



# WRITTEN CONTRIBUTION TO THE THEMATIC CONSULTATIONS: COMPREHENSIVE REFUGEE RESPONSE FRAMEWORK (CRRF) AND GLOBAL COMPACT ON REFUGEES (GCR)

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## INTRODUCTION

The risks and human rights violations girls and young women face outside of emergencies contexts multiply and are exacerbated in humanitarian and forced displacement contexts, including access to education, gender-based and sexual violence, child, early and forced marriage, trafficking, and unpaid forced labour including domestic labour and care work.<sup>i</sup> Children with disabilities – especially girls with disabilities – as well as unaccompanied and separated children, are also particularly vulnerable to abuse and exploitation.

In humanitarian and forced displacement contexts, issues concerning safety and security, often predicated on entrenched gender norms, can restrict girls' and young women's social roles as well as their free movement. Families might place tighter restrictions on girls' movements or give them increased responsibilities around the home.<sup>ii</sup> This can create further barriers for girls and young women in relation to accessing necessary services. Culturally and religiously predicated mobility constraints, security concerns, and entrenched gender norms also greatly impact girls' access to education in such contexts; creating additional protection concerns, such as contributing to increases in negative coping mechanisms like survival sex and child, early and forced marriage (CEFM). And menstrual hygiene management needs create urgent affronts to dignity and health and safety risks when girls and young women are unable to move safely on their own to wash clothing or retrieve essential sanitary supplies, should such supplies be available at all.

In transit and forced displacement contexts, unaccompanied or separated girls in particular, are exceedingly vulnerable to trafficking and sexual violence and sexual exploitation and abuse (SEA). Temporary shelters and refugee camps are often not built with the needs of girls and young women in mind, despite international law and guidelines mandating such construction, and may not be equipped with separate sleeping facilities for unaccompanied or separated adolescent girls and boys, or gender separated wash and bathroom facilities. Lone girls and young women in marked tents are at risk of being targeted for sexual violence, and sleeping quarters without doors or locks increase the risks of SGBV. Lighting may be poor and routes to and from food, firewood, or water, may be far and hazardous.

Forcibly displaced girls also face significant challenges in accessing their right to education. Refugee children are five times more likely to be out of school than non-refugee children. Only 50 percent of refugee children have access to primary education.<sup>iii</sup> Only 22 percent of refugee adolescents attend lower secondary school, compared to 84 percent of non-refugee adolescents.<sup>iv</sup> Data for refugees shows that in 2011, there were nine girls for every ten boys enrolled in schools at primary levels in both camp and urban settings,<sup>v</sup> with the gender gap widening as children get older; in 2015, for every ten refugee adolescent boy in secondary school, there were the equivalent of seven girls.<sup>vi</sup> Gender gaps in access to education compounds the disadvantage of girls in displacement settings, and can heighten existing gender inequalities, create protection risks like CEFM, and have long-term development outcomes for girls.

Access to life saving information and services may also be hindered or limited in times of crisis and forced displacement. This is particularly true of essential sexual and reproductive health services, which are often extremely underfunded, despite the crucial need in emergencies and forced displacement contexts, where sexual violence, child marriage, and early pregnancies increase exponentially. In fact, around three-fifths of all maternal deaths take place in humanitarian and fragile contexts.<sup>vii</sup>

Yet despite these distinct needs and rights violations, adolescent girls as a group are often missed in traditional interventions aimed at forcibly displaced populations. Their specific needs may not be reached with programming targeting adult women, or children more generally – resulting in a gap in services and ongoing rights abuses that have life-long consequences.

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## OVERARCHING RECOMMENDATIONS

- **Ensure that response interventions targeting forcibly displaced populations promote and protect the human rights of all children, and particularly adolescent girls, and be specifically tailored to address their age- and gender-related needs**, including in the context of prevention and response to SGBV; education; and healthcare, including sexual and reproductive health and menstrual hygiene management (MHM), and psychosocial support services. Age and gender sensitive considerations must be integrated throughout the practical application of the CRRF and incorporated into the final text of the Global Compact on Refugees.
- **Systematically include, consult, and partner with youth, especially young women**, from both refugee and host community populations in the practical application of the CRRF. This includes ensuring that civil society is an integral part of the rollout process.
- **Promote measures to increase the self-reliance of refugee populations**, including through easing right to work restrictions, allowing for access to common markets, and addressing insecurity and mobility obstacles.

