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**Featured Article:**

**Exploring Durable Solutions for Sri Lankan Refugees in India<sup>4</sup>**

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**Background:** South Asia as a region has multi; ethnic, religious, linguistic and cultural groups riddled with ethnic tensions and identity politics. India has been traditionally a good host to refugees from various countries in the South Asian region and beyond, despite its non signatory status to the United Nations Convention on the Status of Refugees, 1951 and the 1967 protocol. It has been a very good host country in the sub continent for a range of refugees from Iran, Tibet, Afghanistan, Pakistan, Myanmar, Sri Lanka and Bangladesh. Tibetan and Sri Lankan Tamil refugees have been here for six and three decades, respectively.

To define the word ‘refugee’ in Indian legal terms is theoretically not possible since neither the Indian Foreigner’s Act (1946) nor its amendments or additions, contains or defines the term. However, it is clear that all these refugee populations living in India deserve their basic human rights and the assistance that can be afforded by the Government of India. India, an Executive Committee (Ex-COM) member of the UNHCR since 1995, has been repeatedly insisted by the UNHCR for having a legal framework of its own on refugee concerns; as the responsibility to protect refugees is completely different from providing protection due to humanitarian concerns. Hence, there was a model law on refugees drafted in 1997, but for certain reasons it has not been taken through the complete legislative processes to make it an Act of Parliament in India. Lack of legal framework has led to different treatment and approaches adopted for different refugees in India. This article attempts to understand the implications for refugees in general and Sri Lankan refugees in particular.

**Sri Lankan Conflict and Refugee Status in India**

Sri Lanka has faced prolonged ethnic civil war between the Sinhalese and Tamils since early 1980s.

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4 Gist of the Study conducted jointly by TISS, ADRA India and Danish Refugee Council

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Ethnic riots of 1983 led to protracted refugee situation in the State of Tamil Nadu, India as many who fled the country due to fear of violence and persecution had their ethnic linkages with India. The multiple waves of displacement from Sri Lanka to India, starting since 1983, resulted in approximately 130,000 seeking refuge in the India State of Tamil Nadu. Since 2010, nearly 5,547 refugees have returned to Sri Lanka as part of voluntary repatriation process. As of now, there are about 65,548 people living in the camps run by the Tamil Nadu State government's Department of Rehabilitation. Additionally there is an estimated 34,600 non-camp refugees in Tamil Nadu, who have their registration with the local police. With respect to the Sri Lankan Tamil refugees in India, the initial response was a warm hospitality and they were perceived as wounded siblings with similarities in culture, language and ethnicity while creating a stronger bond. However the prolonged refugee situation of Sri Lankan Tamils has brought its own difficulties for the refugees as well as for the host country. With the end of civil war in May 2009 in Sri Lanka, there is expectation for peace and reconciliation which will encourage the voluntary repatriation of Sri Lankan refugees back to their home country with prospects of rehabilitation and resettlement with dignity and rights.

Through a voluntary repatriation process assisted by the Government of India, about 100,000 refugees were repatriated during 1987 – 1995. This process of repatriation was criticized globally for violating the 'non-refoulment' condition of customary international law. There were allegations of forced return or involuntary return. This apparently led to bringing UNHCR to Tamil Nadu to monitor and ensure the voluntariness of those repatriating. The role of UNHCR was limited only to monitor the voluntary nature of repatriation. It is reported that UNHCR was not given access to the refugee camps. Lack of legal framework on refugees has always posed a question on the humanitarian support rendered without a legally compliant protection.

On the other hand, the situation in Sri Lanka in Post war context has not been perceived to be favourable for a safe return. The situation was understood to be unclear and very unpredictable. When the declaration of the end of war was announced in 2009, it was expected that more people would go back. But the instability and uncertainty with devolution of power, lack of credible governance mechanisms in addressing the core issues of minority rights, UN war crime enquiries and the resultant media sensitivity and wide-spread military presence have been factors which dampened the enthusiasm of people in returning to the home country.

### **Towards Durable solutions**

In the context of multifaceted issues and concerns of repatriation / resettlement or local assimilation, an introspection regarding awareness, accessibility and preference to durable solution and its viability for Sri Lankan Tamil refugees has attracted the attention of stakeholders involved with the Sri Lankan Refugees. The reported stability being established in Sri Lanka in the post-war context and with the new Government in place, the hopes of safe return has accelerated. Apart from the protection cost to the international community more particularly the host nation, the singular fact of life-risks the prolonged refugee status impose on the people which limits their human freedom and dignity demands a durable solution to the problem of refugees.

The durable solution frame work of UNHCR clearly mentions the development assistance to the refugees and the 4Rs and D; they are *repatriation, reintegration, reconstruction, rehabilitation* and *development* through local integration and reconciliation. The most preferred durable solution, as internationally perceived, is voluntary repatriation, as the refugees prefer to go back to their own country with a proper citizenship and is being reinstated with their rights. Durable solution should come with economic development, human rights and peace building. This could only happen when the people have a possibility of better integration into their own community where the root cause of forced migration or involuntary displacement has to get resolved. Besides, they should also be supported with development assistance in having better opportunities and integration to restart and re-order their lives.

