

# Contextualizing Violence Against Women

## *Forced Evictions in Situations of Armed Conflict*

BY LEILANI FARHA

*S'inspirant des expériences des femmes de Birmanie, de Turquie du sud-est et de la Palestine occupée, cet article rend compte en détail de la violence à laquelle les femmes sont soumises quand la pratique des évictions par la force est utilisée comme stratégie militaire. L'auteure adresse aux organisations internationales et locales des droits humains quelques timides recommandations dans le but de prévenir les évictions forcées et la violence envers les femmes.*

Violence against women in armed conflict situations is receiving an increasing amount of attention in the international human rights arena. Women's experiences in Bosnia, Rwanda and most recently Kosovo/a, for example, are now being acknowledged by the international human rights community and particular acts of violence perpetrated against women are finally being recognized as war crimes.<sup>1</sup>

Despite this progress, the documentation of women's experiences during armed conflict situations and its detailed analysis is still in its infancy. In particular, there is still a need to explore and analyze the contexts within which violence against women—the most infamous form of which is rape—occurs in armed conflict situations. This contextualization leads to a deeper understanding of how and why crimes such as rape occur and also enables us to recognize the other forms of violence women suffer in armed conflict situations. This then facilitates the development of human rights strategies which seek to prevent particular instances of violence by considering the practices within which they occur.

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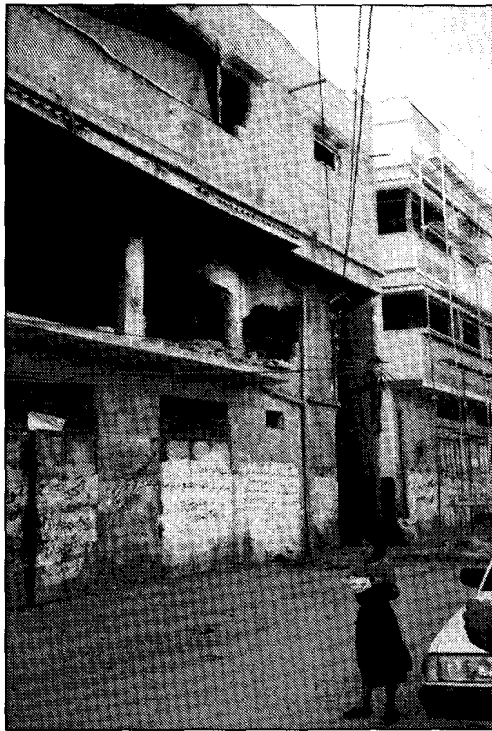
This article focuses on violence against women in the context of forced eviction, a wartime practice that has received little attention to date but which contributes significantly to the violence women experience in situations of armed conflict, particularly armed *ethnic* conflict. As the women's experiences in this article highlight, forced eviction is a strategy of war that is used particularly in ethnic conflicts as a means of ousting an opposing ethnic group from their homes and lands.

Beginning with a formal definition of "forced eviction," this article details by the experiences of a Burmese woman which illustrates the relationship between forced eviction and rape in an armed conflict situation. After commenting on the concept of violence, this article offers further illustrations from South East Turkey and Palestine which assist in an analysis of the violence associated with forced eviction and its gendered nature. The article concludes with

modest suggestions of strategies that might be employed to prevent the practice of forced eviction and hence to protect women from the violence that is inherent in almost every forced eviction.

### **Forced eviction and violence against women**

The United Nations Commission on Human Rights has deemed the practice of forced eviction a "gross violation of human rights, in particular the right to housing" (Resolution 1993/77). Forced eviction is similar in meaning and at times synonymous with: displacement, ethnic cleansing, expulsion, forced removals, house demolition, land expropriation, population transfer, relocation, resettlement and slum clearance. The term "forced eviction" is used throughout the article as it is an accepted term by the United Nations human rights system. It embodies the other possible terms that describe a synonymous phenomenon, and unlike terms such as "relocation" and "resettlement," and it underscores the coercive nature of the removal of a person from their home (UNHCR 1996). It is the involuntary, permanent, or temporary removal of a person from their home or lands, directly or indirectly attributable to the state, without the provision of and access to legal and other forms of protection (United Nations Committee on Economic, Social and Cultural Rights, General Comment No. 7). In effect, forced eviction prohibits an individual or group from living in a particular house, residence, or place, and requires the movement of the individual or group to other



Gaza, now part of the Palestinian Territories, 1994. After forcibly evicting the tenants from this Palestinian apartment building, Israeli defence forces blew it up to ensure they would not return.

areas (UNHCR 1993).

