

# Chapter 1: Introduction to Protecting Women and Girls

## Overview

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### Introduction

The protection of women and girls of concern is a core activity and an organizational priority for UNHCR. Members of UNHCR's Executive Committee (ExCom) have specifically recognized the need to devote attention and resources to help ensure the protection of women since 1985<sup>1</sup> and of children since 1987.<sup>2</sup> They reaffirmed this in the Agenda for Protection in 2002.<sup>3</sup>

In order to ensure the protection of these women and girls, it is important for each of us to understand and to recognize the particular challenges they face. These include challenges related to their gender, their roles and position in society. In this way, we can work more effectively to secure their protection on an equal basis to that of men and boys of concern.

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### Purpose

The purpose of this chapter is to provide a brief overview of the

- changing dynamics of forced displacement since UNHCR first issued its Guidelines on women and on children in the early 1990s;
  - challenges displaced and returnee women and girls face today;
  - UN-wide and UNHCR steps to address them through activities to promote gender equality; and
  - challenges to implementation that have arisen.
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### UNHCR's Guidelines on women (1991)

UNHCR's *Guidelines on the Protection of Refugee Women*, issued in 1991, have been an important tool in raising the awareness of UNHCR staff and partners about the particular protection problems faced by refugee women, and setting out ways to resolve these problems. Innovative for their time, they recognized how assistance affects the protection of women and emphasized the importance of women participating in decision-making and planning processes.

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### UNHCR's Guidelines on children (1994)

UNHCR's *Refugee Children: Guidelines on Protection and Care* issued in 1994 follow the framework of the 1989 Convention on the Rights of the Child to help us move from thinking of children as having needs that should be met to recognizing them as having rights to which they are entitled.

These rights are underpinned by the three principles of non-discrimination, participation, and the child's "best interests" contained in the Convention, which together reinforce each other to reach the objective of the survival and development of the child.<sup>4</sup> The Guidelines also stress the importance of community involvement in action to ensure refugee children's protection and care, including through direct interventions and support to their families and communities.

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<sup>1</sup> ExCom Conclusion No. 39 (XXXVI), 1985.

<sup>2</sup> ExCom Conclusion No. 47 (XXXVIII), 1987.

<sup>3</sup> See Agenda for Protection, Goal 6, "Meeting the Protection Needs of Refugee Women and Children", at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=4714a1bf2>.

<sup>4</sup> For further details see chapter 6, section 1.2.2.

## Overview, continued

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### Changes since the early 1990s

Since both these Guidelines were issued in the early 1990s, the dynamics of forced displacement have changed radically, as is outlined in the following section. These changes have affected everyone fleeing violence and persecution, but they have affected women and girls in different ways from men and boys and have raised additional protection concerns.

At the same time, new standards, mechanisms, and approaches have been developed at the international level to promote gender equality and eliminate violence against women and girls. UNHCR has also taken steps at both the policy and operational levels to enhance the protection of women and girls.

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### The continuing challenge

As in all societies, women and girls of concern in every country and community in which UNHCR works are less likely than men and boys to have access to even the most fundamental of their rights. These include their right to food, health care, shelter, nationality, and documentation. Girls, for instance, are less likely than boys to attend school. Often, they must spend their time doing domestic chores or may be married off as children and become teenage mothers.

Armed conflict often serves to exacerbate discrimination and violence against women and girls.<sup>5</sup> Such violence is endemic not only in conflict, but during its aftermath, as women and girls try to re-establish their daily lives.

These human rights violations are not only a result of forced displacement, they are directly related to the discrimination and violence women and girls endure in peace time,<sup>6</sup> since women and girls do not enjoy equal status with men and boys in most societies.

Even when it becomes possible to return home, women and adolescent girls have fewer opportunities to participate in peace and reconstruction processes. Men are usually also better placed to be involved in, and benefit from, reconstruction initiatives because of their greater control over economic resources, access to education, and participation in public life before the conflict.<sup>7</sup>

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### In this chapter

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<sup>5</sup> *Women, Peace and Security*, Study Submitted by the Secretary-General pursuant to Security Council Resolution 1325 (2000), 2002, at <http://www.un.org/womenwatch/daw/public/eWPS.pdf>, para. 6.

<sup>6</sup> Ellen Johnson Sirleaf and Elisabeth Rehn, *Women, War and Peace: The Independent Experts' Assessment*, Progress of the World's Women, 2002, Vol. 1, p. 15.

<sup>7</sup> *Women, Peace and Security*, Study Submitted by the Secretary-General pursuant to Security Council Resolution 1325 (2000), 2002, para. 338.

## 1.1 Displacement today

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*"My family and I were hiding in a room during an attack when a rebel broke in. My mother was asked to give one of her children up or else the entire family would be killed. My mother gave me up. The rebels took me with them, and on our way to their camp I was raped by seven of them. I was bleeding heavily and unable to walk any further. They threatened to kill me if I did not go with them. I was held by them for one year. I became pregnant and decided to escape. Upon my arrival in Freetown, I was rejected by my family and my community. I asked myself, 'Who will help me now?'"*

Marion, Sierra Leonean internally displaced girl aged 17<sup>8</sup>

### Introduction

Conflict, war, persecution, and forced displacement are devastating for individuals, families, communities, and countries. People are torn apart from their loved ones and often lose their livelihoods, their land, their entire way of life. Living in overcrowded camps and makeshift settlements, or hidden from view in cities and towns, those who have been forcibly displaced struggle to survive. When they return home, for instance, after a conflict has ended, they usually face still more obstacles to resuming a normal life.