Durable solution is as complex as the problem itself. The criteria of voluntary repatriation have made it significantly difficult in achieving the same and even if it occurs, it would be a delayed and incomplete process. Though voluntary repatriation is considered the most preferred and ideal solution, if there is no consent between the home country and the host country, then it becomes more complicated process and cannot go further. Hence, voluntary repatriation needs a strong political element and it also seems that the international politics is an integral part of voluntary repatriation. Also in a global perspective, statistical evidences on the success rate of previous voluntary repatriations are almost discouraging. It is understood that the funds being spent on durable solutions has been very low or declining amidst the increased need for relief assistance. Complexity of coordination between the country of origin and the country of refuge make it all the more difficult for operationalising a durable solution. Another issue which needs to be considered is the degree of voluntariness involved in getting back to the motherland. Does voluntary means free will of people or are some inducements allowed? In most cases, the

refugees repatriate due to confused and disorderly combination of reasons which are mostly based on certain assumptions, and caught up in a panic exodus because of vague expectation of adventure or opportunity. International documents such as ‘Second International Conference on Assistance to Refugees in Africa Declaration’ says that where voluntary repatriation is not feasible or possible immediately, condition should be created within the host country for temporary settlement and integration of refugees into the community and their fullest participation in social and economic life.

Resettlement may not be a primary option for refugees. They might have a limited adaptive capacity and severe ethnic or cultural problems of adjustments, economic problems, and xenophobia and compassion fatigue. The cost involved in resettlement is also a major factor that needs to be considered.

In this context, exploring possibilities in India which does not have a legal framework for local assimilation and with the ruled out choice of resettlement, finding out the factors that influence the decisions has been the need of the hour.

**Study on “Exploring Durable Solutions for Sri Lankan Tamil Refugees in India”:** The study conducted by Tata Institute of Social Sciences (TISS) jointly with Adventist Development and Relief Agency (ADRA), India and Danish Refugee Council, Sri Lanka adopted a mixed methodology with respondents selected randomly from both the camp and the non-camp refugees across the Tamil Nadu state and the ratio between Indian Tamil origin and the Sri Lankan Tamil origin was 40:60 respectively. Initiating processes towards durable solution to the refugee issues, this pilot study has been conducted in understanding the feelings and the perceptions of Sri Lankan Tamil refugees languishing in India. The study also aimed at ensuring facilitation of further discussions with the policy makers and stakeholders to develop feasible plans which is inclusive of the opinions of the refugees.

**Refugee camps:** Though the refugees in the camp are confined and are restricted, they have access to education and to some extent obtain job opportunities limited to unorganised sectors. They receive most of the basic amenities from the government and there have been approximately 14 schemes run by the Government of Tamil Nadu being implemented in the refugee camps including free education, free electricity, shelter, sanitation facilities, etc. However, still they do live in cramped situations, where certain camps have dilapidated housing and are far away from access to facilities of transportation and job markets. The protracted refugee context has resulted in deterioration of the conditions prevailing in these camps. Besides, most of the youth in camps have never seen their country as they were born and

brought up in camps, and have been part of the local economy and have been used to the camp conditions.

Job opportunities are limited to informal / unorganised sectors (approximately 64%) more specifically in sectors such as hospitality, retails, and few small scale production companies. However, the educated youth with graduation and professional qualifications are particularly as their refugee status quite often come in way of getting a stable and secure job commensurate with their qualifications. Assessments conducted during 2013<sup>6</sup> in 53 camps have revealed that there were 1,338 youth with higher studies and professional qualifications. Particularly there were 208 members who have completed their engineering graduation and have been hunting for jobs but in vain. These conditions have resulted in youth illegally migrating to different countries especially to Australia with significant protection issues and implications such as risking their lives in sea during illegal boat voyages, separated families / disintegration of families, debts in family, and falling prey to human trafficking.

On a broader perspective the Sri Lankan Tamil refugees still have uncertainty which restricts them from thinking beyond today and becoming prey to many protection related issues such as increased occurrence of suicides, substance abuse, domestic violence and school drop outs. There are few NGOs working with the refugees in addressing these issues, and the Government has also been allowing NGOs in implementing programme and addressing these protection issues in the camps.

