Burnad of Society for Rural Education and Development (India), Pranom Somwong of Migrant Action Program (Thailand), Wanee Banggrapha of Culture and Peace Foundation (Thailand) and Sunila Abeysekera of INFORM (Sri Lanka) for their inputs to the report with detailed testimonies.

The objectives of the report are:

- to express our deep concern with violations of women's human rights in the tsunami affected countries: Indonesia, India, Sri Lanka, Thailand and Burma.
- to draw the attention of the United Nations - a coordinating agency of the international support to the countries affected by the tsunami, governments of the affected countries, national and international non-governmental organisations involved in rehabilitation and reconstruction processes to violations of women's human rights and women's specific needs that must be adequately addressed during rehabilitation process.
- to make recommendations on addressing women's concerns in the above countries.

## Why we should be focusing on a gender perspective of the tsunami disaster

The December 26, 2004 Indian Ocean tsunami killed at least 300,000 people and left over 1.6 mln homeless in 12 countries spanning South East Asia, South Asia and East Africa. Among the worst affected areas are Aceh province in Indonesia, Sri Lanka, Tamil Nadu in India and the Andaman coast of southern Thailand.

"Women and men experience the same hardships," replied Kofi Anan to a question on women's specific needs in the tsunami aftermath, at the press-conference during his visit to Jakarta in January 2005. There are a lot of people around the world, including top level UN officials, who believe that the tsunami affected everyone equally and there is no need to focus on vulnerable groups, such as women, children, migrants, elderly, discriminated groups such as Dalits in India and others; and they believe there is no need to raise the issue of violations of human rights of these vulnerable groups of people.

The statistics indicate that in Aceh, India and Sri Lanka more women died in the tsunami than men, almost 80% of the dead are women. The tsunami has not only killed more women it has produced some very gender-specific after shocks, ranging from women giving birth in unsafe conditions to increased cases of rape and abuse. In Sri Lanka, dead bodies were sexually abused and women were dragged out of the rushing water and raped as payment for being saved. In Thailand, women are discriminated even in death: the government assistance for funerals provide twice as much money for a man's death than for a woman's.

We call on the governments of the affected countries, national and international non-governmental organisations involved in rehabilitation and reconstruction processes and international aid and UN agencies to ensure that relief and reconstruction efforts are conducted within a framework that protects and promotes human rights, especially women's human rights, as women, marginalised and disempowered under normal circumstances, are more at risk because of their socio-economic status, barriers to choice and lack of access to resources. Women are more vulnerable during disasters and marginalised in their access to relief resources because relief efforts rely on existing structures of resource distribution that reflect the patriarchal structure of society. Women constitute majority of tsunami victims and yet they are excluded from participation in disaster relief and their voices silenced resulting in violation of their human rights from the basic right to food to the right to housing.

### WOMEN 7 MONTHS AFTER THE TSUNAMI : MARGINALISED AND EXCLUDED FROM THE RECONSTRUCTION PROCESS

Consultation of Asian Women on Post Tsunami Challenges  
Banda Aceh, Indonesia, July 25-27, 2005

Over 60 women, activists advocating for women's rights in the tsunami aftermath and survivors of the tsunami, from India, Indonesia, Malaysia, Sri Lanka and Thailand and from international and regional NGOs convened for a meeting to identify challenges women face in the tsunami aftermath. Dalit (so called "untouchables") survivors were not able to attend the meeting as the Indian Government denied them passports and visas just because they are low caste people, therefore, must not be allowed to travel abroad.

The Aceh Consultation was a starting point of a documentation project "Survey of Women's Human Rights Violations in the Tsunami Aftermath and Guidelines for Gender Sensitive Disaster Management and Relief." NGOs from India, Indonesia, Sri Lanka, Thailand and Malaysia have been taking testimonies from women - survivors of the tsunami and documenting women's human rights violations in the tsunami aftermath. Guidelines for Gender Sensitive Disaster Management will be developed based on the documentation findings.

“Seven months after the December 2004 Indian Ocean Tsunami, affected women continue to be marginalised, discriminated and excluded from the process of rebuilding on all levels: the family, the community and the nation,” concluded the participants of the Aceh Consultation in the Statement released after the meeting.

Gender discrimination and women’s human rights violations. Thousands of women and children in the affected countries still live in camps and other temporary facilities which lack adequate sanitation, clean water, health services and security. Government compensations have not reached them or are insufficient to restore their livelihoods.

Chut Ita is 6 month pregnant and getting more anxious with everyday which brings her closer to giving birth because she does not have USD 100 to pay the hospital for child delivery services. This 38-year old Acehnese woman has survived with her husband and three children in the tsunami that took lives of over 200,000 people and displaced, at least, 400,000 people in Aceh. Chut Ita and her family have been living in a tent at the TVRI camp in Banda Aceh for eight months, and like other camp residents (500 families) she has no idea how long she will have to stay in the camp and whether she will receive any assistance in terms of housing. They are wary of leaving the camp as they have been surviving on food rations they get from international aid agencies. Such is the plight of thousands of women-survivors in Aceh (Indonesia), India, Sri Lanka, Thailand and Malaysia.

Women’s right to food is violated. People are on the verge of starvation getting one meal a day. The food rations provided are of very low quality. This affects health of children and pregnant, breast feeding and elderly women.

Women suffer from increased domestic violence in camps and temporary shelters, especially in India, Sri Lanka and Thailand as a result of increased alcohol consumption. Protection provided by the police and camp administration is inadequate because of the general perception of violence against women being “a personal matter”.

Children in camps and temporary shelters do not have access to education. Government scholarships are not sufficient to cover education costs. In Sri Lanka, Aceh and India schools are too far away from camps and transport is not provided.

Both temporary and permanent housing facilities are of low standards in design and construction and climatic conditions have not been taken into account. E.g. it is impossible to stay in tin shelters which heat up in the tropical sun. Temporary facilities do not meet women’s needs: there are no kitchen and bathing facilities. People in camps remain uncertain regarding permanent housing. The Sri Lanka Government’s policy on buffer zone implies that fishermen and others are denied assistance in any rebuilding activities within 100-200 meters from the shoreline. However, hotels and tourist resorts near the sea have been restored. In Indonesia, similar restrictions prevail but some communities went back to their villages to rebuild their houses even though it means they will not receive government assistance. In Thailand, some permanent housing have ownership problems: houses are built by sponsors on the rented land or on the land owned by someone else so there is a risk that in the future resettled people will face eviction.

The tsunami exacerbated women’s access to land. Women in Aceh and India do not have ownership rights to land registered to their husband and father’s names as women are not recognised as head of household. In Thailand, the tsunami has created new land conflicts with big businesses claiming the land of entire communities, especially of minorities, who have lived on that land for several generations but never had the land titles.

Lab Harnthale, 43, from the village of Thaptawan, Phang Nga province of Thailand, faces eviction from her house and land where, at least, three generations of her family have lived and planted coconut trees. The community has traditionally been growing rice on the hills and catching fish in the sea. Lab's generation and younger people work as wage labourers outside the village.

On the day the tsunami waves hit the south of Thailand, Lab was working in the garden of a hotel in Koh Ko Kau, some 10 km away from her village. She ran from the waves and found safety on a pine tree together with eight other people, including her niece. She and 43 other survivors were rescued by a transportation boat. When she got back to the village her house, along with 42 other houses in the village, was gone with the tsunami waves with it the pile of house registration documents. Then in January two outsiders came claiming her family's land. They made several attempts to measure the land but Lab's family did not let them do it.

