



Achieving Gender Equality and Addressing Sexual and Gender-Based Violence in the Global Compact on Refugees

SUMMARY FINAL REPORT OF THE FIVE UNHCR THEMATIC DISCUSSIONS AND THE UNHCR HIGH COMMISSIONER'S DIALOGUE ON PROTECTION CHALLENGES IN 2017.

(Full Report at <http://www.unhcr.org/5a72f2eb7>)

*'We should not mainstream gender into the oblivion - it should be exactly the opposite.
We take it to heart and want to bring it forward.'*

-Filippo Grandi, UN High Commissioner for Refugees, 13 December 2017

In 2017, a comprehensive gender audit of the UNHCR five thematic discussions on the Global Compact on Refugees (GCR) and the High Commissioner's Dialogue on Protection Challenges (HCD) was undertaken by the Forced Migration Research Network University of New South Wales (UNSW) in partnership with refugee women and facilitated by the UNHCR CRRF Team and Gender Equality and SGBV Units. A two-part strategy was used which included a comprehensive gender audit of each of the preparatory meetings leading to the draft compact, and the active participation of refugee women as presenters and gender auditors. Five refugee women from Eritrea, Myanmar, South Sudan, Syria and Ukraine, two academics and two research assistants from UNSW participated in the gender audit. They recorded and analysed the composition of panels, interventions by Member States, UNHCR and other speakers, and compared these with the formal meeting notes to identify gender omissions. Additionally, they made interventions in sessions and presented on panels.

The aims of this gender audit were to ensure that the strong and clear set of commitments to refugee women and girls and gender diversity in the 2016 New York Declaration for Refugees and Migrants, and the promises to address barriers to these made by Member States, UNHCR and other key players in the Thematic meetings and HCD are fully reflected throughout the GCR. Specifically, it aimed to ensure that gender is included as a statement of principal in the preamble to the Comprehensive Refugee Response Framework (CRRF) and as action points in each Pillar of the Programme of Action (PoA).

It was noted that while gender and sexual and gender based violence (SGBV) were rarely mentioned in the first Thematic Meetings, and rates of female participation on panels was low, this had changed dramatically by the HCD, where there was gender equity across panels, and that gender equality, and SGBV and the need to acknowledge diversity, including the LGBTI community was included in all discussions.

Key findings of the analysis were: that if gender equality and the different issues experienced by women and girls, men and boys are merely assumed, then they are not addressed; that the mere addition of the word "gender" in a sentence, or the continued reference to women and girls as part of vulnerable minorities simultaneously hides and fails to address the lack of gender equality; that the enormous capacity and capability of refugee women is not utilised either locally or internationally; that SGBV has become just another acronym in a list of acronyms, and the devastating impact of endemic rape, sexual and gender-based violence both as a cause of gender equality and a major barrier to the achievement of gender equality is not recognised; that too often women and girls are "mainstreamed to oblivion", and their specific protection needs not fully addressed. That if data is not *sex, age, disability* and where possible *diversity disaggregated*, the different experiences and needs of women and girls, men and boys, including within the LGBTI community, the elderly and people with a disability are not identified, nor addressed. That gender-sensitive accountability measures, monitoring and evaluation are a critically important part of the delivery of effective protection, and must be included in all aspects of protection responses. That the High Commissioner's 2001 five commitments to refugee women must be operationalised throughout the PoA; and that these issues are intersectional and cannot be addressed in isolation.

It is therefore strongly recommended by the audit team that the zero draft of the GCR should be audited against the full report of the Thematic Meetings and the High Commissioner's Dialogue to ensure that the commitments made by Member States, UNHCR, refugees and other key players are reflected in the zero draft of the PoA before it is released for final discussion and debate.

SUGGESTED TEXT FOR THE PREAMBLE OF THE GCR WHICH REFLECTS THE STRONG COMMITMENTS MADE IN THE NEW YORK DECLARATION

UNHCR, Member States and partners will ensure that the comprehensive body of international law and policy developed over the past 30 years to address the rights and protection needs of refugee women and girls, is fully implemented through both targeted action and mainstreaming. This must address the endemic rape and sexual abuse which is a major barrier to gender equality and women's participation. The immense social and economic capital and capacities of refugee women and girls must be recognised and barriers which block their access to parity with men and boys removed.

GENDER EQUALITY AND SGBV KEY CROSS-CUTTING RECOMMENDATIONS FOR THE GLOBAL COMPACT ON REFUGEES

'Gender is a key issue for the Global Compact on Refugees and must be captured in broader responses... there has to be a monitoring framework for Age, Gender and Diversity'- Filippo Grandi, High Commissioner for Refugees, 13 December 2017

The principles underlying each of these recommendations is common but will require locally appropriate actions and programs to fulfil them. It is also proposed that these recommendations which were most consistently made by all stakeholders and which cross-cut all four pillars be included in a preamble to the PoA. Responding to calls from States and other stakeholders for guidance, they should be referenced to a comprehensive Community of Practice specifically developed to guide implementation of the PoA.

