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Refugee Law Project

Faculty of Law, Makerere University



Gender and Forced Migration

*Seminar held at the Refugee Law Project
26 May 2005*

Speaker: Sylvia Tamale, Dean of Law, Makerere University

Chair: Zachary Lomo, Director of the Refugee Law Project

Dr Tamale started by asking the audience to reflect on why the first question that is asked when a baby is born, is whether it is a boy or a girl. A baby's gender, more than anything else, is determinative of the child's future, in terms of career options, society's expectations, and the range of opportunities that will generally be open to the child.

Having thus alerted the audience to the importance of gender in society, she went on to explain the difference between sex and gender. While sex is determined biologically, gender points to social or cultural constructions. As members of a society, we learn about and then internalise these gender differences through tradition and culture, education, the media and religion.

Dr Tamale then discussed how in the case of many gender stereotypes, we have come to see these generalisations as "natural", whereas in fact they are constructed by society. In other words, we have come to believe that what is gender-determined is instead sex-determined. As an example she invited the audience to consider the notion that childcare (as opposed to giving birth to children or breastfeeding children) is "naturally" women's work. Dr Tamale was careful to point out that a division of labour based on sex is not in itself problematic. However, what is problematic is the different values that are then attached to the different roles of men and women in society. Our society has a gender hierarchy: men and women are not equal.

This observation led Dr Tamale to discuss the purpose that is served by gender stereotypes. She asserted that in a society such as Ugandan society, the construction of gender is geared towards perpetuating the defining characteristics of that society, namely patriarchy and capitalism. Elaborating on this statement, she talked about the importance in modern Ugandan society of the difference between the public sphere and the private sphere. Whereas the public sphere is associated with politics and the economy, the private sphere is centred on the family and domestic issues. In pre-colonial Africa the dividing line between the private and the public spheres was not as recognisable as it is today. In pre-colonial times, political decisions were made under the village tree, and the cottage industry was an important part of the economy. However,

in modern society the division between the two spheres has become much more marked. Not only that, but the spheres are gendered: the public sphere being dominated by men, the private sphere by women. And again, while that in itself is not necessarily problematic, what is problematic is that different values are attached to these two spheres. That is reflected in differences in remuneration: housewives are not paid for the work they do in the private sphere, despite the fact that the impact on the economy would be huge if housewives laid down their work. Gender stereotypes serve the purpose of perpetuating these differences. They allow for society to continue to function in a way that maintains this ideology. For example, if a husband is paid less than a “living wage”, his wife is there to “subsidise” him.

Dr Tamale then went on to discuss some of the implications of the different positions men and women occupy in society. One important lesson is that in delivering services or applying laws, care must be taken that no assumptions are made about the impact on men and women being the same. This lesson applies not only to the general population, but also to forced migrants (refugees and IDPs). Refugees and IDPs face additional problems compared to the general population. Women refugees face what Dr Tamale called “double jeopardy”: they are disadvantaged, first as women, and secondly as refugees.

Dr Tamale illustrated these issues by means of a hypothetical case study of a female Congolese refugee who had to flee to Uganda. She invited the audience to identify all the gender-related issues in the case study. Examples included gender-based violence, assumptions about leadership roles and the distribution of decision-making powers in a refugee camp, and the extent to which gender roles are affected by displacement.

As to gender-based violence, women in society generally are vulnerable to sexual violence and abuse, but in situations of armed conflict they face an increased risk. Not only are women the ones who bear children and reproduce, but they are also seen as a repository of cultural values. Thus in situations of conflict rape is used as a means to punish and dishonour, not just the woman’s husband, but the woman’s entire family and clan. The raping of women in conflict situations is aimed at polluting the entire culture and at breaking the continuation of the whole group.

Regarding leadership roles and decision-making powers, in refugee camps, as in society at large, assumptions are made about it being “natural” for men to occupy all leadership positions. The result is that policies in refugee settlement have a tendency to almost exclusively reflect male concerns. For example, fetching water is seen as women’s responsibility, with the result that the location of bore holes in the camps is not high on the agenda of the, male, decision-makers in the camp. As a consequence, women are often left to access water in remote and dangerous locations. Similarly, while traditionally food production and food preparation is the responsibility of women, in refugee camps food ration cards are not given to women but to men, who are assumed to be the head of the household.

Finally, displacement often affects gender roles. For example, refugee camps often don’t allow for men to engage in income-generating activities. As a consequence, their positions as breadwinners, from which they used to derive their status, is undermined. The resulting

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frustration experienced by male refugees often leads to an increase in domestic violence, thus once again putting women refugees' safety at risk.