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## PILLAR I: RECEPTION AND ADMISSION

- **Ensure that measures are implemented to address the protection needs of girls and boys, and particularly adolescent girls in reception and asylum procedures, and that all such measures include provision of age sensitive and gender responsive safe spaces**; mainstreaming child protection across other sectors; mapping of child protection services; and, establishing clear referral pathways for child protection concerns, including SGBV.
- **Ensure that adequate screening mechanisms are implemented to identify new arrivals who are at particular risk of human rights violations or protection failings in order to make specific assistance and protection arrangements.** It is essential to recognise the disparate needs of and risks faced by adolescent girls, who may be missed by screening mechanisms that target adult women and children. Unaccompanied girls, survivors of traumatic events, survivors of trafficking and/or forced prostitution, survivors of sexual violence and victims of torture or ill- treatment, and child brides and pregnant girls should be identified and responded to accordingly. Policies must be developed, strengthened, and enforced to ensure that border and asylum staff, and staff and volunteers working in reception and detention centres and camps are trained in child protection, gender sensitivity, and how to recognize potential survivors of trauma, UASC, and trafficking victims and survivors.
- **Provide all arrivals, including children and particularly adolescent girls, with accessible information about their rights and the asylum system.** Adequate, child friendly and gender responsive legal services must be provided for all arrivals, and girls and young women must have the option to request women- interviewers, legal advisers, translators, and interpreters for assistance.
- **Ensure that both substantive and procedural aspects of the Refugee Status Determination process are age and gender sensitive**, and follow UNHCR guidance in all cases. This includes recognition of child specific rights, child- and gender-specific forms of persecution, and how children, both girls and boys, experience such persecution.
- **Accommodate children and families together in non-custodial, community-based contexts while their immigration status is being resolved.** States must take steps to ensure that rights-based alternatives to detention – based on an ethic of care, not enforcement – are both enshrined in legislation and are implemented in practice.
- **Ensure that robust measures are put in place to protect and assist unaccompanied and separated children throughout the asylum process.** This includes accommodating unaccompanied children separately to adults; tracing an unaccompanied or separated child's parents for the purpose of family reunification; taking the views and the best interest of the child into account; and investing resources in ensuring that every unaccompanied child is allocated a guardian immediately after arrival. Establish an execute speedy processes and mechanisms for family reunification in camps, and for keeping families together.

