

PROPOSED EXECUTIVE COMMITTEE CONCLUSION
ON WOMEN AT RISK
Follow-up Paper

Introduction

1. Informal consultations on the proposal for a Conclusion on women at risk, which was discussed briefly at the Standing Committee meeting on 9 March 2006,¹ were held on 30 March. They were attended by 28 Executive Committee member States, one observer State, various NGOs and other observers.

2. This paper provides a brief summary of key issues raised during these consultations, including the scope of the Conclusion, the rationale behind including a definition of women and girls at risk, how to identify women and girls at risk and the appropriate responses to their situation, both individually and more generally, as well as the most appropriate format for the Conclusion. For each of these issues, this paper identifies areas of common concern which would benefit from inclusion in the Conclusion. As also requested, it outlines briefly a range of existing mechanisms and tools available to States and UNHCR to identify women and girls at risk, respond to their immediate needs and establish short-, medium- and long-term solutions for them, as well as to strengthen the wider protection environment.

Scope of the Conclusion

3. In the course of the discussion, agreement emerged that the Conclusion should include not only women but also girls. A couple of speakers suggested, however, that it could refer to women and children, since boys were also at risk, for instance, of forcible recruitment by armed groups. Others stressed that, in situations where almost everyone who is or has been displaced is at risk, the rationale for focusing on displaced women and girls was that this group was more vulnerable to specific risks. Furthermore, there are already a number of Conclusions relating to refugee children more generally.² Responses, whether remedial or preventive, to risks faced by girls as opposed to boys also require different approaches, not only for inherent reasons but also because girls and boys are treated differently in society.

4. A number of speakers raised the issue of the extent to which it is appropriate for the Conclusion to include women and girls forcibly displaced by conflict within their countries of origin.³ This issue arises in particular because of the new institutional arrangements agreed within the Inter-Agency Standing Committee (IASC) for the humanitarian system under which UNHCR

¹ See, UNHCR, "Issues related to Women at Risk: Discussion Paper on a Possible Executive Committee Conclusion on Displaced Women and Girls at Risk", EC/57/SC/CRP.7, 17 February 2006.

² See Executive Committee Conclusions Nos. 47 (XXXVIII), 59 (XL), 84 (XLVIII).

³ The Executive Committee has addressed the issue of internally displaced persons on a number of occasions, including in particular in Conclusion No. 75 (XLV).

now has a “cluster lead” responsibility for internally displaced persons during conflict-generated emergencies in the three areas of protection, emergency shelter and camp coordination/camp management. These issues are thus clearly on UNHCR’s agenda. In this context, it is worth also recalling Security Council resolution 1325 on women peace and security.⁴ This calls for action by a wide range of actors, including governments, parties to armed conflict, the UN Secretary-General and others, including UN bodies in relation, *inter alia*, to both refugee and internally displaced women and girls.

5. Taking into account these different issues, it is suggested that the scope of the Conclusion include internally displaced women and girls of concern to the Office as well as refugee women and girls. It is also envisaged that the Conclusion will be relevant to both camp and urban situations.

Defining and identifying women and girls at risk

6. With regard to the question of defining and identifying women and girls at risk, there was general agreement not to attempt a definition as such, but rather to identify the main risk factors faced by women and girls, so that flexibility can be retained to respond to new situations that may arise.

7. It was suggested that such factors should include risks resulting from a lack of registration documents; exclusion from decision-making; a lack of access to livelihood programmes; and a lack of education. In addition, delegates proposed that the risk factors be formulated in such a way as to underscore the importance of preventive action and the removal of such risks, and that the particular risks faced by women and girl refugees in urban settings should be highlighted, as well as the different risks faced by internally displaced women and girls.

8. Another issue raised was the need to identify the cumulative factors which put women and girls at heightened risk at different stages of their displacement, including in their daily tasks and in protracted displacement situations. Too often, these oblige them to turn to coping mechanisms such as survival sex or can make them more vulnerable, for instance, to trafficking. It is suggested that setting out these different risk factors in a Conclusion would assist the identification of those displaced women and girls who are most at risk in particular situations.

9. As requested, this paper now elaborates the risk factors briefly outlined in the March conference room paper (see para. 9), drawing not least on the work of the Women’s Commission on Refugee Women and Children and the Centre for Refugee Research at the University of New South Wales.⁵ Listing A below outlines **risk factors in the protection environment** which can arise as a result of and after flight for women and girls, while listing B below outlines individual risk factors. These factors need further clarification and refinement and suggestions on both lists would be welcome. For instance, risks differ depending on whether women and girls are displaced in camps, in urban situations, within or outside their own country. While the presence of one factor may in certain cases be sufficient to require an urgent individual response, the presence of a combination of

⁴ United Nations Security Council resolution S/RES/1325, 31 October 2000. Subsequently, an action plan has been agreed and places clear obligations on UN organizations, including UNHCR, as regards this issue. See, Report of the Secretary General on Women, Peace and Security, S/2005/636, 10 October 2005.