The PoA will ensure:

- *That the full, equal and meaningful participation of refugee women, men, girls and boys be mandated at all levels of refugee protection, in flight, reception, camps, urban sites, local settlement, resettlement, peacebuilding and conflict resolution and throughout the operations management cycle. Proactive and effective support will be provided to all refugees to ensure that they are able to contribute their maximum potential, recognising that women and girls may need particular support to overcome ongoing barriers to their participation. Measures will be taken to ensure that marginalised groups such as people with a disability, youth, children, older people, people belonging to national, ethnic, linguistic, religious minorities or indigenous groups, and lesbian, gay, bisexual, transgender and intersex people (LGBTI) are given equal opportunities for self-representation and decision-making.*
- *That sex, age, disability and where feasible to do so, diversity disaggregated data (SADDD) will be collected and analysed at all stages of forced displacement and refugee response to better inform planning and programming.*
- *That a gender analysis tool, a gender equality accountability framework with indicators and viable monitoring and evaluation mechanisms, be developed to ensure that commitment to gender equality made in all four pillars of the PoA are transformed into effective protection, services and solutions for all refugees, recognising the rights, needs, priorities and capacities of age and diversity groups, including older people, people with a disability, and LGBTI people.*
- *That refugee women and girls must always be registered as individuals and have access to their own documentation at all stages of the refugee journey, from initial registration to durable solution and including access to birth registration.*
- *That the medical, psycho-social and legal needs of SGBV survivors, including access to justice, and an end to impunity for perpetrators, be provided by qualified personnel at all stages of forced displacement.*
- *That the direct links between SGBV and gender equality, both as a cause and a barrier to gender equality is specifically mentioned in each of the four pillars of the PoA and that this strong link be recognised and addressed through the implementation of existing international law and policy on women's and girls' human rights and gender equality and funding which addresses both issues simultaneously.*
- *That human rights violations such as sexual and gender-based violence, sexual torture, sexual exploitation and abuse, gender discrimination, sexual harassment and other forms of discriminatory practice are specifically named in the PoA to ensure that they are fully addressed, including adequate prevention and response.*
- *That Member States, UNHCR and partners commit to ensuring adequate gender equality and SGBV expertise in their work with refugees, in terms of mandatory training for all staff as well as specific technical positions, including drawing upon existing pools of standby experts.*

RECOMMENDATIONS ABOUT HOW THESE CAN BE APPLIED ACROSS FOUR PILLARS OF THE PoA CAN BE FOUND IN THE FINAL AUDIT REPORT. TOGETHER THEY PROVIDE A COMPREHENSIVE RESPONSE TO GENDER INEQUALITY.

RECOMMENDATIONS PILLAR 1- RECEPTION AND ADMISSION

'Refugee women and girls are vulnerable to trafficking. These crimes occur in camps and early stages of arrival. We need to ensure effective and early registration to reduce the risk of being targeted.' – Belarus

'SGBV is the main reason to flee the country of origin... it is vital to create safe {reception} spaces.' - Mexico