Some highlights of the results of the study<sup>7</sup> are;

- About 68% of the respondents have stated that they would prefer local assimilation with 23% preferring voluntary repatriation and around 4% of respondents prefer to have resettlement in a third country.
- Local assimilation has been the choice of 65% of the women headed families
- Mannar & Vavuniya were the two areas most preferred for repatriation
- It has been recorded that 41% of the respondents are not aware of the conditions in Sri Lanka and another 41% have responded that the condition in Sri Lanka has either deteriorated or not improved
- On those who have opted for voluntary repatriation 48.2% have said that they require some support from UNHCR. However, only 12% have approached UNHCR so far
- Top three priorities of those opted voluntary repatriation were (a) basic amenities, (b) livelihood opportunities and (c) safety respectively

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<sup>6</sup> Assessments conducted by ADRA in 2013 as part of routine engagements with Sri Lankan Tamil refugees

<sup>7</sup> This study was conducted during April to September 2014 prior to the election in Sri Lanka.

- Top two priority request to Government of India were on financial support for livelihood in Sri Lanka and logistic support to carry all their household belongings, respectively.
- On factors influencing durable solution decision, citizenship and right to participate in public affairs has been the top priorities.

**Non Camp Refugees:** Non camp refugees constituted 41% of the respondents of which 94.08% have local police registration. Major findings are as follows

- Respondents identified for the study constitute 76% from Jaffna (home town in Sri Lanka)
- Of the total non camp refugees studied, 83% have Sri Lankan ID card
- As many as 46.7% of the respondents have been in India since 1990 are even earlier and 36.8 % of the respondents have arrived after 2006
- Women headed families constitutes 36.2 % of the respondent families
- Of the respondents, 61% were unemployed and 20.4% were casual labor / unorganised sector
- 82% of the respondents had relative abroad and 69% of the respondents receive financial support regularly
- 78.29% shared local assimilation as their option
- Safety and peace are the major concern of 60% of the respondents and 40% urged on both basic amenities and livelihood opportunities in Sri Lanka
- Recognition of education from Indian Schools and Universities were the stipulated expectations from 60% of respondents
- Most influential factors on preferred durable solution among the non camp refugees were ability to earn / better livelihood opportunities and documentation / legal entitlements.

### **Some future Directions**

Major recommendations are listed down on ensuring Safety & Security of the returnees, extending voluntary repatriation assistance to non-camp refugees and assuring resettlement of returnees in areas of their preferences, with regard to those who opt to return to Sri Lanka. Assistance to people who would like to stay back is also equally important in maintaining the equilibrium, essential in promoting an informed choice in their decision making. Hence educational and livelihood assistance along with documentation support could be rendered to those who would prefer local assimilation which could make a smoother transition or assimilation process.

As inferred from the study the following considerations could be deemed appropriate towards preparing the way forward in facilitating the Durable solutions. Govt of India and Govt of Sri Lanka could evolve an agreement in supporting and facilitating the voluntary repatriation by ensuring

- Safety & Security
- Provision of dry ration for a period of at least six months for the family
- Ease of procedures in obtaining national id cards
- Resettlement of the returnees in areas of their preference
- Recognition of degrees & Diploma acquired in Indian Universities
- Extending all voluntary repatriation assistance for non camp refugees
- Creating a provision for the returnees to obtain services from the Indian housing schemes.
- Bridge courses for returnee children in order to continue education without difficulty
- Documentation support with regards to entitlement and education
- Supporting those undergoing education in TamilNadu to complete their studies and return to Sri Lanka
- Medical support for the returnees
- Skill training for those returnees to create better livelihood opportunities.
- Governmental intervention in suggesting the Indian companies operating in Sri Lanka to consider employing the returnees for their better initiation to labour market.

With people who chooses other durable options such as local assimilation & third country resettlement, could be provided an opportunity a smooth local assimilation process which would have development possibilities.

- Educational support for children of local assimilated families
- Livelihood support that would increase job opportunities
- Advocacy support in attaining a legal entitlement PIO (Person of Indian Origin) / OCI (Overseas Citizen of India) status and access to social support schemes
- A better living condition including proper shelter facilities and other basic amenities.
- Documentation / Entitlement support
- Support for elders
- All supports to be extended for those who are in police registration outside the camps

Above factors would ensure an equilibrium, which would facilitate a condition where the refugees are not forced in any way to choose a particular durable solution but have complete freedom of choice. Means of attaining these is also a significant factor which could play a major role in ensuring the free choice of the refugees hence the recommendations from the study would also prefer to suggest on the procedure and process as elucidated below, that are to be undertaken in ensuring the above listed factors.



**i. A Survey on the Entire Populace**

Commissioning a door to door survey would enable a development of realistic plan in facilitating the people on their preferred durable solution. Through the survey the refugees could be sensitized on the viability of the options available and for those who would prefer for other durable solution options can be further sensitized based on practical realities.

**ii. Transparent position paper on the stands of the State & Central government**

Decision of the people in terms of durable solution could be much more facilitated with a position paper or an article that inform the government on their stand with regard to the Sri Lankan Tamil refugees in the camps and those living outside the camps. A consultative approach could prevent the possibilities of issues being politicized and would provide a better clarity with the people and enable them to make an appropriate decision

**iii. Information Hub**

Establishing a hub which would provide all necessary information that is required and requested by the refugees in making their decision with regard to the durable solution options would smoothen the process. This could be undertaken by the government probably with the support of NGOs. One could even look for opportunities where there are regular meetings that are taking place between the government officials from Sri Lanka and Tamil Nadu / India, where information could be shared across. Doing so could create a sense of first hand information to the refugees more authenticate and enabling them in making a decision that would favour them the most.

