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The Forgotten Majority

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The Forgotten Majority
The Syrian civil war is entering its 8th year with the unpromising hope that the people of Syria will be able to go back to their homeland and live in peace and security soon. Currently, over 2.5 million Syrian refugees are hosted in Lebanon, Iraq, Jordan, and Egypt with hundreds of thousands more in the European Union.\(^1\) The influx of refugees and asylum-seekers in the nations listed have resulted in issues of insecurity, instability, and discrimination. Female Syrian refugees face extreme forms of poverty and live in undignified forms of life. They suffer discrimination from NGO's and government officials when they seek social assistance and many forms of sexual and physical assault from their families and other members of the community they live in. Historically, when a war breaks out, women unfortunately suffer rape, sexual and physical harassment and their rights are undocumented and not met. States need to be held accountable for the hardships women endure as refugees and victims of war and persecution. For the purpose of this essay, I will address the failure of Lebanon and Jordan to uphold Syrian female refugee’s rights in accordance with the Convention Eliminating all Forms of Discrimination Against Women (CEDAW) and General Assembly Res. 48/104 Declaration on the Elimination of Violence Against Women. In addition, this paper will investigate the forms of discrimination and poor conditions women experience on a daily basis in refugee camps, host nations and travelling across borders. This paper will attempt to raise the issues that are occurring while identifying the failures of the international community to conform to international conventions and the inability to provide solutions to ensure female refugees safety.

The architecture of this paper will fall into three main sections. Section one will address the articles that lay out the rights of women in international conventions and identify how nations have failed to uphold the rights dedicated to women. Section 2 will provide a number of diverse

testimonies to the conditions that women endure through socio-economic issues such as survival sex, physical/sexual abuse, and forced marriage. The third section will be devoted to addressing the importance of female Syrian refugee's health and well-being.

**Section 1: Guidelines and Obligations**

The protection of females and female refugees can be located in CEDAW and the General Assembly Res. 48/104 Declaration on the Elimination of Violence Against Women. The latter will be used to hold States accountable for the discrimination of female’s rights. The General Assembly Resolution provides 3 important articles that focus on advancing female rights and protecting them from violence and discrimination. Article one outlines the term *violence against women*, stating that it refers to an act of gender-based violence that results in physical or sexual harm.\(^2\) This term is important for the purpose of this study as it provides direction in terms of the actions occurring against women. Furthermore, Article 3 of this resolution mentions that women are entitled to equal enjoyment and protection of all female rights and fundamental freedoms in the political, economic, social and cultural spectrum.\(^3\) The final key Article in the resolution is Article 4 (c) which highlights that States should “exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women.”\(^4\) The latter is relevant as it allots the responsibility of States to punish those that perform violence against women, whether that be through the legal system or other penalties.

CEDAW specifically targets the needs of females internationally and the issues that States need to be aware of. Some of the main Articles present in CEDAW include Article 2

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\(^3\) Ibid.

\(^4\) Ibid.
which notes that “states parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.”

This Article is key as it identifies the role that States should play when dealing with female rights. Moving forward I would like to note that CEDAW is binding, therefore, signatory States are legally obliged to agree and uphold any of the Articles in CEDAW. States are legally obliged to take all appropriate measures to eliminate discrimination and advance gender equality.

A matter of recognizing the convention is the beginning of States understanding their duty to female refugees. For the purpose of this study, Jordan and Lebanon have signed or ratified the convention thus, identifying their recognition of CEDAW.

Since the nations labeled above are aware of the Articles in CEDAW, it is time to highlight their responsibilities. Under Article 14(2) (b) “States parties shall take all appropriate measures to eliminate discrimination against women in rural areas…to have access to adequate health care facilities, including information, counseling, and services in family planning…” The latter will be addressed when I introduce issues of female refugee’s inability to access adequate reproductive services. Females refugees are exposed to a number of issues and they can start from their family through child and forced marriages. States are to “take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations…the same right freely to choose a spouse and to enter into marriage only with their free and full consent…”. The latter was rooted in Article 16 (b). States are also responsible for allowing females to “enjoy adequate living conditions, particularly in relation to housing,

5 Ibid.
7 "Geneva Convention (IV) on Civilians, 1949."
8 Ibid.
sanitation, electricity and water supply, transport and communications”, labeled in Article 14 (h). Throughout this paper, I will use the above Articles and others issued in CEDAW to defend the basic human rights of Syrian female refugees that unfortunately signatory States fail to uphold.