- That all registration processes including those implemented by Member States and/or UNHCR and other actors will provide rapid and individual registration to all refugees. Women, girls and boys will be registered in their own right, independent of a husband, father or other male family members and have access to their own documentation as a critical aspect of a protection-sensitive entry system. Special attention will be paid to identifying separated and orphan children, people with a disability, older persons and LGBTI people, and providing birth certificates to girls and boys.
- That an age, gender and diversity approach will inform registration and admissions procedures and be used in all service delivery which responds to women and girls, boys, people with a disability, LGBTI persons, minorities and older persons. This will include the training of all reception personnel, including security guards and interpreters, on age, gender and diversity sensitivity, including protection of LGBTI persons of concern.
- The continued and expanded use of the UNHCR Heightened Risk Identification Tool will be a mandatory part of the registrations and admissions processes to identify specific assistance needs and protection arrangements. Female asylum-seeker and refugees should always be interviewed by female staff, including interpreters, unless otherwise requested.
- That revised and standardised guidelines for the recognition of gender-based discrimination, sexual orientation and gender identity and SGBV as grounds for protection, non-refoulement and guidelines for asylum decision-makers will be developed. These will include the occurrence or serious risk of early/ forced marriage, female genital mutilation, dowry-related violence, domestic violence, trafficking, and persecution of LGBTI people.
- That detention or family separation will not be used as a deterrent which prevents refugees from seeking protection. Children should not be placed in detention. Detention conditions should strictly follow guidelines regarding separate of men and women, the provision of adequate health services, including sexual and reproductive health including sanitary needs and for pregnant women, and adequate prevention and response to sexual harassment, sexual and gender-based violence and sexual exploitation and abuse.
- That all data collected will be disaggregated by age, gender, disability and diversity to better understand both the needs and how people can contribute to identify and implementing solutions. It will include identification of language requirements to identify those requiring additional translation services because of low levels of literacy or use of local dialects, which most often affects women and girls.
- That SGBV risk identification and responses will be provided in cooperation with local services and national government ministries. These will include the early implementation of SGBV and health guidelines, paying attention to the additional risks faced by women and girls, and include access to safe shelters for women and children, the provision of sanitary materials, gender-segregated, hygienic toilet and washing facilities within reception facilities. Effective and innovative prevention strategies will be developed in partnership with refugee communities.
- That accountability measures, and gender-sensitive monitoring and evaluation systems will be established from the outset of all emergencies.
- That support will be provided for refugee women to be actively involved in service provision and management structures and for the development of a gender-sensitive evaluation plan from the outset of all emergencies, including in reception and admissions. Participatory approaches will be utilised, to ensure the engagement and mobilisation of social capital of both refugees and host communities.
- That the work of the Global Response Group will be enhanced by a comprehensive gender strategy, including the involvement of gender specialists and targeted support to ensure the participation of refugee women's community organisations and include targeted support to States to develop, extend or enhance national, regional and local gender policy frameworks and services for both refugee and host community women and girls.

- That global and regional refugee groups and organisations, especially women's organisations and networks, be mobilised and resourced to provide reception and admission services and measure outcomes as displacement events occur.

RECOMMENDATIONS PILLAR 2 - SUPPORT FOR IMMEDIATE AND ONGOING NEEDS

'We must involve youth and women in the response to SGBV, and provide education for both boys and girls.' - Lebanon

'I am compelled to take to the floor after hearing the youth delegate – I support all measures for the empowerment of women and the prevention of SGBV.' – Djibouti

- That improved support be provided to ensure the realisation of the rights of **all** female refugees, including those who have been smuggled, trafficked, affected by climate change or who are stateless. This will include full access to adequate services that meet their specific needs, priorities and capacities including the timely and adequate distribution of food, sanitary materials and health services.
- That ongoing needs including comprehensive sexual and reproductive health, education, trauma counselling, adequate and safe shelter, information on legal options and access to justice, access to information, equal access to cash-based interventions, sustainable and appropriate livelihood opportunities, formal and non-formal education, recognition or fast-tracked conversion of educational and professional qualifications and the right to work will be provided as soon as is possible and in co-operation with host communities.
- That more and better resources, including significantly increased funds for SGBV programming, be mobilised in order to adequately implement Grand Bargain Commitments. This will include a comprehensive situation specific gender analysis of the causes of and potential responses to gender inequality and SGBV.
- That access is facilitated to refugee-sensitive national health, sexual and reproductive, and mental health services that address the specific health needs of women and girls, the LGBTI community, SGBV and torture survivors and those with HIV/AIDS.
- That thorough research is conducted to provide evidence on the gender dimensions and gender equality and SGBV impacts of cash assistance and the other supportive factors required to ensure positive sustainable protection outcomes for women, including through the proposed Data Evidence Alliance.
- That refugee women's significant social capital be recognised and that they and their organisations are fully included at the local, national, regional and international levels in the development of policies, solutions and systems, including in the key areas of health, sexual and reproductive health, education, in particular addressing barriers for girl children and child protection.
- That targeted support be provided to girls, their families and communities to ensure that girls do not drop out of school.

RECOMMENDATIONS PILLAR 3 - SUPPORT FOR HOST COUNTRIES AND COMMUNITIES

'There is a need to increase self-reliance in asylum contexts which improve the situation on both asylum and return to country of origin...and that returnees, both men and women should have access to full human rights.' - Turkey

'Should ensure that all boys and girls can complete primary education without financial burden and vocational training for women and child support.' - Kenya

- That gender equality machineries, institutions and civil society organisations in host countries will be invited to be involved in identifying gender-focused solutions both for the refugees and the host communities in which they live and legal systems strengthened to ensure justice for refugee women and youth.
- That livelihood opportunities for women address the gender specific barriers they face such as lack of prior educational opportunities, no access to childcare and lack of security, through investment in vocational, business training and mentoring for women and young women from the refugee populations and in the local community in

which they live. Special measures will be put in place early, to ensure that refugee women have equal access to economic participation and access to labour markets. In particular, access and protection measures for women and girls at heightened risk, including women who are survivors of SGBV and those who have children from rape will be facilitated so they are not forced to engage or re-engage in survival sex or unwanted marriages.