Lab is not the only tsunami survivor who has to fight for her land against the wealthy and influential who are taking advantage of the disaster. Villagers in the six southern Thai provinces united into a network and appealed to the National Human Rights Commission, local and national government agencies. "I will not move from my land. I will fight until I get the land title," says Lab.

**Jobs and livelihoods:** In all the affected countries, women lost their jobs and livelihood sources. The governments have failed to respond effectively and survivors have to rely on NGO support.

**Caste and ethnic discrimination:** In India, entire communities of Dalit (so-called untouchables) and Irula (indigenous people) have been left out of relief and rehabilitation efforts. They have not been receiving any assistance from the Indian Government as they are not seen as directly affected by the tsunami although they have lost their livelihood sources.

**Plight of Burmese migrants in Thailand.** Burmese migrants in Thailand have been completely ignored by both Burmese and Thai Governments in the tsunami aftermath. In the immediate aftermath they could not recover dead bodies of their family members for fear of getting arrested as migrants. Since they have lost their registration/id cards they do not have access to government assistance and health services. They do not have income generating capacity of their own as migrants have to rely on their employers to give them jobs who have lost their businesses in the tsunami.

**Armed conflict situation in Aceh and Sri Lanka exacerbates human rights situation.** Recruitment of children in Sri Lanka has increased after the tsunami. Presence of armed forces inside the camps has increased the vulnerability of women to violence and threatens their security rather than provides protection. The military hinder free movement of people and distribution of relief.

On the 1<sup>st</sup> day of the Aceh Consultation the participants visited several camps. At one of them they met a group of Acehnese widows who shared their frustration about the uncertain future and that they are not getting any assistance from the government and asked how women in other tsunami affected countries cope with the situation. Fatima Burnad from India told them how Dalit women mobilise themselves to fight for their rights against caste discrimination: they go out into the streets for demonstrations and block the roads. "You must do the same!" said Fatima. "We'd like to do that but we're not brave.... We're are scared..." was the widows' answer. After almost 30 years of conflict in Aceh during which thousands have died, disappeared, been arrested and tortured, people would not even tell us who they are scared of...

The participants of the Aceh Consultation put forward the following demands:

1. The governments of the affected countries and non-state actors must consult and involve affected people in the process of reconstruction and rebuilding. International and national NGOs must consult with the affected communities in planning, design and implementation of projects.

2. We are also aware of significant foreign assistance received by the governments of the affected countries, international and national NGOs and demand transparency and accountability in the funds spending.
3. Both state and non-state agencies working with the displaced must recognise and address gender specific and special needs of women.
4. They must also recognise the needs and rights of children, elderly, disabled, women living with HIV/AIDS and affected women who need long-term medical and psychological treatment and assistance.
5. The governments must immediately provide gender disaggregate data in the tsunami affected areas.
6. State and non state actors in the tsunami affected armed conflict areas must stop activities threatening lives of the people, especially women and children. Rebuilding and reconstruction should promote peace building efforts, especially in Sri Lanka and Aceh.
7. The Governments of the affected countries must ensure that relief and reconstruction activities are implemented without discrimination based on gender, caste, class, ethnicity, religion, age, migration, citizenship and other factors.
8. The Governments must provide legal and financial assistance to women who have to fight for their right to land in disputes with business corporations.
9. The Governments must recognise the rights of the fishing communities to the sea and the coastal land and ensure that business interests in the rebuilding process do not negatively impact livelihoods of the seashore people.

### Indonesia, Aceh<sup>1</sup>

Total population of Aceh:	about 4 million
People killed in 25 years of civil war:	about 20,000
People killed and missing as a result of the tsunami:	300,000
People displaced from their homes by the tsunami:	about 700,000
Percentage of women among IDPs	60%

#### Civil Emergency Situation in Aceh and its Implications for Tsunami Survivors

In 2003, after declaring martial law in Aceh, the Indonesian Government launched a massive military operation to crush the pro-independence opposition. In May 2004, the martial law was downgraded to civil emergency. However, the military conflict with gross human rights abuses, including displacement of tens of thousands of people, torture, killings, rape and sexual abuse of women continued.

Local and international NGO have to operate under severe restrictions of their movements inside Aceh. In the aftermath of the tsunami, international humanitarian agencies were permitted to enter Aceh on request but international staff must seek permission to move outside of the city centres of Banda Aceh and Meulaboh. The foreign troops helping with relief operations in Aceh have been asked to leave by the end of March 2005. A meeting of NGOs called in Banda Aceh in February aimed at discussing tsunami aftermath and coordinating relief and rehabilitation efforts was banned by the military authorities of Aceh.

The imposition of restriction of movement of humanitarian agencies is said to be based on security concerns and the need to coordinate the relief efforts. However, these restrictions isolate communities from much needed outside assistance and prevents independent human rights monitoring of the ongoing conflict and its impact on the civilian population<sup>2</sup>.

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<sup>1</sup> Main source of information: Titi Soentoro (Solidaritas Perempuan)

<sup>2</sup> Indonesia: The role of Human Rights in the Wake of the Earthquake and Tsunami. Amnesty International, January 19, 2005

Two months after the tsunami, there are still remote villages on the west coast of Aceh and North Sumatra that have received very little in the way of supplies or medical help. Relief groups, like Rumoh Kita, are still receiving requests for body bags, gum boots and masks, so that the corpse burial team can remove and bury decomposed bodies. The survivors in Sigli, which is only two hours drive from Banda Aceh, are struggling to get food and medical assistance.

#### External debt and civil participation in the rehabilitation process

The Consultative Group on Indonesia (CGI, includes 11 donor countries) in Jakarta on January 19, 2005, made a commitment to provide a new loan to Indonesia in the amount of USD 3.4 billion; of them USD 1.7 billion are meant for recovery measures in Aceh and North Sumatra. USD 2.8 billion will be disbursed through the Indonesian state budget for reconstruction of Aceh, and USD 600 million will be channelled through NGOs<sup>3</sup>. There was no indication whether these are national NGOs of CGI countries, international NGOs or Indonesian NGOs. It is an important point given that the military denied permission to the local NGOs to participate in the distribution of aid.

Aside from concerns on misuse, lack of transparency and accountability with relation to the recovery fund, additional debt will increase the existing heavy burden of debt repayment on the Indonesian people in the form of subsidy cuts for social services, increasing costs in health and education sectors, resulting in further impoverishment of the people and feminisation of poverty since over 50% of the poor in Indonesia are women. Furthermore, CGI and international financial institutions such as IMF, WB and ADB will use increased external debt as a leverage to pressure the Indonesian Government to adopt economic deregulation, privatisation and trade liberalisation measures.

#### Indonesian Government's "Resettlement Programme" denies IDPs' right to go back to their villages

"Going back to the village" does not seem an option for many IDPs. The Indonesian Government is developing a blue print for recovery of Aceh excluding its 4 mln population from the process of rehabilitation and reconstruction. At the above mentioned CGI meeting, the Indonesian government presented its "resettlement programme" - concentrating IDPs in a smaller number of larger camps "to make it manageable for relief and recovery efforts". IDPs are forced to move to the larger camps which are hastily built barracks and their size and design violate human right to adequate housing and human dignity. Relief organisations and survivors are very concerned with this programme. Most survivors do not want to be relocated to bigger camps, remote from their former villages. There are allegations that the programme is designed to facilitate the Indonesian Government to control Acehnese people and to take over the coastal land. There are cases when the military solicit "payment" for the permission to clean up villages and rebuild houses<sup>4</sup>.