⁵ See Women’s Commission for Refugee Women and Children, “Displaced Women and Girls at Risk: Risk Factors, Protection Solutions and Resource Tools”, February 2006, pp. 6–18; the research undertaken by the Women at Risk Programme of the Centre for Refugee Research at the University of New South Wales, Australia, including the Risk Assessment Tool developed by the programme, available at <http://www.crr.unsw.edu.au/>.

these factors, which might not severally require such a response, is likely to result in displaced women and girls being exposed to heightened risk.

Listing A. Risk factors in the wider protection environment, including those related to:

a. Security

(i) danger of, or exposure to, sexual and gender-based violence; (ii) forcible recruitment by armed factions, whether to fight or provide sexual or other services; (iii) danger of being trafficked; (iv) physical location and design of dwelling/shelter; (v) the need to collect firewood, water, tend to crops/animals away from dwelling/shelter

b. Accessing and enjoying assistance and services

(i) inadequate food and/or material assistance; (ii) lack of livelihood generating opportunities; (iii) inadequate access to health services, affecting women and girls in particular, given their sexual and reproductive roles and disproportionate vulnerability to HIV/AIDS; (iv) lack of educational opportunities and/or unsafe school environments; (v) abuses by individuals in positions of authority controlling access to assistance and services; (vi) existence of child labour

c. Position of displaced women and girls in society

(i) discrimination and marginalization; (ii) camp management, community and leadership structures which may retain traditional leadership structures and/or be insufficiently inclusive of women; (iii) unequal gender power relations; (iv) changes in gender roles and unequal status of women and girls; (v) existence of harmful traditional practices; (vi) breakdown of family, community structures and values, which can increase exposure of women and girls to discrimination and violence

d. National systems to support the rights of displaced women and girls

(i) legal systems which discriminate against women and girls and do not meet international standards; (ii) lack of functioning justice systems to address e.g. harmful traditional practices, domestic violence and, in the context of enabling solutions, inheritance and property laws in the country of origin which adversely affect women and girls; (iii) traditional systems of justice which do not respect international norms; (iv) lack of individual documentation for women and girls; (v) lack of access to asylum systems by women and girls; (vi) violations of the rights of refugees and the internally displaced

e. Protection systems to uphold the rights of displaced women and girls

(i) lack of systematic registration of women and girls; (ii) absence of data by sex and age; (iii) inadequate systems to identify, monitor and support women and girls at risk; (iv) lack of presence of female and international staff; (v) lack of awareness of women's and girls rights; (vi) absence of clear reporting systems and need to strengthen relations between staff and displaced communities; (vii) weak monitoring systems to prevent incidents against displaced women and girls exposed to protection risks; (viii) weak monitoring of unaccompanied and separated girls and other women with specific needs

10. These more general factors can also be combined with **individual risk factors**, a number of which can be grouped under factors relating to status; exposure, or risk of exposure, to sexual and gender-based violence (SGBV) or other forms of violence; and requirement of additional health or

other support as outlined non-exhaustively below in Listing B.⁶ Again, further suggestions are welcome.

11. If one of these individual risk factors determined to be present, this would not automatically mean someone is at risk. Depending on the individual circumstances and the risks faced, where these are combined with risks present in the wider protection environment, these may combine to mean that the individual is at heightened risk. An assessment of the extent to which different risk factors are present, including where these result from the cultural context in the place of asylum or potentially also that of origin and whether the environment is a camp or urban one, should enable the identification of women and girls who are at heightened risk. It should be borne in mind that women and girls at risk as a result of one or more of these risk factors are often less visible in society than men and boys. This is because problems can occur in the private domain and/or because women and girls may not be or feel able to report protection incidents. Furthermore, the nature of the ill-treatment and/or persecution faced is often different and gender roles may mean they have more limited strategies available to them vis-à-vis displaced men and boys, for instance, if they lack education and/or livelihood strategies.