**iv. Government Agreement / Action plan**

An action plan needs to be worked out with clear timelines which spells out the roles of Government, NGOs and the UN organizations based on an agreement or a memorandum of understanding signed between the governments of Sri Lanka and India. Process of identification of people for different solutions with necessary eligibility criteria and assurances, guarantees and entitlements should be the core of the plan.

**v. Schemes in Sri Lanka Funded by India**

Prioritisation and quota allocation could be provided for returnees in schemes funded by India in promoting the well-being of the war affected. For instance, allocation in housing schemes, seats in

higher education and encouraging and negotiating with the corporate in providing job opportunities for those eligible candidates could be some areas.

vi. **Security**

Irrespective of the location of resettlement or assimilation, the safety and security are to be placed high up in the priority lane. Appropriate measures are to be taken in fixing up a structured security framework with necessary precautions taken.

vii. **Identifying Players**

Various possible stakeholders in providing different resources necessary for ensuring the best interest of the target population should be identified with the specific roles and responsibility framework evolved. Commissioner of Rehabilitation, functioning under the state government of Tamil Nadu, could be the nodal officer in coordinating the different stake holders in channelising their efforts towards the target community which could possibly create a better clarity for the community in making a durable choice most appropriate.

**Conclusion**

This Study on durable solution is an initiative towards achieving scope of durable solutions vis-a-vis informed choice and future settlement for refugees. The study facilitates the ambitious purpose in facilitating durable solutions, safeguarding the protection of dignity and safety of the refugees, and to provide meaning to the lives of thousands who live inside and outside the camps in India. Initiatives towards durable solution are the need of the hour and with the evolving global perspectives on durable solutions, it becomes the duty of the governments and the stakeholders in facilitating durable solutions.

## **2. Revisiting the Girl Child in India: A Report on WINGS 2014<sup>8</sup>**

### **Introduction**

The last twenty years from the early 1990s spans the period when India embarked on structural adjustment policies (SAP) that effected significant changes in its economy and society. During these years, the Indian state made significant cut backs in its social sector allocations, in order that the economy tune itself through a focus on growth, encouraging markets as an engine towards this end and achieve the status of a global power. These cutbacks have had well documented detrimental effects on socio-economic development, especially in the sectors of health care, nutrition and food security, education and policies for the uplift, protection and security of severely marginalized sections of the society. The emphasis of the state on growth and efficiency has also led to less attention to employment generation, simultaneous increase in informal and self-employment, shrinking resource base for the already deprived and therefore growing burdens on families and individuals to rely on their own limited resources for survival, care and development.

Significantly, this period also marks a demographic dividend in Indian society with a surging youth population and a social demand for development evident in aspirations for educational opportunities, health and longevity, along with political consciousness and aspirations for enterprise. For young children, especially the girl child, this is seen in aspirations for nutrition, education, and health for development, simultaneously seeking out opportunities to work and dream. The flip side of the SAP is the increasing social (read patriarchal) and economic backlash manifested in increasing violence against young women and girls, lack of justice and depleting support (read protection) structures to guard against the vulnerability of the girl child. Additionally, in the wake of the Nirbhaya incident<sup>9</sup>, there is a renewed focus on women and the girl child with emerging discourses of protectionism along with challenging of patriarchal structures. In the last decade, since the fervour to meet the MDGs has set in, the lens has slowly shifted from economic to human development, and there have been efforts

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8 Extract of the Report “World of India’s Girls (WINGS) 2014 authored by Bindhulakshmi P, Meena Gopal, Nandini Manjrekar, Zeba Imam, Monica Sakhrani, K.C. Bindu supported by Save the Children - India

9 On 16 December 2012 in the capital city of Delhi 23-year-old female physiotherapy intern, was beaten and gang raped in a moving private bus in which she was travelling with a male friend. Thirteen days after the assault, she was transferred to a hospital in Singapore for emergency treatment, where she succumbed to her fatal injuries and trauma. The incident generated widespread national and international coverage and was widely condemned, both in India and abroad. Subsequently, public protests in all parts of the country arose. Because India does not allow the press to publicize a rape victim's name, the victim has become widely known as Nirbhaya, meaning "fearless", and her life and death have come to symbolize women's struggle to end rape and the long-held practice of blaming the victim rather than the perpetrator.

towards bringing back the girl child into policy conversations.

A large body of research both at the macro and micro level, points to the systemic discrimination that the girl child faces in all spheres of life. Supported by international focus on the girl child in the 1990s, this unequivocally supports the construction of the girl child as an analytical category. While the category of the girl child helps us to understand the roots and patterns of gender discrimination and asymmetries, it tends to fix the girl child within vulnerability, portraying a cultural homogenisation of experience, assuming incapacity to make claims and voice her experience.