#### Women's Human Rights Concerns

With the entire 4 mln population of Aceh being excluded from deciding the course of their lives, women's needs and concerns are totally ignored.

Joint Volunteer Centre of Solidaritas Perempuan (Women's Solidarity for Human Rights)-Aceh branch and Flower Aceh in Banda Aceh supported by several women's CBOs (Community Based Organisations) such as Serikat Inong Aceh, Permata (Perhimpunan Masyarakat Tani Aceh), Matahari, Kelompok Kerja Transformasi Gender Aceh (KKTGA) and CCDE, working at five IDP camps in Aceh since January 10, 2005 report on women's concerns:

- No special care provided to pregnant women. There are cases of miscarriage and premature births, and others carrying their pregnancies under conditions of severe deprivation. Premature babies and low breast milk production indicate the level of stress and malnutrition that some mothers are facing. Women are giving birth in unsanitary conditions without medical assistance, some in the open air in the rain.

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<sup>3</sup> Kompas 22 January 2005

<sup>4</sup> PBHI Statement on Resettlement in Aceh

- Needs of women with children, including breastfeeding mothers, are completely ignored. Food, water, mattresses, sheets and blankets are distributed based on the needs of single adults. But a mother who gets a single-adult portion has to share it with her children and often stays hungry. We have seen mothers sleeping on the wet ground.
- New barracks built under the Indonesian Government's resettlement programme are 3 meter high long barracks of thin wood not separated into rooms so it is very noisy. Lack of closed bathrooms force women to go unwashed for weeks which affects their reproductive health. Mostly, camp bathrooms are makeshift facilities with walls, no roof and a big container with water. There are no separate toilets for women and men, so women feel insecure.
- With limited number of stoves women have to queue to cook and boil water. Underboiled water causes diarrhoea them and their children.
- There are reports of forced marriage to young women to ensure protection and supplies.
- Increased cases of violence by husbands and other family members as result of depression and trauma of loss, deprivation and inequity experienced at the camps.
- Two rape cases have been reported. In the 1<sup>st</sup> case, the perpetrator is a military personnel so the victim did not report the case for fear of life. In the 2<sup>nd</sup> case, two men went into a tent where a woman was asleep. Other camp residents, who saw the men going in, beat them up. The woman came out of the tent all embarrassed because many people were surrounding her. She then was brought to another tent to be interrogated by all men. Solidaritas Perempuan volunteers (one of them is a lawyer) who stayed overnight at the camp tried to get into the tent to accompany the woman but failed to get through the tight barricade of the men.
- Violence against a woman human rights defender. A woman, NGO worker, distributing relief packages, was beaten by a military personnel for refusing to follow his order to hand over packages to him.
- Women are not involved in the governance of the camps, in particular on the allocation of shelters and supplies. They are excluded from the negotiation processes with parties outside the camps including national and international aid organisations and government institutions that provide supplies.
- Teachers and volunteers have started makeshift schools in the IDP camps. Trained teachers are needed as thousands of teachers died in the tsunami.

Some families hosting IDPs in their houses are facing deprivation themselves as they are running out of rice and other supplies. These households do not have access to government assistance or to most organised relief support.

Aceh is a province with predominantly Muslim population and strong patriarchal culture where Shariah (Islamic) law is practiced. Women are represented by male family members in the public life, therefore at IDPs camps women are not involved in management of the camps. There are concerns among women that Shariah law will be reinforced. In the tsunami aftermath, women have not been afraid to carry on daily activities without wearing veils. Many women do not want to be forced to wear veil, or be subject to other Shariah restrictions such as not being allowed out after 6 pm unless accompanied by a male relative.

Moreover, the Indonesian government policies do not acknowledge women as head of the household. But the fact is millions of Indonesian women are head of their households and main earner of the family. This policy denies access to public services to many young women who lost their fathers or married women who lost their husbands.

We call to the international community given the involvement of the Indonesian Government in the armed conflict situation in Aceh:

- Ensure involvement of people of Aceh and North Sumatra, including women, in decision making processes for the reconstruction. UN and multilateral financial institutions must assert the rights of the IDPs to choose where they want to live: to return to their homes or resettle in another part of the country. Policies and decisions regarding resettlement and return of IDPs must not be imposed without consultation.
- Ensure that women's specific needs are addressed at all stages of rehabilitation and reconstruction.
- Ensure that specific measures are in place to protect women from sexual violence within IDP camps and to facilitate reporting of incidence of gender based violence. Mechanisms must be in place within the investigation and judicial processes to ensure the full protection of victims and witnesses from reprisals<sup>5</sup>.
- The Indonesian Government must assure economic, social, cultural and political rights of women and acknowledge women as head of the family to secure them access to social services.

### Tamil Nadu, India<sup>6</sup>

In India, the coastal areas of Chennai, the capital of Tamil Nadu, the Pilgrim centre Nagapattinam, the state of Pondicherry, Karaikal, and the southern part of Tamil Nadu, including Tuticorin, Kanyakumari and Nagercoil are the areas worst hit by the tsunami. Over 12,000 have been reported dead, 50 percent of them children. Bodies scattered around all over the coastal villages constituted mainly women and children. Dead bodies could be seen hanging from the trees and buildings. The mortuaries cannot hold the dead bodies, which are collected and heaped up.

In Nagapattinam District alone, 45 villages where the Dalit Movement is active, have been washed away and 18 of the movement leaders have been drowned. Movement activists have been feeling psychologically traumatised themselves.

#### Caste discrimination

Special care should be taken to see that the needs and priorities of women, children and marginalized groups, Dalits and Irulas, are addressed. Dalits, or so-called untouchables, are denied their basic human rights and face the most terrible forms of deprivation and abuse under normal circumstances. The problems of caste discrimination have added to the misery caused by the tsunami. They are receiving less relief and support from aid groups. Indian authorities are discriminating in providing financial assistance to the families of deceased Dalits. Dalit areas have been the last to have electricity and water supplies restored during rehabilitation efforts.

In Karaikkal, in Paravaipet village, Rajeswari, 9 months pregnant woman, ran with her children away from the chasing waves. She ran into a house where another caste family lived. As Rajeswari was a Dalit woman, she was not let in. Rajeswari had to push the hostess and ran upstairs to save her children.

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<sup>5</sup> Indonesia: The role of Human Rights in the Wake of the Earthquake and Tsunami. Amnesty International, January 19, 2005

<sup>6</sup> Main source: Fatima Burnad, Society for Rural Education and Development/Tamil Nadu Dalit Women's Movement

Caste discrimination at relief camps: at Muttukaddu, Ekanthammal (Irula) was beaten up by fisher folks for demanding milk at a centre set up by an NGO. The relief materials designated Irulas and Dalits were diverted.

Fisher folk abuse the Irulas and Dalits and prevent them from getting relief materials. Women cannot go near water pumps to get water as fisher folks scorn at them and drive them away.

At Karaikkal, T.R. Pattinam Vadakattalai village Dalit women lost their work as housemaids with the fisher folks. Since the fisher folks lost means to livelihoods the Dalit women are left without jobs.

The following are testimonies of violations of women's human rights in Tamil Nadu:

#### Children starving to death

Akila, a two year old baby-girl, died in Vellapallam camp because there was no milk available in the camp. Jothi, an activist helping the tsunami affected families in the camp, spoke out about the issue. She demanded that relevant authorities should ensure immediate supply of milk to children. No actions were taken and it caught the media's attention. Jothi was arrested for disclosing the death of the baby to the media and harassed by the politicians belonging to the ruling political party. In Muttukaddu, in Villupuram district, a young mother with one month old triplets had to appeal for milk to feed her children.