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### Armed conflict today

The number of internal armed conflicts has increased dramatically since the early 1990s. Civilians have become the targets of the warring parties and have been subject to massive human rights violations. Many seek safety abroad, but may find it difficult to find a country that will admit and protect them. Even more are displaced within their own country. There, they often remain too close to the conflict and humanitarian access may be "anything but safe, certainly not timely, and far from unhindered".<sup>9</sup> The number of internally displaced persons (IDPs) now outnumbers that of asylum-seekers and refugees.<sup>10</sup>

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### Impact on women and girls

No one is spared the violence, but women and girls are particularly affected because of their status in society and their sex. Sexual and gender-based violence (SGBV) – including rape, forced impregnation, forced abortion, trafficking, sexual slavery, and the intentional spread of sexually transmitted infections, including HIV/AIDS – is one of the defining characteristics of contemporary armed conflict. Its primary targets are women and girls.

Women and girls, like men and boys, also risk abduction and forced recruitment by armed groups, whether as fighters, for sexual exploitation or other tasks. The number of single- and/or child-headed households increases during conflict and female adolescent heads of household are particularly at risk of rights violations and marginalization.<sup>11</sup>

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### Human rights violations

More generally, even where there is no armed conflict, women and girls continue to be subject to serious human rights violations resulting from discrimination and/or violence against them because of their gender, age and/or other factors. Where States are unable or unwilling to control such behaviour, this can result in impunity and oblige women and girls to flee in search of safety.

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<sup>8</sup> UNHCR and Women's Commission for Refugee Women and Children, *Respect our Rights: Partnership for Equality*, Report on the Dialogue with Refugee Women, Geneva, 20–22 June 2001, p. 17.

<sup>9</sup> "Report of the Secretary-General on the Protection of Civilians in Armed Conflict", S/2007/643, 28 October 2007, paras. 4–9 and 33.

<sup>10</sup> See UNHCR Division of Operational Services, "2006 Global Trends: Refugees, Asylum-seekers, Returnees and Stateless Persons", 16 July 2007.

<sup>11</sup> *Women, Peace and Security*, Study Submitted by the Secretary-General pursuant to Security Council Resolution 1325 (2000), 2002, para. 87. See also, Dyan Mazurana and Christopher Carlson, "The Girl Child and Armed Conflict: Recognizing and Addressing Grave Violations of Girls' Human Rights", September 2006, at <http://www.un.org/womenwatch/daw/egm/elim-disc-viol-girlchild/ExpertPapers/EP.12%20Mazurana.pdf>.

## 1.1 Displacement today, continued

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### **Mixed movements of refugees and migrants**

At the same time, accessing territory and finding protection in another country has become more and more difficult. Asylum-seekers and refugees fleeing persecution and human rights abuses now often flee as part of mixed movements of people along with economic migrants. Frequently, governments seeking to control illegal migration also impose visas or intercept individuals who do not have the correct documentation. Yet these people may well include refugees, who may as a result be prevented from reaching somewhere where they can safely claim asylum.

Increasingly, women and children, including unaccompanied and separated children, are part of these movements.<sup>12</sup> Nevertheless, the position of women and girls in society, their frequent lack of means to travel and/or knowledge about their rights and the particular risks they face during flight mean it is generally still more difficult for women than men to reach a country where they can safely seek asylum.

Without regular means of reaching a country where they can seek asylum, refugees now often have to resort to smugglers and perilous routes to reach safety. Women and adolescent girls in search of protection may also be forced to offer sex to border guards and others in return for permission to pass and are at greater risk of being trafficked into prostitution and other forced labour.

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### **More restrictive asylum systems**

Concerns that economic migrants are misusing asylum channels to gain regular admission are one factor resulting in more restrictive asylum systems. Some politicians and certain governments are also increasingly willing to make political capital out of a tough line towards foreigners, including refugees and asylum-seekers.

Restrictive measures affect everyone trying to seek asylum but women and girls face additional challenges securing asylum. This is so, if, for instance, they are victims/survivors of SGBV or are on their own, either as single women or as unaccompanied or separated girls. In collective reception centres, women and girls on their own may also be at risk of further abuse or violence, if they are not accommodated separately from men or if there is not sufficient privacy. Too often, unaccompanied or separated girls fall victim to traffickers and disappear in the course of the asylum procedure.

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### **Asylum claims by women and girls**

When women and girls seek asylum, awareness of how persecutory treatment may differ or may be experienced differently depending on age or gender may well be inadequate. Women and girls may also be reluctant to speak about their experiences in front of male interviewers or male interpreters and procedures may not take proper account of children's perspectives and experiences.