In this report we approached the girl child as any person born female and under the age of 18 years. However, the report also recognizes distinctions of age groups and difference in vulnerabilities, needs and aspirations arising thereof. We also approached the girl-child as a non-universalist category, inhabiting diverse locations of class, caste, ethnicity and religion; diverse cultures in terms of kinship, family and marriage, customs and rituals and different relationships with the state and state institutions.

This report is an assessment and analysis of secondary data in India, that helps understand the story of the situation of the girl child – how it has improved or deteriorated in the past 24 years, and how it has responded to some of the major schemes and programmes that have been initiated by the government. The researchers have focused their attention on the major sources of data that are validated by the government – the Census, National Family Health Survey (NFHS), District Information System for Education (DISE), National Crime Records Bureau (NCRB) and other data released by the Ministry of Human Resource Development (MHRD) and Ministry of Women and Child Development (MWCD).

The report enables the researchers to tell a fuller story of the way in which the first 18 years of a girl's life are shaped. While the events are indicative of neglect (sex selective abortions, lack of proper immunization, lack of toilets in school, increasing instances of violence against girls etc), it is in the smaller instances of everyday neglect that the real challenges lie – it is precisely because they are small, that they do not get 'counted' – the challenge of walking past a group of neighbourhood anti-social elements on the way to school, the slight hunger that is felt because after the males have eaten there isn't enough for both mother and daughter, the discomfort during one's menstrual cycle because there's little knowledge about infections. It is precisely the cumulative effect of these that make up the quality of the life of the girl child.

## **Survival**

Survival data tracing trends across Child Sex Ratio (CSR), Sex Ratio at Birth (SRB), Mortality, Morbidity, Immunisation and Nutrition, the census report 2011 reveals a deficit of 7.1 million girls as against boys in the age group of 0-6. This gap continues to increase despite the fact that Pre-Conception and Pre-Natal Diagnostic Techniques (PC&PNDT) Act 1994 is in operation for more than two decades now. Researches illustrate that how and why co-relations between CSR or SRB and wealth, education or community, are not direct. For instance, sex ratio for children in all age groups is favourable for females in the lowest wealth quintile.

Immunisation schedules are shown to be vulnerable to gender discrimination – even when for girls immunization start on schedules, the chances of them completing it are lower than for boys. Additionally, the number of girls who do not get any immunization is lower than that of boys. Nutrition data does not show any great variation across genders. However, as Deaton and Dreze (2008)<sup>10</sup> argue there is a need to move beyond average calorie consumption as a nutrition indicator. Instead, they recommend the use of anthropometric or outcome-focused indicators. There has been some attempt in recent years, to develop programmes for adolescent girls. However, in keeping with the life cycle approach these have seen the girls more as ‘mothers in waiting’ and are therefore counterproductive to the larger initiative of recognizing girls as citizens in themselves, in the present.

Facilities for those under the age of six have proliferated across the country. 80% children are covered by an Anganwadi Centres (AWC). Paradoxically only 28% received any service from Anganwadi Centres (according to NFHS 3). Sanitation remains a significant challenge for girls in India, as only 72.16% of girls in the country had access to a toilet by 2012.

Finally, the most significant data pertaining to Health on which there is practically no data is Mental Health. It is imperative that a strategy and plan to address this gap be operationalized at the earliest.

## **Education**

Much of the data in this section is encouraging, with an unmistakable increase in the participation of girls in Education – the gap in the percentage of girls as compared to boys who enrol is closing year on year – in 2011 it was well over 90%. In 1998-99, only 1 in every 100 girls enrolling in rural areas in Class 1 reached Class XII. By 2011, dropout rates at primary level were just over 25%, at upper

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10 Deaton, A. and J. Dreze (2008), ‘Nutrition in India: Facts and Interpretations’ (mimeo).

primary were at 41% and at secondary, it was 47.9%. Yet, the differential data across regions is daunting – only 51% tribal girls are enrolled in school.

However, adolescence continues to be a challenge for girls with regard to schooling. Enrolment and retention in the 11-14 age groups does need more attention. The report also recognizes that gender based violence continues to be a factor influencing girls' presence in the education system. According to the 2007 Government of India report, 65% of school going children report facing abuse in school.

A crucial part of the discourse on Education and the Girl Child is the content of what is taught in schools. While the NCF 2005 pointed to the need to integrate gender in a cross-cutting manner in textbooks and pedagogy, this is still done in ways that reinforce gender stereotypes and limit the range of possibilities for the girl child. While the National Policy for Special Education strongly advocates inclusive education, the trend on the ground reveals that exactly the opposite is happening – there are an increasing number of special schools across the country – in the 1990s there were 1035 special schools; by 2000 there were 2500.