Forced eviction is increasingly recognized as both a strategy and a weapon of war, especially ethnic or racial wars. This is not to say that forced eviction occurs whenever a person is compelled to leave their home during war, or an armed conflict situation. It is to say, however, that on occasion warring parties will use forced eviction as a means of defeating its opposing forces and so, when the involuntary removal of a person from their home is used as a weapon or strategy in war, it is an act of forced eviction.

The forced removal of millions of black and coloured South Africans from their homes during apartheid stands as a stark example of the use of forced eviction as a strategy of war. During apartheid, under the Group Areas Act, at least three million black and coloured South Africans were forcibly removed from their homes and herded into "racially pure" bantustans, resulting in 87 per cent of the population living on 13 per cent of the land and allowing the white

minority (13 per cent of the population) to occupy 87 per cent of the land.<sup>2</sup> In cases of forced eviction such as this, one ethnic or racial group uses a number of means—law, destruction of homes, intimidation, threats—to drive another racial or ethnic group off the land. Violence of many types, but gendered violence in particular, is often part of the forced eviction process. Women are targets of violence when forced eviction is used as a strategy of war because they are often alone at home and hence lack the protection of male relatives and neighbours who have left their homes in search of employment or to fight on the battlefield.<sup>3</sup>

The gendered violence which occurs during the forced eviction process is illustrated in the testimony of a Burmese woman, HM, a 20-year-old Karenni girl from Daw Leh Ku Village. HM was gang raped by soldiers from a battalion during the last week of September 1996. Although her village had been forcibly evicted, she had remained in her village to care for her foster mother who was 70 years of age and too old to flee the village. A military column came and randomly arrested villagers who could not escape and at the same time, HM was caught by the soldiers. She recounted her experiences:

*I did not understand Burmese so I did not know what they were saying to me. However, I understood a little bit from their mime and body language that they would kill me if I attempted to escape. The soldiers kicked me with their military boots on my chest and legs. I could not stand up due to the beating all over my body. You can see the scars on my body as a result of it. Then they tied a rope to my neck, hands and waist and to a tree. At night the soldiers came and gang raped me. I could not remember how many. I screamed and asked for help but in vain. When I refused their will I was beaten up. They punched*

*and slashed my face. It occurred every night until I escaped after ten days. (All Burma Students' Democratic Front)*

While the international human rights community has accepted forced eviction as a human rights issue, and while grassroots and non-governmental organizations have been active in trying to prevent forced evictions, both have been slower to recognize the gender dimensions of this phenomenon.<sup>4</sup> This omission must be addressed because, as this testimony begins to illustrate, forced eviction often involves violence against women. Moreover, given women's close association with housing, and the fact that they are often the only ones available to defend against forced eviction, as well as the particular violent means of eviction (gendered or not), forced eviction can itself be regarded as a form of gendered violence.

In order to fully understand the gendered violence these and many other women have suffered as a result of forced eviction not only must we accept that violence can be physical and psychological, we must recognize that it can also be "structural." J. Oloka-Onyango argues this point:

... the term "violence" ... must be viewed not only as a series of commissions, but also omissions, which amount to a failure to recognize the existence of fundamental human rights of women. The structural, as opposed to physical violence, can produce several different effects on women and thus on the exercise or realizations of their human rights. Structural violence, extending from poor nutrition, inadequate health care (including a lack of contraceptives, coerced sterilization and forced abortions, to mention only a few factors) to limited access to education and other resources, combine to create a situation of severe discrimination against

women which international law has yet to address in a forthright fashion. While all of these are problems common to a situation of stability, they are doubly problematic in conditions of flight and displacement. (382-383)

Women's experiences of forced eviction from South East Turkey and Palestine are illustrative of this breadth of violence.

### **Kurdish woman's experience**

The following is an excerpt of an account recorded by Centre of Housing Rights and Evictions (COHRE) at the "War Migrants Initiative" which was hosted by Kurdish NGOs during Habitat II, the World Conference on Human Settlements, in June 1996. The purpose of the Initiative was to provide those affected by the government's policy of forced relocation with an opportunity to tell an international audience about their lived realities.<sup>5</sup>

*I am from Marden [South-East Turkey]. We were forced to migrate. They [government forces] burned down our village. We were happy there; I had small children and I could feed them there. We had animals, fields and that was enough, but because they burned it down, we had to come to this part of Turkey [near Istanbul]. ... The village guards took nine people away from the village and among them was my husband. They tortured them for a month, they took them and cut their noses and ears. Then they [village guards] taunted me by saying that my son had died, but I was sure that he was living in a bigger city. Later my son returned from the city to find that my husband was in poor condition because of the torture.... Soon after, my husband died and I had my last child four months after his death. So I became a single mother with nine*