There have nevertheless been some advances. For example, a growing number of States do recognize that refugee status can be recognized in cases involving gender-related persecution, including that involving domestic violence and harmful traditional practices.

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<sup>12</sup> UNFPA, *State of the World's Population 2006: A Passage to Hope: Women and International Migration*, 2006.

## 1.2 Impact of displacement on women and girls

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### Introduction

The impact of forced displacement on women and girls can be devastating. When families become separated this removes the support and protection the family used to provide. Family members may have to assume different roles and women and girls may become sole providers for their children/siblings. The situation is exacerbated by the lack of gender equality. Particular challenges can arise in the following situations:

- urban areas,
- camps,
- isolated non-camp areas,
- upon return,
- upon local integration, and
- upon resettlement.

**Note:** The impact on women and girls in each of these situations is discussed further below.

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*"We live in overcrowded, airless, single rooms. There is no fresh water, no kitchen, and many people share the toilet... We have to hide our shoes because if the landlord sees many shoes outside he will know how many people are living here and will kick us all out."*

Refugee women at a UNHCR workshop on the identification and protection of women at risk, New Delhi, India, September 2005

### Impact in urban areas

Forcibly displaced women and girls in urban areas often live in squalid conditions and lack access to fundamental services, such as education and health care. Without money to pay for rent or even food, women risk sexual exploitation by landlords and others. Some displaced women and girls are virtually imprisoned indoors, fearing arrest and deportation, or the wrath of their husband, father, male siblings or other relations, if they leave their homes. If they are employed as domestic workers, they often face violence and/or exploitation at the hands of their employers and may be less well equipped than their male counterparts to resist such treatment.

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*"I wanted to follow the law and get justice for my child, but the neighbour offered me money instead, and my husband accepted the money. I wanted to insist that we take the case to court for my daughter, but I feared my husband would beat me if I kept pushing. I am angry for what happened but by the grace of God my little girl did not get a fatal disease. This kind of thing happens all the time in the camp."*

Refugee mother in Tanzania whose seven-year-old daughter was raped by her paternal uncle<sup>13</sup>

### In camps

The situation of displaced women and girls living in camps – often for years on end – is not much better. At the end of 2003, 6.2 million refugees were living in protracted refugee situations in 38 countries in the world, mostly in Africa.<sup>14</sup>

Increasingly lengthy stays in camps, which are often located in insecure areas and may be subject to cross-border attacks, result in declining international attention and resources, lack of privacy and livelihood

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<sup>13</sup> Human Rights Watch, "Seeking Protection: Addressing Sexual and Domestic Violence in Tanzania's Refugee Camps", 2000, p. 49.

<sup>14</sup> UNHCR, "Protracted Refugee Situations", EC/54/SC/CRP.14, Standing Committee, 10 June 2004. "Refugees can be regarded as living in a protracted situation when they have lived in exile for more than five years, and when they still have no immediate prospect of finding a durable solution to their plight by means of voluntary repatriation, local integration or resettlement." From J. Crisp, "No Solutions in Sight: the Problem of Protracted Refugee Situations in Africa", New Issues in Refugee Research, Evaluation and Policy Analysis Unit, UNHCR, January 2003.

## 1.2 Impact of displacement on women and girls, continued

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### In camps (continued)

opportunities, limited participation in decision-making processes, and restricted access to fundamental rights lead to a host of protection risks for women and girls.

Sexual and gender-based violence (SGBV), including domestic violence and alcohol abuse, increases in such circumstances. Women and girls may be attacked as they look for firewood or water outside the camp. Lack of, or biases in, judicial systems and/or in traditional justice mechanisms often leave them with no redress or result in further stigmatization and discrimination. As financial resources are depleted, adolescent girls are married off at increasingly younger ages. For some women and girls, survival sex becomes the only way to support themselves and their families.

In addition, in situations of internal displacement, humanitarian access, including to women and girls, is often more limited. IDP women and girls are also more likely to be caught in the midst of ongoing conflict, with all its attendant risks, including of repeated raids, abduction, forced military recruitment, and SGBV.

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### In isolated non-camp areas

Displaced women and girls in non-camp rural areas can also face significant challenges. They may, for instance,

- be unable to find adequately paid jobs and therefore be at risk of exploitation, working, for instance, for extremely low wages on isolated farms, living in squalid conditions and being effectively trapped;
- have to pass through police or military road blocks, limiting their freedom of movement and exposing them to harassment and SGBV;
- have to obtain permission to travel or have to be accompanied by a male relative if they need medical or other assistance; and/or
- have to travel long distances, for instance, to obtain documentation or assistance, putting further strain on their meagre resources and reducing the chances of being able to access reproductive healthcare services and education.

Internally displaced women and girls living in remote areas are also more vulnerable to armed attack by raiders and are at heightened risk of abduction, rape and sexual abuse.

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*"The international community only cared about Kosovar women when they were being raped – and then only as some sort of exciting story. We see now that they really don't give a damn about us. What we see are men, men, men from Europe and America and even Asia, listening to men, men, men from Kosovo... But when it comes to real involvement in the planning of our country, our men tell the foreign men to ignore our ideas. And they are happy to do so under the notion of 'cultural sensitivity'".*

Woman from Kosovo<sup>15</sup>

### Upon return

In recent years, many refugees and internally displaced persons have returned home. Yet returning often entails new hardships for women and girls, many of whom are not given a real choice about the decision to return. The high level of violence during the conflict often becomes the new "norm" that continues into

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<sup>15</sup> Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment*, Progress of the World's Women, 2002, Vol. 2, p. 130.