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## PILLAR II: SUPPORT FOR IMMEDIATE AND ONGOING NEEDS

- **Mandate that a comprehensive gender analysis and gender and age sensitive needs assessment is conducted at the onset of a refugee influx to best understand the needs, vulnerabilities and risks for children and youth refugees, with a focus on determining differential and gender-based needs and risks of specific age groups, including adolescent girls.** For example, all essential needs of arriving refugees, including access to adequate safe drinking water, sanitation, food, nutrition, shelter, psychosocial support, and healthcare, must be analysed through an age and gender lens to ensure that age and gender specific considerations are integrated into and addressed throughout reception and asylum processes and response measures. Refugee children and youth must be consulted as an integral and essential component of any needs assessment.
- **Prioritize and ensure through targeted interventions that all forcibly displaced children are registered immediately after birth without discrimination of any kind, including on the basis of the child's or the child's parents' status, social origin, sex, ethnicity, language, disability, or birth out of wedlock;** this is essential for children in forced displacement contexts, as well as for children belonging to marginalized groups. Birth registration is a fundamental human right, essential to the protection of children and the full implementation of their universal human rights. Registration establishes the legal existence of an individual; its absence has lifelong consequences. Where children are registered, and the records are well kept, children can more easily access aid, and family tracing for separated children becomes easier as there is documentation of their parents and their origin. In cases of child marriage or the worst forms of child labor, proof of age can help children prosecute perpetrators. Proactive efforts must be made to ensure that women, children, and other priority vulnerable groups are identified and provided gender and age sensitive information regarding CRVS systems, their rights, and how to register life events. **States should recognise and use data available from humanitarian sources for civil registration purposes.** For example, refugee and asylum seeker children are often registered in UNHCR's ProGres system, but not within the formal civil registration process of the country, leaving them without the legal recognition of the State.
- **Ensure that no refugee child is out of education for longer than 30 days. Emphasis must be placed on ensuring that girls are supported to equal access of safe and inclusive quality education.** Education must go beyond primary education; include early childhood development, life skills, vocational training, and language classes; and must be delivered in a safe, age and gender sensitive manner. Youth asylum seekers must be supported to immediately access appropriate higher education and training during the refugee status process appropriate to their education and previous work experience. This can be facilitated by ensuring that youth asylum seekers' previous education certifications are accepted and mapped onto the host country's education system. Education continuity should be maintained as a priority.
- **Establish, maintain, and support mechanisms, processes, and opportunities to facilitate the participation of refugee children and youth, especially girls and young women, throughout the application of the CRRF and through the ongoing GCR consultative processes, and all refugee response processes more generally.** This means including refugee children and youth voices through meaningful participation in all decision-making processes that affect them, such as humanitarian needs assessments and refugee response plans, and supporting and empowering refugee children and youth, particularly girls and young women, in advocating for their own needs.
- **Programmes addressing the child protection, including sexual and gender-based violence, and education needs of refugee children, especially girls and young women, must be funded as a priority** and not as a secondary phase of the refugee response, and in a percentage commensurate with the need. This should include increasing resources for child protection and SGBV case management and developing and strengthening referral systems to essential services.

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## PILLAR III: SUPPORT FOR HOST COUNTRIES AND COMMUNITIES

- **Ensure that a comprehensive gender analysis and gender and age sensitive needs assessment is conducted not only as an immediate reaction to large refugee movements, but also as part of resilience building and preparedness, early recovery, and sustainable development assessments.** All needs assessments and risk assessments must include analysis of the differential and gender-based needs and risks of specific age groups, including adolescent girls, to best understand the needs, vulnerabilities and risks for children and youth in host communities. Host community children and youth must be consulted as an integral and essential component of any needs assessment.
- **Refugees must be integrated into National Development Plans, including SDG implementation plans, and National Education Plans,** with a particular focus on the implementation of the sustainable development goals for child and youth refugees, especially girls and young women. **The Sustainable Development Agenda, as well as International Human Rights Law, applies to everyone in all contexts.**
- **Ensure that interventions also involve and benefit host communities, including children and youth in host communities.** This includes, for example, facilitating opportunities for refugee and host-country youth to share experiences and work together, such as through national youth organisations, national youth strategies, and national sports and cultural initiatives.
- **Ensure the meaningful participation of children and youth, and in particular adolescent girls, in all host community decision-making processes, including resilience plans,** to ensure their voices, needs and priorities are heard and addressed.

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## PILLAR IV: DURABLE SOLUTIONS

- **Ensure that during voluntary repatriation, all refugees involved, including children, and particularly girls and young women, are fully informed about the situation in their home country and able to make a free choice to return.** Measures and safeguards must be put in place to ensure that the risks faced by girls and boys and young women and young men are mitigated during the return and reintegration process.
- **Support and facilitate the participation of refugee children and youth, especially girls and young women, in peace and reconciliation processes,** and ensure that the outcomes of such processes support their return in safety and dignity.

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<sup>i</sup> UNFPA, State of the world population 2015. Shelter from the Storm; Plan International, State of the World's Girls Report: Double Jeopardy, 2013.

<sup>ii</sup> DFID Briefing Paper, October 2013. Violence Against Women and Girls in Humanitarian Emergencies: CHASE Briefing Paper.

<sup>iii</sup> Ibid.

<sup>iv</sup> Ibid.

<sup>v</sup> UNHCR (2016). P.29.

<sup>vi</sup> Malala Fund (2016). *Yes All Girls: Education and the Global Response*. P.4.

<sup>vii</sup> UNFPA, 2015.