#### Needs of lactating and pregnant women

The State is very insensitive to the health issues of lactating women who lost their babies to the Tsunami. No treatment is given to women who suffer from breast milk clotting at the camps. In some hospitals they are denied medical assistance for dubious reasons. Bhoopathy, a lactating mother, after 8 years of married life had a baby, who was 8 month old when taken away by tsunami waves. The mother is now suffering with milk-clotted breasts in addition to all other pains she is bearing. She could not get treatment at the camp at Poriayar in Nagai district so she had travel to the Government Hospital in Chidambaram. Kalaiselvi is suffering from the same pain. Karaikkal Government Hospital refused to give her a pain relieving injection under the pretext that she will not have milk for the next baby if she takes injection for the pain. So she has to live with the physical pain in addition to the pain of loss of her child.

There are no gynaecologists available at the camps, only midwives from Primary Health Centres to treat common illnesses. Not enough relevant medicines or doctors at IDP camps sheltering, in average, 1500 people each. Only available medicines are T.T. as anti-biotics.

There are 20 pregnant women in the village of T.R. Pattinam who do not have access to gynaecological assistance. At Jeeva Nagar, a woman who gave birth during Tsunami has not received any medical assistance. She has been suffering with the newborn child.

#### Needs of disabled women

At Cuddalore, Singarathoppu Venmathi was hit by a big log and fractured her hand whilst saving her son. She has been suffering from fracture with no money to pay for treatment. Kasambu with both her legs injured, stitches on her thigh and hand fractured asks in despair: "How will I carry the basket on the hip because of fractures, how will I earn my livelihood now?"

#### Need for trauma counselling

Amudha lived in Devanampattinam, one the worst affected villages in Cuddalore. When the tsunami hit, she grabbed both of her sons and ran into her house. As the water engulfed the house, her one-year old son died in her lap. She could not find her three-year-old. It was his birthday and Amudha cries that she could not give him the chocolates and new clothes she had bought. "I don't understand anything," she sobs. "I saw my elder child drown in front of my eyes. If I can I will bear more

children but my body is weak. I have been thinking of dying, as I can't think of living. I don't want clothes or shelter. I want my children."

Ananthi's 5-month old baby sleeping in the cradle was washed away into the sea. She has been using herbal treatment to relieve physical pain in her milk clotted breasts but she does not know how to deal with the unbearable mental pain of losing her baby. There are thousands of women like Ananthi who have to live with such pain. And most of them are not receiving any psychological counselling. Some of them are on the verge of insanity. 24-year-old Minn from Alikkal, Kanyakumari district, who lost her 4-month old baby, was admitted to hospital as a mentally disturbed patient. Rosemary, a widow, who lost her two sons, faces abuses from the society because she was not able to save her children.

#### Loss of livelihood

Lakshmi of Kottaimedu, Nagai district, staying at the Thandavakulam relief camps, said: "Our livelihood has been washed away by the sea. How long can we live like this in the camp? When are we going to get back to normal life? How and where to begin again?"

Most women staying at relief camps are going through the same trauma. They have lost their huts with all their belongings, their jobs such as selling fish, selling snacks, marketing fish besides the middle men with whom they had struggled while auctioning. They lost their boats, catamarans, goats and cows. No utensils, no clothes to change. Everything has been taken away from them and they are left without anything waiting for the next relief material to come. Women are the ones standing for hours in long queues to get either the cards or relief packages delivered to the camps. At the various camps women are asking for petticoats, blouses and underwear.

Drinking water in tsunami affected areas is salinated adding to the burden of women who have to look out for drinking water for the whole family.

In Kolathur village, Kancheepuram district, women earned living by river fishing. As a result of the tsunami the river is sand clogged, and the river water is salinated. Fish has gone leaving Kolathur women with no means for living. The coconut trees, another source of income, are damaged. Women used to weave and thatch the leaves.

On February 14, in Chennai, women from various settlements sat in a daylong hunger strike to protest against the state for evicting them to alternate sites.

At a meeting with 300 women in Kolathur village, Kancheepuram district, we find starvation is a real threat. They have no milk for their children, no kerosene to cook. They demand employment opportunities. They are willing to work hard to earn for their families. "We are getting old rice, smelly with worms, old clothes. We want work. Only the sea can provide our needs," say the fisher women but they are still scared to go near the sea.

#### Relief camps

The relief camps are overcrowded, not safe and very insecure. Some women have been sleeping under trees with their children.

Only one well is available so there is a shortage of drinking water, and people are suffering from skin diseases.

There are not enough toilets. Women are forced to use open toilets, they have to walk one km away from the camp, and they go only at night. Men sit and play cards close to the toilets so women are not able to use them. At the temporary relief shelters set up for survivors from villages of Karaikkal, T.R.Pattinam and Vadakattalai, there are no facilities for women to bathe. They bathe only at night.

In another relief camp, Kema is sat in a queue waiting for biscuit packets being distributed. Her seven-year-old son was found dead, caught in a tree when the first wave came in. Kema is happy enough that she has her two other boys with her. She used to sell fish but is willing to change her job. What does she expect now? "I expect food, housing, and utensils," she says.

#### Sexual abuse/Violence against Women

In Chennai, Pattinapakkam Srinivasapuram, 15 year old girl was raped and murdered, while she was asleep on the platform along with all the other tsunami affected fisher folks.

#### "Tsunami marriages"

The statistics indicate more women and girls died in the tsunami across the affected countries leaving men to take care of the children. In India, it gave rise to a new phenomenon of "tsunami marriages" promoted by the government's well-intended policy.

As people were languishing in temporary shelters without basic amenities in post-disaster trauma, the government announced that it would provide financial assistance to the survivors, who had planned their marriages before the tsunami. While some of the marriages that were planned before tsunami got the benefit, a spate of "unplanned" marriages followed the announcement. Added to this was the incentive of a permanent home promised to newlyweds and with marriages there were many instant families to lay claims. In Nagapattinam, a mass marriage was announced; twenty couples got married.

Priya claims to be 18 but comparing her age with that of her sisters and her mother and by her looks she cannot be more than 15. For Priya, tsunami is just one of the disasters that have struck her life. The larger disaster is her marriage to Suresh. For Priya it was a "love cum tsunami marriage" as they had some soft feelings for each other. While tsunami washed away their houses, her 'tsunami marriage' washed away all the soft feelings Suresh had for her. Two months after the marriage Priya's in-laws and her husband started harassing her for dowry.

## Sri Lanka<sup>7</sup>

#### Structural Issues

Seven months after the tsunami, TAFREN is setting up regional offices. Another mechanism known as Tsunami Housing Reconstruction Unit (THRU) has also been set up to implement the permanent resettlement processes. While there is recruitment of officials for implementation of post-tsunami reconstruction policy at the highest level, including the act of calling back retired government officials to fill posts of consultants, there are many unfilled vacancies on the ground level. For example, there has been no Divisional Secretary in Ambalangoda since the tsunami. There are also vacancies for 14 Grama Sevakas and Village Technical Officers (Village officials). The lacunae created by these posts remaining vacant has a tremendous impact on the capacity of people affected by the tsunami to file claims for their entitlements and also to have intercessions made on their behalf at the higher levels of local government. For example, the TO is the person who has to make the damage assessment on the basis of which compensation is computed.