## 1.2 Impact of displacement on women and girls, continued

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### Upon return (continued)

the post-conflict period, where chaos adds to the many frustrations that were not resolved by war.<sup>16</sup>

Frequently excluded from peace processes, women and girls often suffer continued violence and discrimination in reconstruction and rehabilitation activities.<sup>17</sup> In the absence of male relatives, especially following conflict, women and girls may assume non-traditional roles and face discrimination and prejudice as a result. Once home, women and girls may face obstacles accessing their housing, land or property, education, and other essential services.

In some cases, they may find themselves face to face with their rapists and attackers and be forced to live in fear and silence, as cultural taboos and the absence of support have kept the crimes hidden and protected the perpetrators.

These challenges may, in turn, undermine the sustainability of their return.

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### Upon local integration

Refugee women and girls who are able to integrate locally in their country of asylum often have to adapt to very different roles and cultures. Girls may face additional pressures and may be obliged to assume roles as care-givers, where, for instance, their parents do not speak the local language, while older and/or single women may find themselves marginalized and without the support they enjoyed in their country of origin. Trauma and lengthy asylum procedures can further hamper the integration process.

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### Upon resettlement

In the resettlement context, UNHCR faces challenges ensuring the timely identification for resettlement of refugee women and girls who are most at risk. Problems may also arise regarding divorce, child custody, polygamous marriages and where children, including girls, are unaccompanied or separated. In addition, UNHCR may need to deal with situations where family members provide inaccurate information when seeking to qualify for resettlement.

After resettlement, refugee women often remain exposed to protection risks such as domestic violence, which can actually become worse in the new resettlement environment.

**Note:** For more on securing solutions for women and girls, see chapter 4, section 3.

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### Resilience of women and girls

At the same time, despite all these challenges, women and girls of concern show great resilience, resourcefulness and courage in adapting to and surmounting these problems. They may too often become victims of serious human rights violations, but they are also strong survivors whose active participation and empowerment we must support and secure if we are to protect their rights and those of their communities.

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<sup>16</sup> Elisabeth Rehn and Ellen Johnson Sirleaf, *Women, War, Peace: The Independent Experts' Assessment, Progress of the World's Women*, 2002, Vol. 2, p. 12.

<sup>17</sup> Report of the Special Rapporteur on Violence against Women, "Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women", E/CN.4/2003/75, 6 January 2003.

## 1.3 Promoting gender equality to protect women and girls

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*“Sixty years have passed since the founders of the United Nations inscribed on the first page of our Charter the equal rights of women and men. Since then, study after study has taught us that there is no tool for development more effective than the empowerment of women. No other policy is as likely to raise economic productivity or to reduce infant and maternal mortality. No other policy is as sure to improve nutrition and promote health, including the prevention of HIV/AIDS. No other policy is as powerful in increasing the chances of education for the next generation. And I would venture that no policy is more important in preventing conflict, or in achieving reconciliation after a conflict has ended.”*

UN Secretary-General Kofi Annan at the Beijing +10 meeting in New York, March 2005

### Introduction

Women and girls generally have fewer opportunities, fewer resources, lower status, and less power and influence than men and boys. Yet everyone is entitled to enjoy the human rights and fundamental freedoms set out in international law on an equal basis without distinction or discrimination, including as regards their gender and age.<sup>18</sup> Gender equality is thus first and foremost a human right.

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### Definition: Gender

The term “gender” refers to “the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes are socially constructed and are learned through socialization processes. They are context/time-specific and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.”<sup>19</sup>

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### Definition: Gender equality

Equality between women and men (gender equality) refers to “the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration – recognizing the diversity of different groups of women and men. Gender equality is not a ‘women’s issue’ but should concern and fully engage men as well as women.”<sup>20</sup>

Gender inequality is a cause of sexual and gender-based violence. As the IASC has affirmed, “[p]rotecting human rights and promoting gender equality must be seen as central to the humanitarian community’s responsibility to protect and provide assistance to those affected by emergencies”.<sup>21</sup>

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<sup>18</sup> See 1948 Universal Declaration of Human Rights, Article 2; 1966 International Covenant on Civil and Political Rights, Article 3; 1979 Convention on the Elimination of all Forms of Discrimination against Women, Article 3; Human Rights Committee, “General Comment No. 28: Article 3 (The equality of rights between men and women)”, 2000.

<sup>19</sup> This is the definition given by the Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), Department of Economic and Social Affairs of the UN and is at <http://www.un.org/womenwatch/osagi/conceptsanddefinitions.htm>.

<sup>20</sup> This definition also comes from OSAGI.

<sup>21</sup> See, IASC, *Women, Girls, Boys and Men: Different Needs – Equal Opportunities* Gender Handbook in Humanitarian Action, December 2006, p. 1.