Section 2: Physical/Sexual Abuse and Forced Marriage

Fleeing persecution and violence is not an easy journey and especially if you are a female. Women remain refugees for longer periods of time than men as they are more vulnerable and have harder times obtaining legal status, resettlement and protection against violence.9 Women are therefore exposed to higher levels of discrimination, violence and health complications due to their gender. Nearly half of the female-headed households in Jordan have no-monthly income and depend on donations.10 This puts women in vulnerable positions to find diverse ways of making money. There have been cases of women relying on “survival sex”, that is selling sexual pleasures to men for money.11 As much as this is similar to prostitution, Syrian women I would argue are not doing this profession out of interest, but need. In the context of female Syrian refugees, I claim that through the notion of survival sex women are exposed to diseases such as HIV/AIDS and sexual and/or physical abuse from the men they interact with.12 There have also been cases of women getting abused for opening the subject of the usage of condoms when engaging in sexual practices.13 Women who decide not to exchange sexual pleasures to men are often put in positions of extreme poverty an example of this is the case of

12 Ibid.
Reem, a young female asylum-seeker, and her inability to secure resettlement. Reem was asked by her smuggler in Turkey for sex in exchange for a safe passage to Europe, lucky enough for Reem she was able to pay her smuggler and refused the offer. However, her friend Hala was not as lucky and did not possess the means to pay the smuggler and was not prepared to perform any sexual pleasures in exchange for a resettlement opportunity so she was left behind. 

Women are pressured to perform sexual favors for men in hopes that they will be able to travel across borders/oceans. In the case of Reem and Hala, where were the international organizations and States who are responsible for protecting women from being taken advantage of? Young women every day are subjected to poor treatment and harassment from men that believe they can take advantage of them. Since the international community is silent on issues that female refugees face at borders and in host nations men believe that they can take advantage of women since no one will hold them accountable. In addition, female refugees also feel that any forms of harassment should not be reported as this would risk their chances of resettlement. Reem commented, "in the camps, we are so prone to being touched, women can't really complain and they don't want to cause issues to disrupt their trip." A women’s concerns against harassment and discomfort should never be considered a disturbance and should be taken care of immediately to hold those responsible accountable. The international community failed to uphold the main objective of the Fourth Geneva Convention which states that “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.”

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15 Ibid.
16 Ibid.
17 "Geneva Convention (IV) on Civilians, 1949."
smuggler had insisted on receiving sex from the young women and ended up raping them? What international “court” could hold him accountable? Reem and Hala are examples of women that did not have to endure rape, but there are many other undocumented cases in which victims were unable to speak up and their perpetrator got away with their crimes. Rapists get away with their actions because there is no international police off to get them. Camps are criminalized spaces where political and power structures form leaving women to feel powerless and oppressed.18

This paper focuses on Jordan and Lebanon since most of the Syrian female refugees are currently residing within their borders. As noted above, the latter have either signed and/or ratified CEDAW, which in my opinion is the strongest convention that respects the rights of women and provides a guideline for States to follow when providing care for females and female refugees. To emphasize, the convention is called “Convention Elimination all forms of Discrimination Against Women” and the purpose of the following argument is to provide evidence that the States that recognized that eliminating all forms of discrimination against women was important are failing to provide the basics of protection. In accordance with the Articles listed above and the issue of survival sex, women face physical and sexual abuse from the closest of relatives within the borders of Jordan and Lebanon. I would like to remind you that signatory states such as Jordan and Lebanon have the responsibility legally to take all measures to eliminate discrimination and advance female equality.