Listing B. Individual risk factors, including those related to

a. Status

(i) single females; (ii) female heads of household (including girls, adolescents or grandmothers); (iii) older women without family support; (iv) unaccompanied or separated girls; (v) stateless women and girls; (vi) gay/lesbian women and girls; (vii) wives or daughters of persecuted males, e.g. of high-profile politicians or of deserters; (viii) women in mixed marriages; (ix) women in polygamous marriages; (x) women and girls without documentation; (xi) girls out of school; (xii) women and girls without access to assistance

b. Exposure, or risk of exposure, to SGBV or other forms of violence

(i) survivors of SGBV; (ii) victims of trafficking; (iii) former girl child combatants; (iv) former sex and labour slaves e.g. of armed forces and militias; (v) women and girls at risk of female genital mutilation and/or early or forced marriage; (vi) women and girls who have undergone forced contraception, forced abortion or forced sterilization; (vii) survivors of torture or other serious physical harm; (viii) survivors of domestic violence and other physical violence and abuse; (ix) separated girls suffering from maltreatment by foster families or relatives

c. Requirement of additional health or other support

(i) physically and mentally disabled women and girls; (ii) traumatized women and girls; (iii) pregnant teenagers and mothers; (iv) women and girls suffering from fistula⁷

Strengthening the wider protection environment and responding to individual risks arising

12. As regards responses, some delegates stressed the need for strengthened systems to identify, implement and monitor immediate, medium- and long-term responses and solutions for individual

⁶ See also, the Women's Commission report cited above footnote 5, p. 19.

⁷ Fistula is a medical condition that occurs when the wall between the vagina and the bladder or bowel is ruptured during obstructed labour. It is found where health infrastructure and childbirth care are poor and causes severe pain and chronic incontinence. Fistula is common in girls subject to early marriage and can also be caused by rape. Surgery can repair the injury but may require several operations if it is particularly severe. Especially when fistula results from rape, survivors are routinely rejected and ostracized by their husbands, parents and communities.

displaced women and girls at risk. In addition to individual responses, wider responses included strategies for women's empowerment and for ensuring their equal access to, and enjoyment of, assistance and services, including education, healthcare and the promotion of livelihood strategies. Other speakers emphasized that involving men and boys in the promotion and understanding of women's and girls' concerns was an essential part of an effective response. It was also noted that prevention requires a holistic response, involving collaboration between the individuals and communities concerned, governments and agencies and within the United Nations. In effect, an integrated system of linked elements is required, which interact and are interdependent, so that prevention is strengthened through a holistic approach and complements the response to individual cases and different actors are able to work together effectively.

13. Examples of current preventive strategies to strengthen the wider protection environment are given in listing C below, followed in listing D by examples of responses to remedy and prevent risks in the individual case. As can be seen from the listing these different elements are indeed interlinked and mutually supporting. Nonetheless, their interdependency and a holistic response demand innovative approaches to working, the refocusing of some practices and sufficient material and human resources.

Listing C. Preventive strategies and approaches to tackle risks arising in the wider protection environment

a. Identification and assessment, including through use of:

(i) the Progres registration system to provide more detailed information on age and sex, as well as on particular circumstances to assist identification of women and girls at risk; (ii) participatory assessment to help ensure the protection risks women and girls face and their capacities and proposed solutions are incorporated into UNHCR protection strategies and programmes; (iii) a rights and community-based approach to understand the community's concerns, capacities and priorities and mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners in community-based protection and solutions; (iv) age, gender and diversity mainstreaming to help ensure that the impact of all UNHCR activities on women, men, boys and girls of diverse backgrounds and ages is assessed, all can benefit equally from those activities and that inequality is not perpetuated; (v) standards and indicators reporting to provide data broken down by age and sex and thereby assist in monitoring women's and girls' access to and enjoyment of assistance and services

b. Establishment of secure environments, including through:

(i) action to prevent and respond to SGBV;⁸ (ii) the design of effective services and facilities, in particular to provide physical security through camp layout, shelter design, lighting and provision of basic facilities which take into account women's and girls' need for privacy and security, as well as the need to reduce the distance they need to go to perform their daily tasks; (iii) maintenance of the civilian and humanitarian character of asylum (a primary responsibility of host States);⁹ (iv) issuance of documentation to all family members, whether by States or UNHCR, to help ensure their protection and access to services and assistance; (v) registration of births, marriages and divorces to enable women and girls to enjoy their rights; (vi) creation of conditions to improve accountability systems; (vii) actions to influence the formal and informal legal framework

⁸ See also, UNHCR, "Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response", May 2003, chapter 3.