## 1.3 Promoting gender equality to protect women and girls, continued

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### Protection through gender equality

Promoting gender equality requires recognition that:

- current social, economic, cultural, and political systems are gendered;
- women's unequal status is systemic;
- this pattern is further affected by factors such as age, religion, race, ethnicity, and disability;<sup>22</sup> and
- sexual and gender-based violence (SGBV) is a result of gender inequality.

We must therefore address gender inequality, if we are to protect women and girls of concern.

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### A UN-wide responsibility to mainstream gender

The UN system has adopted a policy of gender mainstreaming. This recognizes that gender equality is not simply a female issue and that supporting women's and girls' empowerment needs to be complemented by a wider strategy. By focusing also on men and boys, as well as institutions, policies, and programmes, it holds great potential for societal change. It clearly recognizes that gender equality can only be achieved through partnership between women and men.

All UN agencies, including UNHCR, are required to mainstream a gender perspective in their programmes, policies, and operations and to establish clear plans of action for doing so.<sup>23</sup>

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### Definition: Gender mainstreaming

ECOSOC defines gender mainstreaming or mainstreaming a gender perspective as "the process of assessing the implication for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral part of the design, implementation, monitoring, and evaluation of policies and programmes in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality."<sup>24</sup>

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### Targeted action to empower women and girls

Mainstreaming age, gender and diversity concerns into our analysis will highlight inequalities. To achieve gender equality in such situations, targeted actions are required to empower women and girls and other groups of different ages and backgrounds who face discrimination.

Empowerment is a process of supporting women and girls to

- analyse their situation from an age, gender and diversity perspective,
  - access information on their rights,
  - define their own priorities, and
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<sup>22</sup> See, Gender Equality at the Canadian International Development Agency (CIDA), at [www.acdi-cida.gc.ca/equality](http://www.acdi-cida.gc.ca/equality).

<sup>23</sup> See, IASC, *Women, Girls, Boys and Men: Different Needs – Equal Opportunities* Gender Handbook in Humanitarian Action, December 2006.

<sup>24</sup> ECOSOC Resolution 1997/2, "Agreed Conclusions on Gender Mainstreaming", at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?docid=4652c9fc2&page=search>.

## 1.3 Promoting gender equality to protect women and girls, continued

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### Targeted action to empower women and girls (continued)

- take action as they consider appropriate to address inequalities and realize their full capacities and skills, so that they can attain a level of control over their own environment and livelihood.
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### UN-wide policy on gender equality and empowerment

Drawing these different elements together, the UN endorsed a “United Nations system-wide policy on gender equality and the empowerment of women and a strategy on gender mainstreaming” in December 2006.<sup>25</sup>

This requires each UN entity, including UNHCR, to address gender equality in the concrete areas of development, peace and security and as a cross-cutting issue. This policy and strategy require us to

- strengthen accountability processes and mechanisms for gender mainstreaming;
  - strengthen results-based management for gender equality;
  - enhance oversight through monitoring, evaluation, audit and reporting;
  - allocate adequate human and financial resources to implementation of gender mainstreaming;
  - develop and/or strengthen all staff members’ capacity and competency in gender analysis, including that of senior management, to ensure that a gender perspective is reflected in our work at all times; and
  - reinforce coherence, coordination and knowledge and information management to ensure common goals and consistent working methods in promoting gender equality and the empowerment of women, especially at the country level.
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### Focus of UNHCR initiatives

As part of these wider developments, UNHCR has also worked to promote and protect the rights of women and girls of concern and achieve the goal of gender equality by adopting a two-pronged approach of:

- gender mainstreaming and
- targeted actions for empowerment in response to a gender analysis.<sup>26</sup>

The Agenda for Protection commits UNHCR and States to preventing age-based and sexual and gender-based violence and to mainstreaming both gender equality and age-sensitivity.<sup>27</sup> This work is integral to achieving gender equality and to fulfilment of UNHCR’s protection mandate.

These goals have also been endorsed by UNHCR’s Executive Committee.<sup>28</sup> In 2007, for instance, it specifically recognized that “the active promotion of gender equality is essential to the protection of girls and boys, particularly those at heightened risk”.<sup>29</sup>

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<sup>25</sup> The UN High Level Committee on Programmes and that on Management endorsed the policy and strategy in March 2006, as did the United Nations System Chief Executive Board (CEB) in December 2006. The Special Adviser on Gender Issues and the Advancement of Women in conjunction with the Inter-Agency Network were tasked with developing a system-wide action plan to operationalize the strategy. Within the UN system, the Commission the Status of Women (CSW), a functional Commission of the UN Economic and Social Council (ECOSOC) is also mandated to promote gender equality and the advancement of women.

<sup>26</sup> See also, IASC, *Women, Girls, Boys and Men: Different Needs – Equal Opportunities* Gender Handbook in Humanitarian Action, December 2006, p. 1.

<sup>27</sup> See Agenda for Protection, Goal 4, “Addressing security-related concerns more effectively” and Goal 6, “Meeting the protection needs of refugee women and children”.