Female Syrian refugees residing in Lebanon have taken over traditional roles in the household and have begun to become breadwinners of their families. Therefore, men may face high levels of stress due to unemployment and insecurity. The economic struggle that females experience to find dignified jobs to support their families has dearly affected females. There have

been many cases of sexual and physical assault of female refugees from their families. Testimonies from women in Lebanon share that their experience with violence and abuse mainly emerge from their spouses.\textsuperscript{19} The women claimed that their husbands would release their stress by hitting or beating them. This leaves women mentally and physically in a bad place. The testimonies shared by the women in Lebanon are a clear example of domestic abuse which is outlined in the Fourth Geneva Convention rooted in Article one. Even though the latter is not legally binding this does not remove the onus on States signatory to CEDAW from acting upon actions of discrimination towards women. States are urged to “exercise due diligence to prevent, investigate and… punish acts of violence against women.”\textsuperscript{20} States need to acknowledge that violence is connected with the timeline of war which means that the longer conflict continues, the higher the cases of gender-based violence will exceed. It is estimated that 70\% of women refugees have disclosed that they have been abused by their intimate partner.\textsuperscript{21} Men that physically and sexually abuse their wives or other women should be held accountable for their actions. Unfortunately, men can only be held accountable for their actions if women come forward and testify to the abuse they experienced. Many women in Lebanon who experienced physical abuse from their husbands were not prepared to testify to any sexual assault they may have experienced.\textsuperscript{22} This may be a result of fear of loss of their husbands whom they depend on for protection and security from others eager to take advantage of them. This leads me to discuss the issue of women requiring men to protect them. Female refugees often fear insecurity and they


\textsuperscript{20} Ibid.


\textsuperscript{22} Jinan Usta, Amelia R. Masterson, and JoAnn M. Farver, "Violence Against Displaced Syrian Women in Lebanon"
may stay with an abusive partner simply for the sole reason of security from the outside community. Other non-married women may marry into some abusive relationships since this can possibly lift the female refugee and her children from poverty or the risk of insecurity.  

In Jordan, the cases of forced marriage among young female refugees have been on the incline. Since the camps that many families reside in are not secure and their daughters may experience sexual or physical harassment from other members of the camp some families wish to remove that burden of keeping them safe by marrying them off. In addition, it has been reported that some families do so out of economic need. It is as if families are selling their daughters to the highest bidder and of course their daughters do not have a say in this decision leading females to be forced to marry men who may be twice their age and could abuse them. Actions like this should be controlled by the host State such as, in this case, Jordan. Under Article 16 of CEDAW Jordan is legally obliged “to eliminate discrimination against women in all matters relating to marriage and family relations…the same right freely to choose a spouse and to enter into marriage only with their free and full consent…” Forced marriage without consent applies. An example of this is Farah, a young female Syrian refugee in Jordan that spoke to Channel 4 News claimed that she fled her family home due to the harsh conditions and abuse she experienced when she refused to marry the countless men that asked for her hand in marriage. Farah stated that she ran away for a better life and would not accept being forced to marry someone she did not desire. Farah is an example of a young woman that protested.

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25 Ibid.
26 Sharron Ward. ”Syria: The Hidden War on Women.”
27 Ibid.
against cruel and inhumane treatment and decided to run away, however, there are countless cases of other young women who were unable to courageously flee. In addition, I would like to point out that since Farah is also travelling across borders alone this puts her in a vulnerable position similar to the cases of Reem and Hala. To refer back to the issue of forced marriage, in Jordan statistics from GirlsnotBrides report that as of 2014, 32% of registered marriages involved a young woman under the age of 18.28 This rate is higher in Lebanon where 41% of displaced Syrian women were married before the age of 18.29 It is important to note that these statistics represent the marriages that were registered. This could be higher for those unregistered. Child and forced marriage are used as a weapon of war and Jordan and Lebanon are failing to uphold their commitments with CEDAW to protect the rights of women especially from forced marriage and discrimination. This allows me to question whether there is any data explaining the consequences of men that marry young women in Lebanon and Jordan. When men go to register the marriage does the State of Lebanon or Jordan allow the marriage? In fact, under Lebanese law, it is permitted for a man of 18 years of age or older to marry a girl of 9 years with guardian permission.30 In the case of child and forced marriage, the consent of the female is out of the question, therefore, legally, older men can marry younger women without punishment. This law discredits the role of CEDAW and breaches the ratification of the convention by Lebanon. According to GirlsnotBrides, the age limit for marriage in Jordan is 18,