Despite constant lip service to the significance of women's concerns in post-tsunami reconstruction, once again the consolidated report (and /or the Executive Summary) of the massive Needs Assessment Survey commissioned by the ADB in May has only a passing reference to women. The regional reports made by the individual teams that did the field level assessment contain information regarding critical aspects of the impact of the tsunami on women and the potential areas in which

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<sup>7</sup> Main sources: INFORM's Human Rights Issues in the Post-Tsunami Context August 2005 report, The Women and Media Collective (WNGO), Colombo, Sri Lanka; "Women's groups helping tsunami affected women and girl children", Sunday Island, January 23, 2005

women's advancement and empowerment could be achieved through the post-tsunami reconstruction process. This is what makes the exclusion of gender and women in the final report all the more a matter of concern. In addition, the lack of gender disaggregated data remains an issue.

The payment of the Rs. 5000/- grant which was received by most persons for two months (February and March) has not yet been re-instituted throughout the island. In many places, the Grama Sevakas are yet to finalise their lists for payment of this benefit, excluding all salaried and employed persons from the list. It is estimated that the list would be cut down by as much as 20% following this re-assessment.

Tsunami-affected persons are still receiving rations of rice, flour, oil and sugar. It is expected that the issue of rations will continue upto August 31 and then people would have to revert to a Food for Work programme supported by the World Food Programme of the UN. Much of the rice and flour issued on the rations has been unsuitable for human consumption, largely caused by poor storage facilities at distribution points. In addition, much of the food sent in for distribution among tsunami-affected persons at the beginning of 2005 is now out of date and there are many reports of canned and processed food items that have past the date on which they would be suitable for human consumption are reaching the public markets.

The continuing lack of clarity regarding the buffer zone continues to cause tensions among communities who have been divided in terms of benefits according to whether or not they lived within the buffer zone or outside it. It is those who lived closest to the beach and therefore suffered the greatest losses in terms of life and property, who are now living with no sense of where they could have a permanent home while those who lived even a few meters outside the zone are already re-building on their original locations. Following the publishing of the report of the Committee appointed by the President to review the buffer zone issue, some communities and some individuals have begun reconstructing their own houses within the buffer zone. Whereas when such unauthorized reconstruction took place in March and April, government officials and the Police moved in to prevent it from taking place, in August it seems there is no such adverse reaction from the authorities.

Given the commitment of the government of Sri Lanka to the fulfillment of the indicators defined for the fulfillment of the Millennium Development Goals, the post-tsunami reconstruction programmes must also be filtered through the lens and perspectives afforded by the MDGs, with a special focus on MDG 3 relating to gender equality and women's empowerment.

It is also necessary that TAFREN and all agencies engaging with the post-tsunami reconstruction and resettlement process take cognizance of the nature of State obligations vis-à-vis the right to housing that have been set out by the Committee on Economic Social and Cultural Rights in General Comment 3, which allows for progressive realization of this right but also recognizes that deliberate retrogression is a violation of the right to adequate housing (RAH). In addition, General Comment 4 of the Committee entitled "The right to adequate housing," sets out minimum core obligations of the State in the context of the right. These minimum core obligations are as follows:

1. Legal Security of Tenure – There should be protection against forced eviction and harassment.
2. Availability of services, materials, facilities and infrastructure – Facilities essential to health, security, comfort and nutrition must be made available. These facilities include but are not limited to, safe drinking water, sanitation and washing facilities, and energy for cooking, heating and lighting.
3. Affordability – Expenditures for housing should be commensurate with income levels as basic needs should not be compromised.
4. Habitability – There should be adequate space and protection from the elements. Conditions conducive to disease and structural hazards should be eliminated.
5. Accessibility – All should have access to adequate housing.

6. Location – Adequate housing must allow for access to employment options, healthcare, schools and other social services. There must not be excessive financial demands on the household with respect to transportation.
7. Cultural Adequacy – The housing configuration must not compromise cultural expression.

#### Security Issues

Security issues in the tsunami-affected areas of the East have remained a matter of concern through the months of July and August.

There have been many attacks on army check-points and on offices of political parties. On August 5, there was an attack on the LTTE office in Kaluwanchikudy, and on August 7, the office of the JVP organizer in Kantalai, Trincomalee, was fired at. On August 9, the army camp in Vavunativu (Batticaloa District) came under fire. In the Amparai District, a member of the Civilian Volunteer Force in Sammanturai was shot and seriously injured while on guard duty in Karaitivu, and a water bowser taking water to Special Task Force (STF) camps on Potuvil-Komari road in the Eastern province was also shot at on August 9.

In addition, there have been attacks on civilians. A grenade flung into a fruit stall at market in Chenakalady (Batticaloa District) on August 6 injured the shop owner Visvanathan Ravindran (40) and a shopper Arumugam Srimohan (46). On August 12, farmers N.G. Rohitha and N.G. Kumara from Mangalapura (Seruwila) were shot at and injured when they were returning home from their fields; there is still no information regarding two farmers from Amparai District, Nalaka Prema Jayantha (21) and Ranjith Dissanayake (18) who were abducted, allegedly by the LTTE, on July 30.

The increase of child abductions by the LTTE during the June/July temple festival season in the east has continued throughout August, heightening the climate of fear and intimidation that has been created by the impunity with which killings have been taking place in the east. The helplessness of the authorities to curb this clear violation of the CFA as well as of child rights undermines the capacity of the state and government officials to exercise their authority over the civilian population of these areas.

A particularly tragic and brutal death of an unidentified young woman whose body was discovered in a locked hall at Central College Batticaloa on August 3 highlights the vulnerability and helplessness of the people of the East. The Judicial inquiry into her death showed that she had been brutally tortured and raped before being murdered by a blow with a blunt object to her head. Evidence of prior injuries including an operation that required a skin graft have led to speculation that she may have been a member of a militant group at some point in her past. The fact that her body was buried as that of an 'unidentified' person has made sure that the Police investigations regarding her death are proceeding at a very lackadaisical pace. Women's groups are demanding a full inquiry, alleging that at the very least the Police should be able to inquire as to how the body turned up inside a locked hall in a fairly public building.

Persons living in welfare camps and transitional shelter sites speak of insecurity and anxiety that have a very real basis. Already three male residents or visitors to the IDP centre at the Paddy Marketing Board Stores in Batticaloa have been assassinated in locations very close to the camp which is situated in the heart of Batticaloa town.

On August 12, several grenades flung into the premises of the welfare centre for tsunami affected persons at the Sivankovil in Kalmunai resulted in injuries to Police constable Nimal Premasiri and Home Guard Charlin Weerasinghe as well as two civilians, Nadaraja Subendraraja (34) and Subramaniam Parvathy (50).

Transitional housing:

In most tsunami-affected areas, the transfer of people from welfare centres to transitional housing is complete. Those communities that remain without transitional shelter are also primarily those who refuse to relocate to the places where transitional shelters have been put up, due to security or cultural considerations.

For example, the families still living in tents in Katugoda, Galle, are largely Muslim and feel that to move to the relocation site proposed for them in Walahanduwa not only removes them from their livelihoods but also removes them from their mosque and the religious school and community centre that operate out of the mosque premises. Some families in the Paddy Marketing Board Stores are reluctant to move to their proposed relocation site in Thirayamadu because of security considerations; they feel that they would be far more vulnerable to attacks by the LTTE there.

Although the houses put up by various NGOs under the Transitional Accommodation Programme (TAP) of TAFREN technically abide by the universally accepted Sphere Guidelines, there are many variations depending on where the site is and which NGO has been in charge of the construction. In addition, there are several overlapping and different Guidelines – the Sphere Guidelines, the guidelines issued by the Electricity board, the Guidelines issued by the Water Management Institute, the guidelines of TAP.