<sup>28</sup> See ExCom Conclusions Nos. 92 (LVIII) of 2002, 99 (LV) of 2004, 105 (LVII) of 2006 and 107 (LVIII) of 2007.

<sup>29</sup> ExCom Conclusion No. 107 (LVIII), 2007, children at risk, para. (b)(vii).

## 1.3 Promoting gender equality to protect women and girls, continued

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### UNHCR's AGDM strategy

UNHCR adopted a strategy to mainstream a gender perspective in all its programmes and reporting activities in 1999.<sup>30</sup> In 2004, it adopted and began implementing an age, gender, and diversity mainstreaming (AGDM) strategy throughout the organization. Multi-functional teams and participatory assessments are integral elements of this strategy.

**Note:** Further information on UNHCR's AGDM strategy and on accountability for AGDM can be found below in chapter 2, section 3.

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### UNHCR's empowerment activities

For many years, UNHCR has also implemented a range of activities and programmes aimed at empowering refugee and returnee women and girls. Activities have included:

- initiatives to prevent and respond to SGBV – the most widespread and serious protection problem facing women and girls of concern (see chapter 5, section 3.1.2);
  - creating a space for women and girls and strengthening their public voice so that they can participate meaningfully in and influence societal decision-making processes, including camp management or peace processes (see chapter 2, sections 4 and 5; chapter 4, section 3.1 and chapter 6, section 2.3 on Security Council resolution 1325 on women, peace, and security);
  - enhancing their equal access to education, health and other services and their economic empowerment (see chapter 5, sections 5, 6 and 7), and
  - working to achieve a shift in power relations between women and men, girls and boys towards equality, including in traditional roles inside the home (see also chapter 2, section 6).
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### UNHCR's Five Commitments

Since 2001, UNHCR's "Five Commitments to Refugee Women"<sup>31</sup> have been an important framework for refugee women's empowerment. These Commitments are generally equally relevant to other women of concern, including notably internally displaced women and girls, as UNHCR becomes increasingly involved in situations of internal displacement.

UNHCR's Five Commitments to Refugee Women relate to:

- women's and girls' membership and participation in decision-making (see chapter 2, sections 4 and 5; chapter 5, section 1);
  - registration and documentation (see chapter 4, section 2.1);
  - tackling SGBV, including domestic violence (see chapter 5, section 3.1.2);
  - participation in food distribution (see chapter 5, section 7.2); and
  - providing sanitary materials to women and girls of concern (see chapter 5, section 5.1 and photograph at start of chapter 2).
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<sup>30</sup> UNHCR, "Refugee Women and a Gender Perspective Approach", Standing Committee, EC/49/SC/CRP.22, 3 September 1999.

<sup>31</sup> For further details, see "Report on the Dialogue with Refugee Women", UNHCR and Women's Commission for Refugee Women and Children, Geneva, 20–22 June 2001; UNHCR, "Report on the High Commissioner's Five Commitments to Refugee Women", EC/55/SC/CRP.17, 13 June 2005.

## 1.4 Implementation challenges

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*“They put us through a gender training, but they don’t apply what they are teaching... We were taught it is not good to insult a tribe or nationality, but the administration and camp workers do this all the time... We learned about rights in the training – that human beings have the right to eat – but they don’t give us food for two months. ... If you go to the hospital, and you are seriously sick, the doctor can say “just go ... you look healthy”. The way they treat people is dehumanizing.”*

Refugee leader, Dzaleka refugee camp, Malawi<sup>32</sup>

*“Today, there is still a widespread culture of neglect and denial of violence against women and girls. We must commit to change this. As members of the United Nations, each and every staff member is responsible not only for raising his or her voice to protest against sexual and gender-based violence, but also for taking action to respond and prevent it. We, especially men, are often reticent to speak out to condemn violence against women and girls. But this should not be viewed as a personal matter; it is an essential part of our work to promote international protection.”*

High Commissioner António Guterres launching the annual 16 Days of Activism to Eliminate Violence Against Women, November 2007<sup>33</sup>

### Introduction

Some of the challenges faced by UNHCR in consistently implementing its initiatives to secure the protection of women and girls of concern, include, as discussed briefly below, the

- sensitivity of topics;
- limited or poor quality interaction with women and girls;
- tendency to assume men are the “principal applicant” and/or “head of household”;
- invisibility of violations against women’s and girls’ rights;
- focus on immediate response;
- inadequate coordination;
- lack of engagement with men and boys;
- personal values; and
- inadequate funding.

This Handbook seeks both to acknowledge and help address these challenges by setting out the legal standards and guidelines that apply, explaining how specific tools that can be used to identify women and girls at risk and ensure their protection (see chapters 3 and 4) and, in relation to specific rights, actions that can be taken to promote respect for them (see chapter 5).

### Sensitivity of topics

Protection of women and girls often demands that we look at issues of sex and violence, as well as some traditional cultural practices. It can also be extremely difficult for women and girls to discuss these issues with us. We, too, may not feel comfortable talking about such matters. These issues can be perceived as taboo topics in public or private conversation. Yet human rights violations against persons of concern in the private domestic domain are our concern as much as violations in the public sphere.