*children including a new born baby....*

*The police continued to raid our village. Once they came and in the yard of village they built a fire and then they put everything there, clothes, beds then they forced some of the villagers to walk on the fire. You should have seen their feet, it was burned flesh.... Those who stood against them [the police] were punished by having their houses burnt....*

*You must remember this was all happening in the middle of harsh winter.... We sealed windows and doors any way we could, with plastic.... We had no food....*

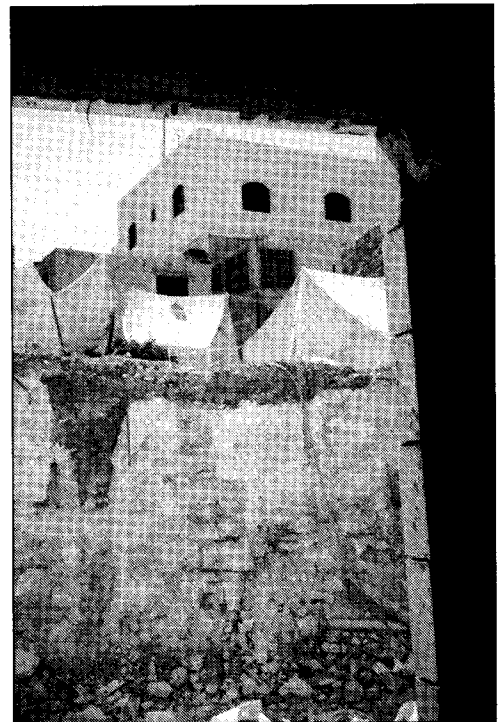
*The police eventually seized our village. They came into our homes and it was raining heavily and they broke our windows and doors. They took my nine-year-old and my son-in-law and they left. Then they took them to the police station nearby and they were tortured. Everything in the village was burned, animals were killed, they ate all they could [and] then they killed everything remaining, then they burned our walnut tree, and they burned our fields at harvesting time. We had nothing left and nothing else to do so we left.*

*We left the village, we had not much to take with us, just a few items. I was with my children, they are all very young. We looked for a home but no one would give us one. So we lived with my daughter-in-law for six months in a single room. People gave us things to cook and we tried to survive.*

### **Palestinian woman's experience**

The following testimony is excerpted from a study conducted by the Palestine Human Rights Information Centre on "Women, Children and Housing Rights: The Case of the Occupied Palestinian Territories."

*On June 23, 1993 the Israeli authorities demolished a house in*



West Bank, Occupied Palestinian Territories, 1994. The International Red Cross provided these tents to a family whose home was demolished. The picture is taken through the window of the demolished home.

*the Beit Hanina area of Jerusalem on the basis that it had been built without a license. The family—the homeowner, the wife of the homeowner, and their six children—was left homeless after the demolition. Two tents were provided by the International Committee of the Red Cross, one for the parents and the second for the children.*

*A few days after the demolition, on 1 July, 1993 at 3:30 a.m., the parents who were lying in their tent, heard their children screaming. The children told their father that a stranger had entered the tent and had attempted to remove their sister's clothes. The perpetrator was not found.*

*The girl was afraid to report the incident to the police and continues to be afraid to move about by herself, especially at night. A doctor examined her but her mother was too ashamed to tell him that someone had attempted to rape her. The father agreed to take the girl to a women's counselling cen-*

*tre provided the matter is dealt with in the strictest of confidence.*

The family has now settled in a small rented flat in an unzoned and non-serviced neighbourhood outside the Jerusalem city limits.

Bearing in mind the fuller definition of violence offered by Oloko-Onyago, it is now possible to provide an overview of the various forms of violence women experience<sup>6</sup> before, during, and after forced eviction.<sup>7</sup>

### **Violence before forced eviction**

Beyond everyday structural violence such as poverty, the violence women experience prior to a forced eviction is largely psychological, though as some women attempt to negotiate with their potential evictors, physical violence may ensue.

In many instances, women and families are threatened with forced eviction. They have heard of other villages where forced eviction has been used to clear or cleanse areas and/or they have received direct threats of forced eviction by armed militia. The waiting and uncertainty that this causes results in heightened feelings of instability, rendering what might already be precarious living conditions even more tenuous. Not surprisingly, housing instability of this nature results in increased levels of anxiety, particularly for women who, as the emotional centre and stabilizing force of the family, have to simultaneously cope with their own anxiety while trying to protect the rest of the family from more violence.