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29 Ibid.
however, there have been cases in which the judge can waive the age limit. The latter applies to registered marriages and as noted many child and forced marriages go undocumented as this will discriminate against the rights of women to marry into a harmonious marriage rooted in consent and a restricted age limit. Lebanon and Jordan have failed to uphold Article 16 part 2 of the CEDAW convention which notes that child marriages shall have no legal effect and States shall take all necessary action to specify a minimum age of marriage. Female Syrian refugees will continue to suffer forced marriages because Lebanon and Jordan are not willing to live up to their commitments. Female Syrian refugees will have to part with discrimination because Lebanese marriage law is dated and does not respect the rights of females in marriage. CEDAW is rooted in the protection of females from all forms of discrimination and Lebanon and Jordan were aware of this when they signed and ratified the convention. Why is it that these nations continue to fail females that seek protection? Female Syrian refugees do not only seek protection from forced marriage but from men that harass them in their camps. Therefore, Lebanese and Jordanian police should provide nightly shifts in the areas that refugees generally reside to provide a form of protection for females returning home late from work.

Section 3: Health and Well-Being

When war breaks out the question of female’s health and well-being is almost never discussed. According to the UN, 1.7 million women and girls need access to reproductive health services. Women are an essential role in post-conflict reconstruction and if they are unable to access basic hygiene products and reproductive services this can dearly effect what is totaled to be 50% of the world’s population. Women experience low standards of hospital care and

32 “Convention on the Elimination of All Forms of Discrimination against Women.”
33 Samira Sami et al., "Responding to the Syrian Crisis: The Needs of Women and Girls,".1
increased negligence. Syrian women struggle to find free and affordable reproductive health care services. The UNHCR does cover about 75% of medical costs for patients in Lebanon however, this does not guarantee women will receive good treatment that is comfortable for them. Pregnant refugee women in Lebanon claim that they were ignored by the healthcare workers for hours and felt obliged to have a C-section because doctors did not want to wait on them in labour. Doctors knew that the female’s refugees bill was 75% covered by the UNHCR regardless of the treatment provided. In some cases, a number of UNHCR-registered patients still had to fight for their hospital bill to be covered by non-UNHCR contracted hospitals. UNHCR-registered Women are guaranteed the coverage of their bill by 75% and should not have to go to longer lengths to ensure financial stability. Especially if they were not given the treatment they desired, but what was efficiently available. A midwife working at Médecins Sans Frontière stated that “the high cost of delivering in Lebanon has rendered it common for Syrian women to go back to war-torn Syria to deliver for free.” Even though female Syrian refugees are aware of the services available to them in Lebanon they sometimes, cannot afford the 25% that the UNHCR requires them to pay. This leads some women to deliver their babies in informal ways which can often be unsanitary or unsafe for the female and her child. Those that do go to hospitals and are unable to pay the remaining of the bill get their refugee cards confiscated until

34 Rola Yasmine, and Catherine Moughalian. 2016. Systemic violence against Syrian refugee women and the myth of effective intrapersonal interventions., 31
35 Samira Sami et al., "Responding to the Syrian Crisis: The Needs of Women and Girls.", 2
36 Rola Yasmine, and Catherine Moughalian. 2016. Systemic violence against Syrian refugee women and the myth of effective intrapersonal interventions., 31
38 Rola Yasmine, and Catherine Moughalian. 2016. Systemic violence against Syrian refugee women and the myth of effective intrapersonal interventions., 32
39 Ibid.
payment. This action occurs on Lebanese soil and infringes on Article 12 of CEDAW which urges States to take appropriate measures to eliminate discrimination against females healthcare and provide equal health care services. The ability for a hospital to confiscate a female’s refugee card and limit her ability to access certain services is a form of discrimination which Lebanon promised to respect. Female refugees should not be punished for their desire to reproduce and should not be limited by their financial ability.