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<sup>32</sup> Refugee interview by Sharon Carlson in “Contesting and Enforcing Patriarchy: An Analysis of Domestic Violence in the Dzaleka Refugee Camp”, RSC Working Paper No. 23, March 2005, p. 34.

<sup>33</sup> UNHCR, “Guterres Vows to Counter Violence against Women”, 26 November 2007, at <http://www.unhcr.org/cgi-bin/texis/vtx/print?tbl=NEWS&id=474ae9524>.

## 1.4 Implementation challenges, Continued

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### **Interaction with women and girls**

Because women and girls are often fully occupied in domestic and agricultural work and because they have often had less access to education and less opportunity to interact with authority, they may be less likely to seek out and interact with humanitarian workers. This is particularly the case with adolescent girls, who may not be part of any formal women's groups. They may as a result be excluded, for instance, from reproductive healthcare and awareness raising programmes.

Interaction with women and girls may be especially difficult in urban situations. A host of factors often make it difficult for refugee and other women and girls of concern to reach UNHCR. These include lack of access to money, the cost of transportation, refusal by husbands to let their wives or daughters leave the home, and a lack of familiarity with the asylum country and/or urban environment. Women and girls with disabilities face additional obstacles in urban, rural and camp settings. Protecting women and girls thus requires us to adopt an extremely proactive approach.

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### **“Principal applicants” and “heads of household”**

Men are typically seen as the “principal applicant” when a family claims asylum, as the “head of household” through whom assistance should be channelled, and/or as the spokesperson for the family. Women and girls may be viewed as dependants without rights or claims in their own right.<sup>34</sup> In fact, women and girls may well have their own – or even a stronger – claim to refugee status and can often represent the best way to ensure assistance reaches the whole family. They have their own equally valid perspective and views on their and their families' needs and priorities.

It is therefore vital to adopt an approach which recognizes both heads of household. Protection interventions should ensure that each member of the household is registered, that the risks each faces are identified, and that all family members can benefit.

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### **Invisibility of violations**

As violations of the rights of women and girls often occur within the family and the community, they remain invisible to us. This is even more so for adolescent girls, older women and for those with disabilities. Protecting women and girls requires us to work not only with authorities and State structures, but also with individuals and their communities.

Understanding the context and dynamics of communities of concern and working in partnership with them are critical if we are to enhance the protection of women and girls.

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### **Immediate and longer-term response**

In our efforts to protect women and girls, we often focus on the immediate response rather than also analysing its causes and looking at longer-term solutions or trying to address protection risks in the wider environment. Yet efforts to support a woman or girl who has been raped may, for instance, founder, if wider efforts are not also made to strengthen the administration of justice<sup>35</sup> during displacement and at the stage of solutions.

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<sup>34</sup> See also chapter 4, section 2.1, on registration and identity documentation under challenges.

<sup>35</sup> See also chapter 5, section 4.

## 1.4 Implementation challenges, Continued

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### **Immediate and longer-term response** (continued)

UNHCR's recent focus, through ExCom Conclusions Nos. 105 and 107, as outlined in greater detail in chapter 3, sections 1 and 2, seeks to re-emphasize the importance and interconnectedness of both approaches.

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### **Coordination**

In carrying out our mandate we often do not coordinate adequately among ourselves and/or with our partners. The absence of a coordinated and integrated approach, involving protection, programme, community-services and field staff, and partners, is a serious impediment to our efforts to protect women and girls. These challenges become even greater in internal displacement contexts where there is additionally the imperative to coordinate even more closely at the inter-agency level.

Strengthening coordination and partnerships within UNHCR, with partners, including at inter-agency level, as outlined in greater detail in chapter 4, section 1, is critical to the success of initiatives to protect women and girls.

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### **Engagement with men and boys**

We have often failed to work in partnership with men and boys in promoting gender equality. Many have focused on “projects for women” with no gender analysis of their impact on men as well as women.

Yet change will only occur by also working with men and boys in the communities with whom and for whom we are working. Male humanitarian workers have an important role to play in promoting and protecting women's and girl's rights and are as responsible as female workers for taking action.

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### **Personal values**

In addition, as UNHCR has noted: “Refugee workers, community leaders or officials may avoid confronting, remedying, and preventing acts of sexual violence because of personal discomfort with the subject... Sexual violence is an intrinsically disturbing subject, which often provokes strong emotional responses. It is essential to overcome the resistance, whether of ourselves or our counterparts, to discuss the problem openly and frankly.”<sup>36</sup>

Protecting women and girls therefore demands that we look at our own values and attitudes towards the roles and identities of women and girls, and towards gender and power relations. Our own socially constructed identity affects how we respond to the individuals with whom we work, both in the office and in operations. It is important to recognize and understand that we bring our experiences, values, and expectations, including gender biases, with us to the workplace. Greater self awareness is required to be sure that we adopt an open attitude towards others, including in particular people of concern, and are able to learn from them and build mutual trust.

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<sup>36</sup> UNHCR, *Sexual Violence against Refugees: Guidelines on Prevention and Response*, 1995, p. 5.