Officially, the houses all must be 200 sq. ft. at a minimum; every three housing units should have a tap or source of water and every 20 persons should have access to a toilet. Each of the houses should be wired for electricity connections, with one plug point, three bulb holders, one trip switch and one fuse box per unit.

In spite of all the focus on gender-sensitive disaster management policies and programmes, many of the transitional housing units including those put up with adherence to the multiple Guidelines lack kitchens, or safe cooking areas. Hazards of fire and smoke in close and cramped quarters pose a genuine threat to displaced families; there are already records of several incidents of fire in transitional shelters. After protests and demands by women, many of the shelters now have small add-on and lean-to kitchens. Sadly women will continue to have to bend in two to enter their kitchens and to squat over smoky wood fires for a further period of time.

However, there are many transitional shelters that were constructed without any reference to any of these Guidelines, in the months of January and February 2005. In some areas, these are now being up-graded, with kitchens being added on and houses being wired for electricity connections.

In some areas the transitional houses have been built entirely of tin sheets. In others, the walls are of wood, or of coconut thatch, and the roofs of tin. In some cases, a natural fibre-based roofing sheet (like a heavy-duty cardboard) has been used, which is less hot than the tin but liable to 'melt' during the rains. In Thirayamadu in Batticaloa, you have a situation where 2000 transitional houses are under construction, with different NGOs taking responsibility; World Vision is building 500, Oxfam-CAA another 500 and TRO the balance 1000. There are such marked structural differences between the three lots of houses that one can only imagine the tensions and frustrations that emerge when people begin living in them. At present only some of the houses built by Oxfam-CAA are occupied. Since there is no electricity connection available at the location yet, the place is pitch-dark at night and women have voiced their concerns regarding the safety of themselves and their children when the men go fishing at night time.

In each case, the transitional accommodation sites are like urban slums set in the middle of nowhere. The houses are built very close together, in some areas they are actually constructed like 'line rooms', with four to eight units being attached to each other. The land is un hospitable, there are no trees or green anywhere since the natural environment was destroyed in order to enable the construction of these houses to take place. There are often no direct sources of water, and many communities are still dependent on the bowsers bringing in water from outside. Arrangements for garbage and waste disposal is minimal (in Walahanduwa, for example, it consists of a large open pit) and the sewage systems are those that require regular cleaning and evacuation through the use of heavy equipment available only at the Municipal Councils and Urban Councils.

## Permanent housing:

In the face of widespread discontent among tsunami-affected communities regarding the slowness of permanent resettlement, the government launched a campaign against large NGOs that had several months ago signed Memorandums of Understanding with the government for building permanent houses for tsunami-affected persons. Among the organizations named by the Sunday Observer, the state-owned newspaper, on August 21, 2005 were World Vision, Care International, SOS, Caritas, the Sri Lanka Red Cross and the Tamil Rehabilitation Organization (TRO). The government's contention is that the government has 'handed over' suitable land for resettlement sites to these NGOs and that they are delaying the actual building.

However, organizations working on the ground are aware of the range of problems that are besetting NGOs as they try to move into the permanent re-housing modality.

Among the key issues are:

- There are questions about the clear title of the land handed over by the government. Some of the land is vested in various state corporations such as the State Plantations Corporation and the Land Reforms Commission. Although a President has issued a circular calling for the quick release of land for the purpose of building homes for tsunami-affected people, the transfer processes take time due to the bureaucratic procedures; even in 'normal' times, the process could take over an year.
- Other land identified for re-settlement is land that had already been ear-marked for public use, such as the land in Thirayamadu which was originally set aside for a playground. Other land belongs to private individuals and the state has yet to actually pay the compensation; some owners are naturally reluctant to let NGOs proceed with building until the money is deposited in their bank accounts. No organization is going to start a large-scale building project on land until they are very sure that the ownership issues are legally and finally resolved.
- There are also issues about the nature of land identified and its suitability for permanent resettlement. For example, in Galle District, Galabodawatta estate is a plantation identified for resettlement of persons from the coast. The land is full of large rocks (hence it's name) and almost uncultivable. In Amparai District, some land identified in Akkaraipattu is wetlands and the NGO entrusted with rebuilding on that location has raised concerns regarding the environmental consequences of filling natural drainage areas and the potential for flooding as a result.
- The large number of bureaucratic hoops that NGOs have to jump through in order to finally secure permission to build also create a set of obstacles that take time to surmount. These include the Survey Department, the Government Valuation Department, the National Housing Development Authority, the Urban Development Authority, the Coast Conservation Authority, the various local government authorities, the Electricity Board, TAFREN and its newest mechanism, the THRU (Tsunami Housing Reconstruction Unit). Despite many appeals from MoU holders for a fast-track system to be put in place, the government has been unable to do this.

For example, even if an NGO has the land surveyed by a private surveyor, they must obtain the official certification from the Government Survey Department before the Valuation Department will take the process on to the next step.

- In the face of growing concerns regarding the lack of consultation with affected people regarding their preferences when it comes to permanent housing, including housing design,

building materials and so on, many NGOs entrusted with the construction of permanent houses are engaging in a process of consultation which is often time-consuming. However, shifting from a process of telling people what they can have to one in which people are asked what they want is a task that most officials, government and non-governmental, are ill prepared for. In addition, building consensus and agreement among diverse individuals and groups of individuals regarding the physical relocation of homes in which they have lived for their entire lifetime is not an easy task.

- There are also no finalized lists of beneficiaries for permanent re-housing. There are appeals pending regarding allocation of specific beneficiaries to specific sites which should be resolved prior to this finalization of the lists.
- The models of potential houses put forward by various agencies including the UDA are not adaptable and do not offer people much choice regarding future expansion, for instance. The lay out of resettlement communities, the distance between houses should all evolve out of a process of consultation with the community and with experts in the field.
- There are also issues regarding the potential for conflicts emerging within resettled communities due to the fact that different NGOs are spending widely divergent sums of money per house and there will be very visible differences in the quality and nature of the houses.
- There is also an issue regarding persons considered eligible for transitional housing according to TAP, who are not eligible for permanent re-housing according to TAFREN standards. In Galle District, this sector constitutes about 10% to 15% of those presently in transitional shelters. These are persons who for example lived in rented homes or shared homes as members of an extended family.
- Issues of the future prospects of conflict-displaced communities who are still awaiting resettlement are also not being factored in to the present resettlement schemes and some NGOs are aware of the resulting tensions that could arise between these two lots of displaced persons.
- Additional costs to be incurred by NGOs that have MOUs with the government to build permanent houses – for example, filling up of waterlogged land, or carrying out a survey , or building multi-storey housing – have also skewed budgets and financial management of programmes.
- In addition, the high costs of building materials, scarcities of essential items such as sand, and a labour shortage pose problems for those attempting to undertake building programmes. At present, for example, in Galle District, the average daily wage for a unskilled worker is Rs. 500 whereas in the pre-tsunami era it was Rs. 350.
- The tensions between government officials, who call for the construction of multi-storey housing close to the beach and donors, who refuse to release the funds for reconstruction of multi-storey housing, and communities who find nothing attractive in this proposition.
- Discrepancies also continue to prevail between different Districts when it comes to permanent resettlement. In the south, the differences between Hambantota District where MOUs were signed for more than the number of houses required, and Galle District where only half of the number of required houses has been pledged, are very stark.
- The situation is made all the more difficult because the relocation sites at present are bare of trees and other infrastructure facilities, such as roads and primary health care centres; there is often no public transport available close at hand, and traveling to school presents a problem for children of school-going age. If communities could be convinced that the relocation sites would be better served in terms of common amenities and other facilities

necessary for a decent standard of living, their reluctance to shift may be mitigated. However, such a focus on persuasion does not seem to exist.