⁹ See Executive Committee Conclusion No. 94 (VIII), paragraph (a).

c. Empowerment, including through:

(i) enhanced women's representation on camp committees and in refugee dispute resolution systems to help ensure women's rights are respected, although serious concerns remain regarding traditional justice systems which rarely respect women's and girls' rights;¹⁰ (ii) education, including vocational training, to raise awareness, promote gender equality and increase skills; (iii) targeted action to empower women and girls by raising awareness, enabling their meaningful participation in decision making, their access to and control over services, resources, livelihood opportunities and advocacy for their rights through support for the implementation of UNHCR's Five Commitments to Refugee Women; (iv) other actions to transform social-cultural norms and rebuild family and community support systems undermined by conflict and flight; (v) livelihood strategies promote greater economic independence and reduce resort of negative survival strategies, such as survival sex.

d. Provision of coordinated and effective responses, including through:

(i) support and resources from governments, whether of host or donor countries, critical to the effective implementation of preventive strategies; (ii) protection partnerships among UNHCR, governments, UN agencies, including for example the World Food Programme, UNAIDS or the UN Population Fund, non-governmental organizations (NGOs) and displaced communities and their effective use to advocate for the rights of displaced women and girls and reform of national legislation and judicial systems

Listing D. Responses to individual risks

a. Identification, status and monitoring, including through:

(i) procedures using the general and individual risk factors outlined above to identify displaced women and girls at risk; (ii) ongoing monitoring of action taken to respond to their situation; (iii) determination and implementation of appropriate solutions for them; (iv) refugee status determination procedures, whether carried out by States or if necessary UNHCR, providing effective access to women and girls and enabling the identification of individuals who are, for example, persecuted on account of their gender to be recognized and accorded international protection

b. Immediate response, including through:

(i) access to safe houses in camps such as in Kakuma, Kenya, or in Colombia to provide an immediate safe haven for women and girls facing domestic violence and abuse or attack by other members of the community; (ii) emergency relocation e.g. to another camp; (iii) provision of counselling, education, medical attention, vocational training and recreational programmes; (iv) best interests determination for displaced girls; (v) family tracing and reunification projects in displacement situations to ensure separated and unaccompanied girls can rejoin their families wherever possible; (vi) monitored foster care to ensure adequate care arrangements are available in the interim

c. Medium-term responses and remedial action, including through:

(i) ongoing monitoring of responses and needs, for instance, through continuing best interests determination for displaced girls; (ii) initiatives such as women's legal clinics to

¹⁰ See, Rosa da Costa, "The Administration of Justice in Refugee Camps: A Study of Practice", UNHCR Legal and Protection Policy Research Series, Department of International Protection, March 2006.

help women and girls access and bring their case before judicial systems, whether formal or informal; (iii) mobile courts in remote refugee camps where access to national courts is impracticable to help reduce impunity, including for attacks on women and girls and help promote their rights; (iv) witness protection schemes to make it more possible for victims of SGBV, domestic violence and other attacks or abuse to secure justice and end impunity

d. Longer-term solutions, including through:

(i) relocation to another location within the country; (ii) livelihood strategies to reduce dependency on assistance, especially where assistance is inadequately funded and in prolonged displacement situations; (iii) resolution of questions relating to property and inheritance in the country of origin to enable female refugees to return; (iv) resettlement for refugee women and girls through use of various resettlement criteria including not only the women-at-risk criterion but also for refugees with legal and physical protection needs, survivors of violence and torture, medical needs, family reunification, children and adolescents

14. It was generally recognized that resettlement can only address the needs of a small number of displaced women and girls at risk. In 2004, for instance, of the 42,008 refugees resettled through UNHCR, 16,985 (40 per cent) were women, of whom 2,119 (5 per cent) were resettled under UNHCR's women-at-risk criterion. In 2003, of the 27,338 resettled through UNHCR, 12,661 (46 per cent) were women, of whom 1,973 (7 per cent) were resettled under the women-at-risk criterion. These figures include women resettled for family reunification or because men were the principal applicant. Bearing these factors in mind, while the Conclusion could suggest ways in which resettlement could be used more effectively as a protection tool for refugee women and girls, it was felt that it should also focus on other strategies, mechanisms and solutions for displaced women and girls more generally.

15. With regard to the position of internally displaced women and girls at risk, resettlement is not as such presently available, although there are variants such as special in-country humanitarian programmes which may provide useful precedents.

UNHCR guidelines and tools

16. The list below outlines as requested key guidelines and tools available to UNHCR to support the identification of and response to displaced women and girls at risk. While comparable "statistics" on the impact of each of these issues are beyond the scope of this paper, the range of responses listed above brings out the need for a comprehensive approach to responding to and securing protection for women and girls at risk.