That women bear the brunt of forced eviction is reflected in the Kurdish and Burmese testimonies where it is women who remain at home while husbands, son, and other male relatives are on the front lines fighting. In turn, it is the women who are directly confronted by their potential evictors and left to negotiate, argue, and fight to defend their

homes. In some situations, such as in the Occupied Palestinian Territories, the threat of forced eviction provokes intense anger and a sense of injustice which then fuels active resistance. Sadly, in the face of active resistance to eviction by women, the military will often use increased force



*Occupied East Jerusalem, 1994. The Palestine Human Rights Information Centre hosted a "House Demolition Registration Day" to register the names and locations of those whose houses had been demolished or were threatened with demolition.*

and violence to ensure the success of their actions. This is not to suggest that evictees would be better off if they acquiesced to forced eviction. Regardless of the type of violence used by the evictor, evictees will experience forced eviction as an act of violence. Resistance may be the only hope evictees have in saving their homes.

### **Violence during forced eviction**

The violence experienced by women during a forced eviction is predominantly physical in nature though includes psychological violence as well. As revealed in both the Kurdish and Burmese experiences,

during the actual eviction, in fact sometimes as a means of implementing the eviction, women are subject to physical violence in various forms, such as verbal abuse, beatings, sexual violence including rape, killings, burning of personal and real property, and destruction of their homes.

The impact of rape on women during armed conflict situations cannot be underestimated. Beyond the physical and psychological trauma of rape, particularly rape with an ethnic or racial dimension, it should also be noted that women who are raped during a forced eviction are often stigmatized and ostracized from their communities when and if they are able to return. Perceived as "tainted" and "poisoned" by the opposing forces, these women are often evicted for a second time, forced to leave their communities and/or suffer the humiliation and abuse of community wrath (African Rights).

Women experience tremendous psychological violence during the forced eviction process, particularly when they witness their homes and worldly possessions set ablaze. Although it is the house that is physically destroyed, these women stand by watching their economic, social, cultural and emotional lives shattered. Women also experience extreme psychological trauma and violence as they watch family members (mothers, fathers, husbands, children, sisters, brothers,) being dragged from their homes, being beaten, killed, raped, tortured, and abducted.

### **Violence after forced eviction**

It may be that women experience the most violence in the aftermath of forced eviction for it is at this time that the repercussions of the physical, emotional, psychological, and structural violence collide. After an eviction, women are left—most often without state assistance or inter-

national aid—to cope with, among other things, their own physical injuries, death of family members, relatives and friends, homelessness/ landlessness, extreme poverty, lack of resources, the destruction of family life and community, the eradication of social support mechanisms, living in a new country, and the fear of continued physical violence.

In most cases, those who have been forcibly evicted in armed conflict situations are not provided alternative housing or land on which they might build a new house. When alternative sites are provided, as is sometimes the case in Burma and Palestine for example, these sites are inadequate, often located on infertile land at some distance from the original community, water sources and other resources. As a result, after eviction women are often compelled to relocate and to build new homes “illegally,” on land that allows for continued subsistence. The illegality of these homes means that these women continue to live in an unstable environment lacking security of tenure and hence continue to be threatened with forced eviction, and all that entails.

Women’s homelessness and landlessness are a direct result of forced eviction which increases women’s vulnerability to physical violence. As we saw in the Palestinian experience, with nowhere to live after the eviction, women are forced to sleep out in the open, in tents or in other insecure environments, affording them little protection against perpetrators of violence. Moreover, in many countries, women face gender-based discrimination in owning, inheriting, or renting property. Displaced women whose husbands and male relatives are dead or missing may be unable to inherit and hence return to their own homes and lands.

COHRE has also found that women who are forced to reside with extended family as a result of forced eviction often find themselves subject to increased levels of physical, emotional, and psychological abuse

and violence. This violence can be attributed to, in part, overcrowded living conditions combined with increased levels of alcohol consumption by male family members in the post-eviction phase.

Forced evictions like those taking place in South-East Turkey and Burma often result in the forced migra-

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tion of women from rural communities to urban centres, often resulting in the forced separation of family members and the loss of family and support structures which women may experience as a form of violence. In this way, forced eviction radically disrupts a way of life. Many women find that when they reach urban centres they are discriminated against with respect to securing housing and they cannot find a means of livelihood. In some cases, women are forced to turn to the sex trade industry in order to survive and in others they have been forced into the industry.