Girls who grow up in areas characterized by conflict face an additional risk of safety and security due to the growing instances of their bodies becoming sites of assertion of identity for the cause that is being fought. Consequently the first response in a conflict situation is the restriction of girls to the home space thus directly impacting their education.

### **Child Protection**

While the overarching legislation for Child Protection in the country is the Juvenile Justice (Care and Protection) Act 2000, the several laws governing each of these sub-domains illustrates the special concerns of the state with regard to each of the core issues such as Child Marriage, Child Labour, Trafficking, Violence and Abuse . The primary concerns with regard to Child Labour are two: first, that with the growing instance of women working in domestic labour, the consequent labour of the girl child at home, in terms of care for siblings and the house, is not adequately recognized or accounted for. The second is in agriculture and home-based industries (such as beedi<sup>11</sup> making), the girl child's labour is again, unrecognized. In this, in the nominal (if any) payments, the contribution of the girl is devalued.

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11 A thin, Indian cigar filled with tobacco flake and wrapped in a tendu (*Diospyros melanoxylon*) leaf tied with a string at one end.

This is over and above the explicit violation of her rights to education, health and play. Although NCRB data shows a declining trend in Trafficking since 1990, this is not necessarily reflective of the reality, as many cases simply do not come to light. In this domain, the major concern is that much trafficking is routed through families in crises – either that of poverty, or that of harassment in the home such that the child runs away. Especially in case of the latter, the current state response of rescue and reintegration at home is inadequate at best, and at worst counterproductive to the well-being of the child.

One of the problems in studying violence, especially violence against children, is the difficulty in eliciting the statistical extent of violence. NCRB data is unreliable because so much abuse and violence goes unreported, and NFHS only records data for those over the age of 15. It is because of the significant challenge in collecting data, that the 2007 all-India study on child abuse conducted by the Ministry of Women and Child Development is so important. The data on violence against children is particularly disturbing because the journey to the actual registration of the offence is an arduous one. It is then doubly disheartening when State responses are slow and unyielding. Still in 2012 alone 8541 cases of rape were registered, 11502 were investigated (including those from the previous year), 7579 charge sheets filed and 1447 persons convicted. The Protection of Children from Sexual Offences (POSCO) Act 2012 is a landmark legislation – as it does recognition to several kinds of abuse against children and listing specific penalties and punishment. However, there are concerns that its ‘gender neutrality’ will mean that girls get threatened with cases in order to exploit them for other reasons.

Across the country, there have been reports of the failure of the State to protect those it ‘rescues’ and places in Institutions for care. The inhuman abuse of children, including those with mental disabilities, has moved the Supreme Court to take strict action against the culprits. In a recent verdict in Mumbai, the High Court convicted six people of rape, sodomy, neglect and torture. As mentioned in the Education chapter, conflict situations wreak havoc on the world of the girl child in particular. The vulnerability of the girl child is compounded in these situations, with girls becoming targets of various kinds of fundamentalism – their abuse begins with their freedom being impinged upon and moves into harsh spaces including assault, maiming and rape.

Child Marriage continues to be seen as a reproductive health issue. Activists argue that until it is recognised as a matter of protection, the chances of significant reductions in its practice are low. Despite a reduction in poverty levels between 2004-05 and 2012, trends in child marriage have not

declined. Activists also argue that it is not poverty but the fear of an increasing dowry that encourages parents to get daughters married at an early age.

### **Trends in Budgetary allocations**

The report also tracks trends in budgetary allocations as a way of identifying the State's priority with regard to the girl child. The highest allocated Budget for children in recent times was in 2010, when it touched 5.03%. In general however, Budget for Children (BfC) is nominal. Within this, Education gets most of the benefit, while budgets for Protection are restricted largely to Child Labour and Trafficking.

### **Girl child in Law and policy**

By an analysis of each of the schemes that pertain to children over the last 24 years, the report illustrates the State's growing recognition of the girl child as a separate category. In its analysis of the five year plans it also shows the increase in the sheer quantity of space that the girl child is beginning to command in this discourse.



3. **Honour killing in South Asian Countries - Guest Editor**

Despite renewed discussion on enhancing the status of women and eliminating violence against women as well as strategies for women empowerment and gender rights in place women continue to live in situations of extreme vulnerability in most parts of the world. In South Asia, religion (Islam, Christianity, Hinduism, Buddhism, and Confucianism) exerts a significant power over the lives of women through artefacts of culture, societal values and pride and dignity. Across religions patriarchy seems to have seeped into the lives of women with resultant gender based discrimination and violence against women. Violence against women manifests itself in different forms such as domestic violence, marital rape, honour killings, sexual assault, dowry violence and denial of opportunities for girls and women.

The tradition and customs of South Asia is so rigid that it come in way of women to exercise their rights and fundamental freedom. Recent news paper reports from South Asian Countries shows that they (women) face injustice, suppression and helplessness due to traditional norms and culture of religion. Honour killings are one such extreme form of violence against women practiced in many parts of the world ranging from South America to Asia.