There are underlining factors that contribute to women’s limited ability to access health care services and that is rooted in the poor treatment provided by the Lebanese law enforcement. In most instances when Syrian female refugees report harassment executed by their landlords, employers, community members and even aid workers they become targets of harassment by the police as well. Lebanese authorities do not prevent or persecute the violence directed at Syrian refugees, but they mandate evening curfews. This is a huge infringement of Article 2 of CEDAW which notes that “States parties [should] condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.” In addition, women fear reporting the incidents to police because they lack trust in the law enforcement and they fear deportation. All of these factors limit a women’s mobility thus, restrict their access to health care facilities which can contribute to Syrian women’s poor reproductive health outcomes. This situation extends with rates of unwanted pregnancies either through marriage or rape resulting in women wanting to terminate their pregnancies. In Lebanon finding an abortion clinic is difficult as it is considered shameful

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40 Ibid.  
41 “Convention on the Elimination of All Forms of Discrimination against Women.”  
42 Rola Yasmine, and Catherine Moughalian. 2016. Systemic violence against Syrian refugee women and the myth of effective intrapersonal interventions., 32  
43 Ibid.  
44 “Convention on the Elimination of All Forms of Discrimination against Women.”
for a woman to want to terminate her baby. Syrian female refugees claimed that they are shamed by health care providers and called "bad" women when they seek an abortion. Meanwhile, unmarried women who seek abortion are told to return to the clinic with their husbands if they wish to terminate their baby. This does not assist in the liberation of a female and her ability to make decisions on her body. In fact, this solidifies that Lebanon does not enforce CEDAW and rather disempowers women and shames them for situations out of their control. Shame on Lebanon for not respecting the very convention they ratified and claimed they respected. If Lebanon continues on this poor path they will be infringing on Articles 10 (h), 12 and 14 of CEDAW which call for States to provide adequate health care facilities for women and help liberate them. In conclusion, I would like to add that according to the General Assembly Declaration on the Elimination of Violence Against Women, females have the right to the “highest standard attainable” of physical health and the right to not be subjected to “cruel, inhuman or degrading treatment.” Even though this declaration is not binding is does provide a guideline for States to follow especially if they are unaware of how to protect women from discrimination like Lebanon and Jordan.

This paper attempted to address the failures of Lebanon and Jordan to uphold Syrian women’s rights in accordance with CEDAW and the Declaration on the Elimination of Violence Against Women. Both Jordan and Lebanon ratified the convention and are aware of their responsibilities yet this paper argued that these nations failed to uphold Syrian women’s rights. I identified that the General Assembly Resolution is not binding, but does in my perspective go hand in hand with the expectations of CEDAW. This paper outlined the difficulties Syrian

45 Rola Yasmine, and Catherine Moughalian. 2016. Systemic violence against Syrian refugee women and the myth of effective intrapersonal interventions., 32
46 Ibid.
47 "Geneva Convention (IV) on Civilians, 1949."
female refugees endure within the borders of Lebanon and Jordan through survival sex, physical/sexual assault, forced and child marriages and finally discrimination accessing reproductive services. The journey to these nations was already hard enough for women and their children, experiencing further discrimination solely based on their gender and financial status is not acceptable and Jordan and Lebanon should go to great lengths to ensure the protection and safety of female refugees within their borders. It is merely not enough for these States to ratify or recognize that women deserve protection under CEDAW or under other laws or conventions, but implement actions that will ensure the protection of female refugee’s rights. I urge Lebanon and Jordan to strictly observe the age limit on marriage and punish those seeking underage marriage. In addition, I protest that Lebanon and Jordan should provide services in which females can report incidents of harassment and sexual assault to allow females to feel safe in the community they are residing in. Lebanon and Jordan should work to empower women in the field of employment and within their community to allow women to support their families in a dignified way. Finally, international actors such as the UN should continue to shame Jordan and Lebanon for their negligence in hopes that this will apply pressure to their system to change their poor habits. Women make up over 50% of the world's population, empowering one woman can help empower other women who can later give back to the community and help lift tons of people out of poverty.

References