#### Women-specific concerns:

Experiences of women from all communities affected by the tsunami continue to point to the fact that more women have moved into the public arena and are developing their leadership capacities as well as making practical interventions at every level, locally and nationally. However, the patriarchal nature of the different government and non-governmental institutions and agencies that are engaged in making decisions and designing policies and programmes results in the almost complete exclusion of women from these higher levels of engagement. It is clearly the lack of consultation with women and the lack of any sensitivity to women's issues and women's multiple roles in rebuilding and sustaining their own families as well as their communities that led to the absence of kitchens from many designs for transitional housing, for example.

As the post-tsunami process becomes more focused on permanent resettlement and livelihoods, the need to keep a gender-sensitive approach and focus becomes all the more imperative. In particular, a gender-sensitive approach that focuses on men and on male responsibility in all spheres of life would be critical if the post-tsunami phase is to facilitate the advancement of women.

In addition, issues of equal rights for women in land allocation and housing and other grants and benefits still must remain a priority on the agenda because the categories of women who slip through the faultlines in the system – widows, female heads of household, single women, disabled and elderly women – are large and varied.

#### Health:

While the tsunami-displaced communities were living in Welfare Centres in public buildings in the immediate aftermath of the tsunami, there were several different ways in which they could access health-care. There were various groups that conducted clinics within the Centres and the Centres were located in urban areas with somewhat easy access to public and private healthcare facilities. However, most of the transitional shelter sites lack these facilities. In many of the transitional shelter sites there are no regular mobile clinics and lack of access to transport means that traveling to the nearest public health facility consumes time and money. Particularly women with specific needs including reproductive and sexual health care needs, are most affected by this situation.

#### Sexual abuse

Some of the worst violations of women's rights, involving sexual abuse, seem to have taken place in Sri Lanka. There have been reports of incidents of rape, gang rape, molestation and physical abuse of women and girls in the course of unsupervised rescue operations and while resident in temporary shelters. Dead bodies were sexually abused; women were dragged out of the rushing water and raped; a woman was dragged out to safety, her gold necklace stolen by her saviours who then pushed her back into the waves. However, most incidences of sexual abuse have gone under-reported. Victims are normally afraid of reprisals and being ostracised.

Despite the enormous evidence of women's vulnerability during disasters, relief efforts have been slow in responding to such needs undermining women's safety or suggesting that incidents of violence against women have been exaggerated or may not have occurred. The Coalition for Assisting Tsunami Affected Women (CATAW) sent a fact finding team to tsunami affected areas to find out what protective mechanisms for women are in place. The areas visited were Galle, Tangalle, Hambantota, Matara, Kalmunai, Akkaraipattu, Batticaloa and Jaffna.

Women at IDP camps were concerned about safety of their own and their children. Even if no actual incidents occurred, there was a sense of insecurity and fear that prevailed in most camps. A girl on her way to the makeshift toilet had been dragged by two men but she managed to escape. There had been attempts at molestation by men in charge of camps. Husbands were abusive since alcohol

was smuggled into the camps. There were police and security personnel in the camps but they were primarily present to maintain discipline. They had not received clear instructions regarding possible interventions and responses to complaints of gender based violence. In some camps where women police officers had been detailed, their presence gave the women and girl children a sense of security.

#### Special needs of women ignored

Most camps are managed by men and even where Camp Committees have been set up they are still male dominated. As a result, women's special needs, like health and reproductive care and privacy needs have been ignored. Women are too shy to request sanitary towels and contraceptives from male leaders of the camp.

Pregnant women face greater hardships than others. They were given greater care in most of the camps.

In the eastern sector with predominantly Muslim population, most displaced persons have taken refuge in relative's homes. So they did not have access to food and other aid distributed at camps.

## Thailand<sup>8</sup>

The tsunami affected six provinces in the Southern Thailand located along the costlines of the Andaman Sea: Phuket, Krabi, Sathun, Ranong, Trang, and the hardest hit province of Phang Nga. Three groups have been identified among the people affected by the tsunami in Thailand: 1) residents of the six affected provinces: fisher folks, mainly Muslim; sea-gypsy communities; employees and owners of tourist businesses and hotels; small scale business groups and hawkers on the beaches and agriculturists. 2) non-residents of the affected provinces: tourists, both Thai and foreign, migrant workers from various parts of Thailand and from the neighbouring countries, mainly Burmese migrant workers. 3) workers in the service sector now unemployed due to suspended businesses<sup>9</sup>. These groups include marginalised women such as heads of household, women hawkers, small traders, sea-gypsy women, labourers, migrant workers, sex workers and workers in the entertainment industry. They lack access to the relief assistance and cannot voice their concerns.

The Thai Government has been providing relief support to the affected people, including loans for big businesses, temporary housing, monetary compensations for the destroyed boats and assistance to the orphaned children. Nine sub-committees have been appointed to monitor the rehabilitation projects. However, in many cases the tsunami survivors have problems accessing relief assistance due to several factors<sup>10</sup>.

### 1. Lack of access to information and discriminatory and inflexible procedures

Many women in fisheries and their families, sea gypsy communities, sex workers, entertainment workers, migrant workers and small traders cannot access various types of government assistance which require documents such as identification cards, social security cards, boat registration documents. They either lost or did not have the documents. They also lack access to information about the assistance, the procedures and documents required. Hence, they do not receive relief food and assistance or compensation from the government. The sea gypsy villagers in some islands still need food support, especially rice. Women and their families staying with their relatives, not in the IDP camps, are also denied the assistance. The less affected areas seem to have been left out of the relief assistance, especially food. The affected internal migrant workers who went back to their home town in other regions of Thailand have not received any compensation or assistance.

### 2. Assistance not based on the real damage

Women in fisheries complain that the flat assistance rate of 20,000 Bht (USD500) is not sufficient to repair the damaged boats and fishing or nurturing equipment. In some islands, e.g. Koh Lanta, villagers received only partial boat assistance to pay for the repair of engines, as government officials explained. Most fisherfolks cannot access even this partial assistance as they do not have boat registration documents. They also have high debts from pre-tsunami period, therefore, not eligible to borrow more loans. So they struggle to make ends meet.

### 3. The right to land and housing

Many women and their families, especially sea gypsy groups, fisher folk and others who lived on the seashore are deprived of their rights to the land they used to live for decades. It is reported that as many as 32 villages in the affected areas may be wiped out from the map of Thailand because private corporations have claimed ownership to the land in many villages right after the tsunami. A woman who had lived in her house for 30 years in Nam Khem Village, Takua Pa district, Phang Nga said her house and land was fenced off so she could not even get into the premises to search for her

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<sup>8</sup> Wanee Banggrapha, Culture and Peace Foundation

<sup>9</sup> "Recommendations for rehabilitation in the tsunami aftermath" The Southern Civil Society Network and the Six Provinces Community Organizations Network, 2005.

<sup>10</sup> The issues and recommendations based on interviews with the participants and from the participation at the seminar on "Policy Formulation by people affected by the Tsunami" organised by the National Human Rights Commission in Phang Nga Province, 19 February 2005.

daughter who has been missing after the tsunami. She also received life threatening phone calls. Several other families in her neighbourhood are in the same predicament. Their houses happen to be located on the land leased by the government to the mining companies. The question is how these private corporations claiming the land have obtained land titles?