Honour killing is carried out by men or intimate family members to protect the “honour”, of the family or the community when women violate their expected gendered norms. Honour killing is the murder of a person accused of bringing shame upon his or her family. Victims have been killed for refusing to enter a marriage, committing adultery or being in a relationship that displeased their relatives<sup>12</sup>. The victims of these honour killings are their own wives, daughters, or sisters. Hundreds of girls or women die in each year due to this barbaric and feudal practice. But only few cases were reported or recorded in police stations because of the social connivance and the culprits being the immediate relatives or parents and also due to the belief that the religious conventions permits this kind of “killings” to protect their “religious honour” and “family honour”.

Honour killings are supposedly encouraged by relaxed provision of the Qisas and Diyat Act in Pakistan where the legal heirs of a deceased person were authorised to enter into compromise with a killed even at last moment before execution of sentence. According to Pakistan's Human Rights Commission (HRCP), honour killings and other forms of violence against women are increasing. Under Pakistan's

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12 [http://www.bbc.co.uk/ethics/honourcrimes/crimesofhonour\\_1.shtml](http://www.bbc.co.uk/ethics/honourcrimes/crimesofhonour_1.shtml)

penal code, honour killings are treated as murder. However, as the law permits the family of the victim to make compromise with the killer (who is usually a relative), various structures of power including patriarchy, religion and social structures play significant role against the interest of the women in question even in cases of mere suspicion. In many cases these Honour Killings are justified on the basis that victims are engaged in immoral behaviour that could not be tolerated in an Islamic State such as Pakistan (Niaz 2003)<sup>13</sup>.

In Northern states of India there exists an unconstitutional body called “Khap Panchayat<sup>14</sup>”. These Panchayats disallows inter-caste / inter-religious marriages. If a girl or boy goes beyond their rules, they will be killed by their own families with the support of Khap Panchayats in the interest of the pride and honour of the family or the community. Despite the fact that these bodies are unconstitutional in ‘delivering justice’ and actions of these councils are illegal, there hasn’t been many significant legal and judicial actions against these councils by successive governments because these caste councils are socially and politically powerful bodies. These panchayats get political support for their functioning in return for vote banks it has in its control.

### **Some reported cases from Pakistan**

- November 25 2014, a 16 year old girl was killed by her own uncle for listening loud music in Punjab Province, Pakistan <http://www.dailymail.co.uk/news/article-2848461/Pakistani-man-kills-niece-listening-loud-music.html>
- November 19 2014, a 25 year old pregnant woman was attacked and stoned to death in front of her husband by her father, brother, cousin and other relative in Lahore because her family didn’t approve their marriage <http://www.dailymail.co.uk/news/article-2840578/Pakistani-family-sentenced-death-honour-killing-outside-court.html>

### **From India**

- 20 November 2014, a 21 year old woman was strangled to death in Delhi by her parents for marrying a man against their wishes <http://www.bbc.com/news/world-asia-india-30141719>

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13 Niaz (2003), Violence against Women in South Asian Countries, Published online April 17, 2003 © Springer-Verlag 2003

14 Khap Panchayats have emerged as quasi-judicial bodies that pronounce harsh punishments based on age-old customs and traditions, often bordering on regressive measures including ordering killings of the persons who violates the norms and traditions.

- 30 November 2014, a 19 year old girl was strangled to death by her two brothers in Delhi. They suspected her of having a relationship with a young man from her village  
<http://www.clarionproject.org/news/india-brothers-honor-kill-pregnant-sister>

**From Afghanistan**

- 21 July 2014, a 10 year old girl was killed by her family after being violently raped by a mullah in a local mosque after her Quran class. In Afghanistan as family members believed that raped girl brings shame to the family and she is not fit for the marriage.  
<http://www.clarionproject.org/news/afghan-girl-10-slashed-honor-killing-after-being-raped#>

Reports on honour killing shows that each year hundreds of girls and women were killed by their own family members to protect the “honour”. Considering that many such cases go unreported and several cases does not end in killing but brutal assault and restrictions are put on the women, the problem assumes much significance and concern.

#### 4. **Nepal hit by deadly Earthquake**

The 2015 Nepal earthquake on 25 April, with a magnitude of 7.8 on the Richter Scale had its epicentre at Barpak village in Gorkha district. While toppling buildings in the capital, Kathmandu, and triggering avalanches in the Himalayas, the earthquake has killed more than 7,000 people and injured more than twice as many in various parts adjoining Kathmandu.

It was the most powerful disaster to strike Nepal since the 1934 Nepal-Bihar earthquake. Some casualties have also been reported in the adjoining areas of India, China and Bangladesh.

The earthquake triggered an avalanche on Mount Everest, killing at least 19, making it the deadliest day on the mountain in history. It triggered another huge avalanche in Langtang Valley, where approximately 250 are missing.