Though forced eviction is a physical act, each of the above mentioned forms of violence has a long lasting psychological and emotional impact, wreaking havoc with a woman’s identity, sense of personal security, self-worth and spirit. Most reports reveal that women experience extreme depression and anger in the aftermath of forced eviction.

### **Forced eviction and violence against women: moving forward**

At this stage in the documentation and understanding of the impact on women of the violence they suffer in relation to forced eviction, it may be too early to develop comprehensive solutions to the problem. We can, however, offer a few tentative suggestions aimed at human rights advocates currently working on the issues of violence against women or forced eviction, which would contribute to the protection of women against violence during situations of armed conflict.

As a first step, to develop a more complete understanding of the violation of women’s human rights during armed conflict, more research needs to be conducted by local activists, grassroots organizations, and NGOs which systematically describes how the practice of forced eviction is used as a strategy of war and which documents the impact of these forced evictions on women. As a means of educating women about their right to be free from forced eviction and to assist in the struggle to enforce these rights, this research could then be integrated into and inform existing international, national, and grassroots human rights campaigns against violence against women in armed conflict situations, as these campaigns have already had tangible results and have established a real presence on the international human rights agenda. Ideally, advocates working to prevent and address forced eviction should work closely with advocates working to prevent and address violence against women in armed conflict situations to develop common strategies to prevent and redress all of the violence women experience during armed conflict, strategies which consider and reflect the context within which violence against women can occur during armed conflict. Finally, to take up some of these suggestions, human rights advocates must learn more about economic, social, and cultural rights and must

be committed to developing practical means of addressing violations of these rights (e.g. the right to adequate housing and to be free from forced eviction) while also addressing violations of civil and political rights.

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<sup>1</sup>Most recently, for example, rape was included in the list of indictments against those being prosecuted at the International Criminal Tribunal for Rwanda.

<sup>2</sup>Telephone conversation with Scott Leckie, Director, Centre on Housing Rights and Evictions (COHRE), January 25, 2000. See also Leckie. Post-apartheid, the Group Areas Act, the law used during apartheid to implement forced removals, was repealed by the ANC. Subsequently, the Land Restitution Act (1994) was adopted to implement legislation for the Constitutional provisions which call for land restitution.

<sup>3</sup>Of course, this explains *how* male militia are able to carry-out acts of violence against women during armed conflict. It does not explain *why* male militia perpetrate acts of violence against women during armed conflict, nor why international has not fully addressed this aspect of war, a discussion of which is beyond the scope of this article.

<sup>4</sup>At the international level, the relationship between women and forced evictions has been largely limited to the recognition in United Nations documents that women are disproportionately affected by this practice. See for example, Report of the Secretary General to the Commis-

sion on the Status of Women, UN Doc. E/CN.6/1994/3, para.5; The Right to Adequate Housing: Report of the Special Rapporteur, UN Commission on Human Rights, Sub-commission on Prevention of Discrimination and Protection of Minorities, 47th Sess., UN Doc. E/CN.4/Sub.2/1995/12, (1995), para. 47; and UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities Resolution 1997/19, "Women and the right to adequate housing and to land and property," preamble, par. 11, which states that "...women and children suffer disproportionately from the practice of forced eviction and that women bear the brunt of traumatized and dislocated communities". The UN literature on internally displaced persons provides the most thorough—though by no means complete—picture of the real effects of internal displacement or forcible eviction on women. Unfortunately, this literature has temporal limitations as it refers only to women's experiences once internally displaced and does not address the periods before and during the forced eviction. See also the Report of the Representative of the Secretary-General, Mr. Francis M. Deng, Internally Displaced Persons, UN Doc. E/CN.4/1996/52 (1996) at paras. 45 -56.

<sup>5</sup>This excerpt is based on my verbatim notes taken during the Initiative. Though the testimony was given in Kurdish, simultaneous translation was available.

<sup>6</sup>The author notes that it is dangerous to assess the impact of evictions on women as a group as it may obscure the impact of eviction on specifically situated women such as: female children, young women, and the elderly. On this point see Madot Jok.

<sup>7</sup>It is admittedly somewhat artificial to divide the eviction process into time periods (before, during, and after) in assessing the violence women experience, given that the effects of violence suffered at one stage likely carry over into the following stage

and may, in fact, have long-lasting implications. At the same time, a temporal delineation of the eviction process may assist in exposing the various types of violence women experience throughout the eviction process.

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