Sea gypsy communities living near the beaches face the same predicament and have been fighting for the land they have been residing on for a hundred years. In Ranong province, villagers' land is claimed by the national park.

These communities face housing and livelihood problems with the loss of land. They are forced to relocate to places far from the sea from which they make a living. If they refuse to move they will get only partial compensation for their houses which is already meagre.

#### 4. Lack of participation and special attention to the needs of women and children

The affected communities, including women, are not consulted by the agencies providing relief assistance. Some women expressed the need for educational support for their children (at least, 500 baht (10 USD) per month) and some educational activities for children for the coming summer holidays.

#### 5. Safety and gender based violence at IDP camps

It has been reported a teenage girl was harassed by a man in a women's toilet at an IDP camp in Takua Pa district, Phang Nga province. This raised a question of safety and the trend of gender based violence at IDP camps.

#### 6. Violation of labour rights and assistance to labourers

There are reports of widespread violation of labour rights of the tsunami survivors. Female workers in the service sector such as entertainment workers, workers at resorts, hotels or massage parlours, in addition to not being able to access the government assistance for lack of required documents from the employers, do not receive redundancy compensation when their employer's business closes down. Loopholes in the labour law (Section 75 of the Labour Protection Law) and the employers' evasive tactics contribute to the lack of access to the social security fund.

#### 7. Environmental concerns

Affected communities, especially the fisher folks, face environmental problems which they cannot solve without assistance of the local and the central government. e.g. A river mouth must be cleaned of sand caused by the tsunami to let fishing boats in.

### Recommendations

#### 1. Short-term recommendations

##### 1.1 Right to information and non-discrimination

- The Thai government must disseminate information about assistance through different channels to ensure that the affected communities, especially the marginalised groups including women, have access to the assistance.
- The assistance must be based on the survey of real damages so that the survivors receive adequate assistance to facilitate their self-sufficiency.

##### 1.2 Economic and social rights

- Land right: Land titles of business companies claiming land of affected people must be examined so that the survivors' right to land is respected.
- Housing right: Affected communities must be consulted about their housing needs. The ongoing construction of houses which do not suit their need must be stopped.

- Labour rights: The government and the private employers must provide adequate compensation and assistance to affected workers and migrant workers, both internal and foreign, according to the law.

### 1.3 Right to safety

Safety must be guaranteed to women and girls in IDP camps. Adequate measures must be taken to prevent violence against women and children.

### 1.4 Special attention to the needs of women and children

- Trauma counselling must be provided for women and children – survivors of the tsunami.
- Revolving funds for women must be established to facilitate income generation. Vocational training for women should be provided.
- Special support for women, especially heads of the household, must be provided e.g. education support for their children.

## 2. Long-term recommendations

- The affected communities, including women, must be able to participate in the rehabilitation management, including environmental and coastal resources management.
- The government must facilitate social and economic reconstruction of the affected communities by providing access to fair and adequate funding to enable employment generation and restoration of livelihoods. Government development plans must not hinder employment generation opportunities as there are concerns about the government plan to issue a Bill on special economic zones in the tsunami affected areas.

## The Plight of Burmese Migrants in Thailand<sup>11</sup>

Over 120,000 Burmese migrants and their dependents registered with the Thai authorities in the four provinces in the south of Thailand and were issued temporary ID cards, according to the July 2004 statistics. Most of them lost their cards during the Tsunami. Of them, about 7,000 were employed in the sectors most affected by the tsunami: fisheries, construction and tourism. There are also many unregistered migrants working illegally in Thailand who have lost family members, their homes and their jobs. Most of unregistered migrants are women.

In the tsunami aftermath the Thai government started arbitrary arrests and forced deportation of Burmese migrant workers. Due to the pressure from both inside and outside of the country arrests and deportation were stopped. However, two months after the tsunami Burmese migrant workers are still hiding in the hilltops, among plantations of coconut, rubber and banana. Some migrants have also gone to neighbouring provinces in search of work and staying with friends and relatives. Many intend to return to the tsunami affected areas soon and seek work with their employer, hoping that by that time the employer would also have recovered and would be ready to employ them again. Some of them are back from Burma and neighbouring provinces because they heard that there have not been any arrests recently and that NGOs are providing assistance to re-issue work permits and emergency relief supplies.

Burmese migrant workers who survived the tsunami need the state authorities to reissue their temporary ID cards as quickly as possible. Without the cards they have no right to stay in Thailand, they have no access to health services and cannot apply for a work permit. They are forced to live in a climate of fear, desperation and humiliation.

Migrants with children, who lost a spouse, are worse off but do not dare to go back to Burma as they have heard reports that migrants returning from the tsunami affected areas have been arrested,

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<sup>11</sup> Migrant Action Program's report

fined, imprisoned or forced into digging graves. Currently, the Thai authorities are not arresting or deporting migrants back to Burma.

Due to the humanitarian crisis in the area, most migrants are not engaged in paid employment. Employed migrants are not receiving regular pay since their employers also suffered huge losses during the tsunami. Relief is provided as an intermediary form of survival for migrants waiting for paid work to become available.

Many employers have lost family members and their livelihood, and have become stressed and financially insecure. As a result, some employers are unable, sometimes unwilling to pay migrants. Coercion has been reported where employers have not allowed migrants to leave the work site at fishing areas.

Migrants who lost their cards during the tsunami, or whose employers who were holding their cards, died during the tsunami receive assistance from the TAG team (migrant's rights NGO) at Takuapa District office. They assist to search for the details of their registration for a temporary ID card (Tor Ror 38/1), and the district office re-issues the cards. To date, 93 migrants have had their cards re-issued.

About 7,000 migrants registered in Takuapa district for the temporary ID card, of them 5,139 registered for a work permit. The total number of migrants who registered for the Tor Ror 38/1 temporary card in all the districts of Phang-nga was 30,572 (20,391 men and 10,181 women).

The process of re-issuing cards is slow due to many factors. Migrants are spread out throughout the country, and they are getting information mainly by word of mouth. Also, they are still intimidated to meet Thai authorities. There are technical problems: lack of staff and office space, an old computer search mechanism, need for Burmese speaking volunteers. Solving these problems would speed up the process of re-issuing cards to, at least, 130 ID cards a day. Currently, it is limited to 10 cards a day.

Thai government must ensure protection of aid workers who are facilitating the return or re-registration of migrants. Burmese migrants who have organised themselves into outreach teams are facing harassment and arrest, and yet they are the only people who speak the same language and who other migrants will trust, the only people who could find the migrants in their hiding places to ensure they had food and shelter. Three Burmese World Vision aid workers, one of them a woman, were locked up in a cage in Baan Tab Lamu fishing village in Phang Nga province because the employer was angry with them for facilitating Burmese migrant workers to go back home after Tsunami.

### Migrant Women's Concerns

- With most of migrants hiding in the jungles, it is obvious they do not have access to basic medical assistance and have problems accessing food.
- Most migrant women do not have access to reproductive health services.
- Many expecting mothers do not have access to prenatal care and safe delivery.
- Mothers with young children need better nutrition; mothers with low breast milk production need regular milk supplies for their children.
- Tsunami survivors do need psychological counseling or mental health care which is not available to them.
- There are a lot of male migrants who lost their wives and are taking care of their children. They need special assistance. On the island of Koh Khao, a man was taking care of three children (3 and 7 year old and an eight month baby), and the children were sick.

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