Hundreds of thousands of houses were destroyed rendering people homeless with entire villages flattened, across many districts of the country. Centuries-old buildings were destroyed at UNESCO World Heritage Sites in the Kathmandu Valley, including some at the Kathmandu Darbar Square, the Patan Durbar Square and the Bhaktapur Durbar Square.

Continued aftershocks occurred throughout Nepal, with one shock reaching a magnitude of 6.7 on 26 April. The country is at continued risk of aftershocks and landslides.

#### **Situation Overview**

- Following initial assessments, the Government has extended the most affected areas to include Makawanpur and Sindhuli districts, in addition to Bhaktapur, Dhading, Dolakha, Gorkha, Kathmandu, Lalitpur, Lamjung, Rasuwa, Ramechhap, Nuwakot, and Sindupalchowk.
- Relief efforts continue to focus on reaching a greater number of areas, in particular the remote and hard-to-reach areas where many of the poorest and most affected remain.
- Access to some remote villages remains a key challenge and some can only be accessed by helicopter.
- Most major roads in the country are open.

### 5. **Global Action on Poverty (GAP) Meet 2015, Ahmadabad, India**

On the 85th anniversary of the Dandi March - a movement where Mahatma Gandhi led thousands of Indians to claim their economic and political rights - the first convention of GAP (Global Action on Poverty) took off at Sabarmati Ashram, Ahmedabad, to catalyse other leaders on another journey. The two-day GAP conference, on March 12 and 13, held at Sabarmati Ashram and Gujarat Vidyapeeth, brought together over 200 leaders, activists, entrepreneurs and individuals who shared the passion and ambition to remove poverty on a global scale. Poverty is a complex issue, reflecting social exclusion, opportunity exclusion and income exclusion, all deeply connected with each other. GAP, recognizing the need for a systemic intervention to impact poverty, was designed along the rails of **Learning, Collaboration** and **Action**, to enable impact.

#### **Learning**

What is the knowledge one needs to achieve one's goals and does not yet have? What are capabilities one needs and one does not have? How will this knowledge be obtained and how will the capabilities be acquired? Answering these questions were leading stalwarts from the development sector, who as Mentors, were present to inspire, instigate and invigorate others to pursue their goal to alleviate poverty. The eight mentors at GAP were

- Prof Mohd Yunus, Nobel Laureate and founder of Grameen Bank in Bangladesh
- Ela Bhatt, Founder, SEWA (Self Employed Womens Association), India
- Aruna Roy, RTI Activist and founder of Mazdoor Kisan Shakti Sanghathan - a peoples movement
- Jean Dreze, Development Economist
- Madhav Chavan, Co-Founder and CEO of Pratham Educational Initiative, Mumbai
- Harish Hande, Co-Founder of SELCO (The Solar Electric Light Company), India
- Harsh Mandar, Director of the Centre for Equity Studies, ex-bureaucrat and social activist
- Vijay Mahajan, Founder of BASIX - a livelihood promotion institution in India

#### **Collaboration**

Successful projects to change systemic conditions such as poverty must work with several partners, with their own competencies and specific causes they are pursuing. Poor collaboration is one of the principal causes of failures of well-intentioned and even very well resourced projects aiming to change

systemic conditions. Therefore, GAP aimed at building and strengthening coalitions between people and organizations to create impact.

GAP connected ‘Catalysts’ - people who believed they could do something but did not have the opportunity to do it, with ‘Changemakers’ – people who knew what they wanted to do but lacked resources. GAP’s event flow, that comprised plenary discussions, break out sessions, cluster discussions and one on one interactions, facilitated lateral connections between Catalysts and Changemakers. Through the two days, Changemakers and catalysts got an opportunity to share their stories, trigger conversations and invite collaborators. The collaborations were across multiple sectors, including Health and Nutrition, Water and Sanitation, Agriculture and Food Security, Education and Skills, Employment and Social Security and Environment.

### **Action**

One manages what one measures. Insufficient progress along the rails of Collaboration and Learning will stall the progress along the rail of Action. Therefore GAP incorporated milestones and measures for managing progress along all three rails. Changemakers and Catalysts were invited to write the key milestones along their stories to reach their destination. This helped them learn and determine what next and how, keeping their end goal in mind.

### **Conclusion**

In a sense, GAP has just begun. We look forward to a year of working together – inspiring, challenging, and reciprocating - with our Mentors, Catalysts and Changemakers. The success of GAP lies in its follow up on collaborations formed, money raised, knowledge learned, volunteers enrolled, experiments made, actions taken, and so on. We are committed to taking the projects from GAP 2015 to fruition. Each project is expected to set a target of certain number of persons to be taken out of poverty every year through their planned projects and activities. It is expected that by 2018, there would be as much as 500 such projects undertaken in different parts of the country. Thus, the total impact would be continuous, exponential in its growth and considerable across the world. ICSW South Asia Regional Committee joins hands with Head Held High Foundation in taking the GAP actions ahead in the year to come along with other GAP partners.

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