## 1.4 Implementation challenges, Continued

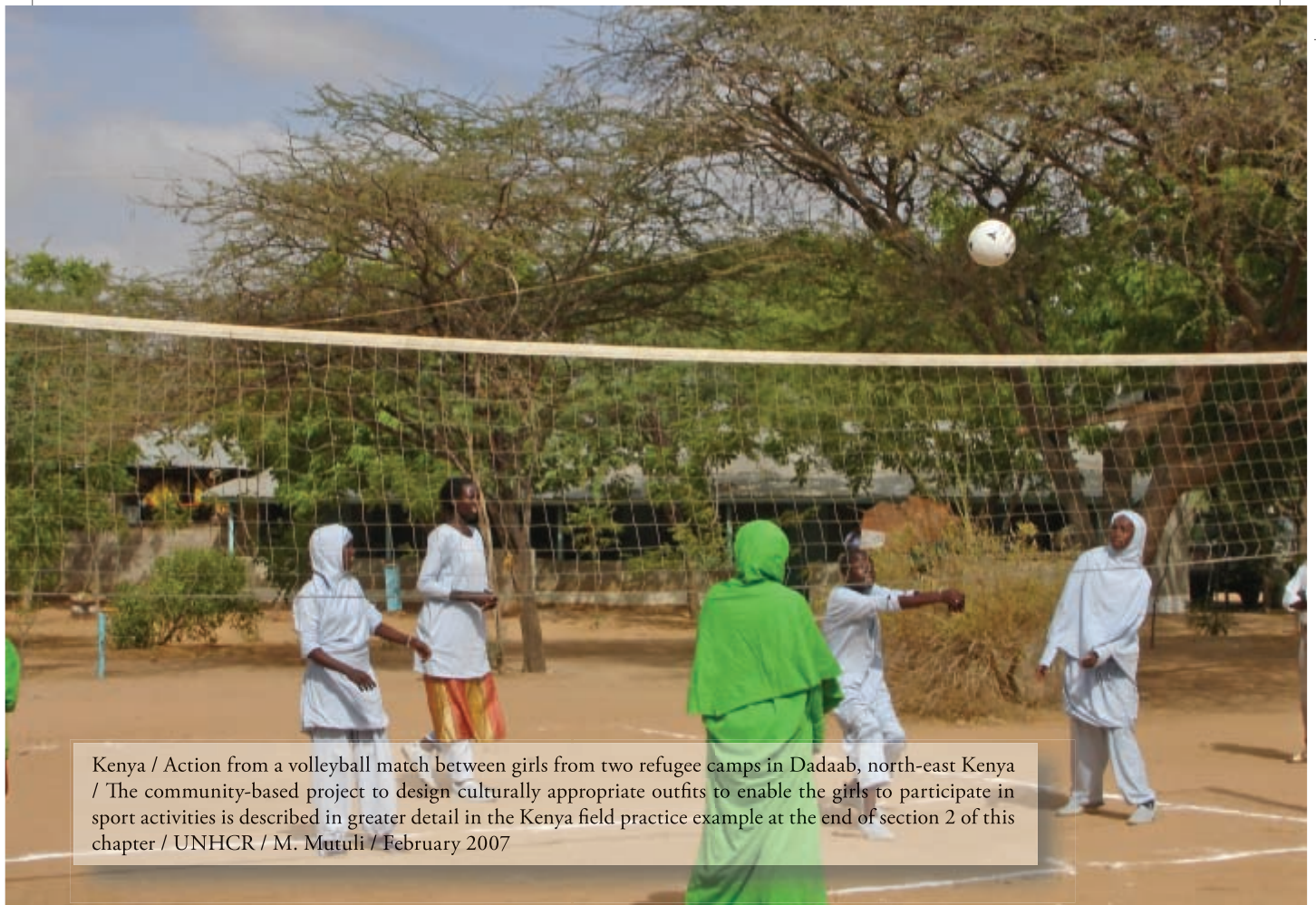
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### Funding

Too often, when there are funding shortfalls, it is community services, education and other programmes, which can most benefit women and girls that are cut as “non-essential” services. Where even most essential assistance, including food rations, are cut back below minimum levels, it is women and girls without community support, particularly those who are older, sick or with disabilities, who are isolated and most at risk as a result.

Awareness of the gender, age and diversity dimensions of our work, the importance of promoting gender equality and the consequences for women and girls of inadequate funding are therefore vital in our programming, budgeting, fund-raising initiatives, and in our interactions with donor States.

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Kenya / Action from a volleyball match between girls from two refugee camps in Dadaab, north-east Kenya / The community-based project to design culturally appropriate outfits to enable the girls to participate in sport activities is described in greater detail in the Kenya field practice example at the end of section 2 of this chapter / UNHCR / M. Mutuli / February 2007



Uganda / The Maka Pads project provides employment for refugee women in Kyaka II refugee settlement and for refugee men, who together make sanitary pads from locally sourced materials / Set up jointly by UNHCR, GTZ, a German operational partner, and a lecturer from Makerere University in 2007, the project helps empower refugee women and men economically and increase refugee girls' enrolment in school / It also helps meet UNHCR's commitment to make the provision of sanitary materials standard practice in all UNHCR assistance programmes / GTZ / K. Kandler / 2007