- That the right to work for all people with a disability, including women and girls, from refugee and host communities be supported through the provision of vocational training and support for them at work, acknowledging that women and girls with a disability are at heightened risk of SGBV and that economic empowerment is a major form of protection.
- That measures will be put in place to ensure that gender appropriate education, health services and access to justice are equally available to refugee women and girls and those from host communities.
- That the inclusion of the specific needs of refugee women and girls in national development plans and other appropriate national policies is strongly encouraged and resourced, to provide technical support to build the capacity for host communities and national authorities.
- That host communities strengthen partnerships with, and appropriately resource, existing women's organisations, both in the refugee and the host communities.
- That as part of their consideration of an effective response to refugees, regional bodies such as the Asia-Pacific Economic Cooperation, The Arab League and the African Union draw on their collective experience to suggest local and effective solutions to address gender inequality and sexual and gender-based violence.

RECOMMENDATIONS PILLAR 4 – DURABLE SOLUTIONS

'The Programme of Action will offer entry points, such as cash-based interventions. Our experience shows that when women are the beneficiaries of cash, the program has a greater impact. Also, during repatriation, women need to be supported in order to preserve the new economic empowerment they may have gained while refugees.'

Brazil

'There needs to be equal opportunities for women and men to access complementary pathways. Specialist assistance and opportunities for family reunion are critical in such pathways.' – Australia

General

- That women and girls will be involved in conflict resolution, peace and security processes and recognised as effective agents of change in achieving all durable solutions from high-level participation at peace forums, to local community levels (UN Security Council Resolution 1325).

Return

- That return planning will be gender-sensitive and recognise that women have often developed new skills and independence in displacement and can contribute to the growth and development in the country of return. Reintegration must foster and support the economic empowerment of women, as an important step towards reducing poverty. Steps will be taken to make self-reliance equally available to women including the provision of childcare, security, pathways to literacy, education and to reduce gender discrimination.
- That financial planning will support local women's networks and organisations, and women will be provided with sufficient information to enable them to make informed and independent decisions about return. Women will be issued with individual identity documents, land deeds and passports, land and property rights, independent of their relationship with any man, and will be provided with legal and other support to access these.
- That group gender composition in returns processes requires careful consideration for the safety of women and girls and for the social cohesion of whole communities, and community-based approaches will be developed to ensure successful integration.
- That in order to achieve successful reintegration, returnees must have equal rights with all other citizens including democratic rights.

- That having been established as a standard tool in the context of voluntary repatriation, all tripartite agreements be required to reflect a strong commitment to gender equality, recognising the different needs, priorities and capacities of men and women, girls and boys. This will enable recognition of gendered priorities and barriers to return, and recognition of the equal rights and different needs of men and boys and women and girls. Such agreements will also assist countries without strong gender frameworks to develop these, including national legal frameworks that support the gender equality commitments of the New York Declaration.
- That it is acknowledged that return and integration are not realistic and safe solutions for all women, for example women whose rapists or abusers are in the country of origin in positions of authority. Many of whom face unique risks on return, for example women who have been shamed by rape, bearing a child of rape, or having resorted to survival sex to feed their family are often at extreme risk. Alternative, safe solutions must be identified for these women.

Integration

The majority of recommendations regarding the integration of women and girls are reflected in Pillar 3- Support for Host Countries and Communities. It was recommended:

- That all women and girls who are integrated into host communities must be granted full citizenship and the accompanying rights equal to women and girls in the host community independent of their marital status or relationship to any male relative.

Resettlement

- Resettlement must remain a protection measure, not an alternative migration pathway, and increased use of the Heightened Risk Identification Tool to identify women and girls and other people at risk, including LGBTI people, will be encouraged, with more resettlement places to be available to women and girls.
- That the timely resettlement of refugees identified as being in situations of danger will be prioritised, in particular women and girls identified as being at extreme risk of sexual and gender-based violence, human trafficking, sexual exploitation and abuse, physical and psychological harm.
- That core advisory resettlement groups will have identified gender specialists, and provide models of gender-sensitive case management and support services for women and girls.
- That when working with women at risk there will be a focus on innovative practice and women's leadership in both sending and receiving countries.

Complementary Pathways

- That women and men will have equal access to complementary pathways which include specific support for women and girls previously denied access to basic education, and ensures apprenticeships and traineeships suitable for women and girls, and appropriate to their informal skills, are also accessible.
- That specialist assistance and opportunities will be provided for family reunion in complementary pathways, and benefits as well as the costs to host countries will be quantified and acknowledged.
- That additional key actors such as UN Women, UNFPA and UNICEF be appointed to the proposed Global Refugee Response Group.