Listing E. UNHCR guidelines and tools to assist identification of and response to the needs of displaced women and girls at risk

- a. International refugee law and human rights law standards, including Executive Committee Conclusions, represent advocacy tools to promote greater respect for the rights of women and girls through a rights-based approach.
- b. UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and related publications such as UNHCR's Procedural Standards for RSD under UNHCR's Mandate and

UNHCR Guidelines on International Protection provide guidance on gender- and age-sensitive refugee status determination and procedures.

- c. The Action Plan for Security Council resolution 1325 on women and conflict provides an integrated framework for a consolidated UN-wide response to this challenge.
- d. The Agenda for Protection (2002) sets out agreed actions needed to achieve certain refugee protection goals.
- e. UNHCR's "Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response" (May 2003) provide practical advice on how to design strategies and carry out activities aimed at preventing and responding to SGBV.
- f. UNHCR's Code of Conduct (June 2004) and Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) provides an essential complement to such actions.
- g. UNHCR Manual, chapter 4, part 2: Overview of Substantive Issues, Promoting the Rights of Women, Girls, Boys and Men of Concern through a Community-based Approach (November 2005) promotes age, gender and diversity mainstreaming and the empowerment of discriminated groups through targeted action.
- h. UNHCR Tool for Participatory Assessment in Operations (May 2006)
- i. Other UNHCR Handbooks include those on resettlement (November 2004), especially chapter 4, and on self-reliance (August 2005).

UNHCR tools of particular relevance in the process of being finalized include:

- j. Guidelines on Formal Determination of the Best Interests of the Child are to be issued as in draft form for second round of consultations and validation by the field and will help ensure proper mechanisms to determine the best interests of an individual child in need of protection.
- k. An accountability framework for Age, Gender and Diversity mainstreaming and Targeted Action to Promote the Rights of Discriminated groups among the displaced is to be finalized and tested to strengthen accountability within UNHCR at the highest levels.
- l. Standard Operating Procedures for prevention and response to SGBV are in preparation.
- m. UNHCR Guidelines on the Protection of Displaced Women and Girls are being drafted to increase awareness of some of the challenges and barriers faced by displaced and returnee women and girls in accessing and enjoying their rights, to ensure all UNHCR staff understand their responsibilities for protection of such women and girls, the international standards which apply and to provide guidance on ways of working and types of activities to fulfill these responsibilities and enable staff to access and use additional resources, guidelines and tools.

17. A Conclusion on women and girls at risk would highlight the importance of a holistic approach to addressing their situation which uses a combination of different tools depending on the situation and thereby helps reduce the numbers of women and girls at risk. It would also serve as a tool to sensitize humanitarian staff, including UNHCR staff, to the need for more proactive engagement to protect women and girls at risk through targeted approaches guided by the elements of the Executive Committee Conclusion.

Concluding suggestions outlining a framework for the Conclusion

18. During the consultations there was widespread support for an operational Conclusion which can serve as a useful tool for delivering protection to women and girls at risk. In view of the request that the Conclusion seek input from the field, the Office is planning a mission in the coming weeks to Kakuma camp in Kenya to undertake a participatory review of the obstacles to finding medium- and longer-term solutions to the protection problems faced by refugee women and girls at risk.

19. In response to the call for a Conclusion that provides practical guidance to the field, it is suggested that it could adopt a similar format to that used in Conclusions No. 22, 23 and 24 of 1981. For the subject at issue in each case, they set out applicable standards and approaches. This would allow the Conclusion to be more clearly operational and more useful in the field for UNHCR, States and other actors.

20. Based on Members' views as expressed not least on the issues raised above, it is therefore suggested that the Conclusion could take the following format:

General

- a) Context and rationale for Conclusion e.g. importance of holistic approach, partnerships, involving men and boys

Risk factors

- b) General risk factors in the wider protection environment to which displaced women and girls may be subject. These would draw on listing A above and focus on risk factors related to security, accessing and enjoying assistance and services, the position of displaced women and girls in society, national systems to support the rights of displaced women and girls and protection systems to uphold their rights.
- c) Individual risk factors, outlining non-exhaustively factors which can render particular displaced women and girls at risk. These would draw on listing B above and focus on risk factors related to status, exposure to SGBV and other forms of violence and a need for additional health or other support.
- d) Displaced women and girls may become at heightened risk and require urgent response if:
 - they are exposed to multiple individual risks and/or risks in the wider protection environment
 - the threat levels rise significantly, and/or
 - there is a specific incident e.g. of SGBV

Measures of protection

- e) Preventive strategies and approaches to tackle risks arising in the wider protection environment. These would set out how the various strategies and approaches outlined in listings C and E above can be used to bring the different actors involved together to identify responsibilities, devise specific approaches and implement joint actions to identify and assess the situation; establish secure environments; empower displaced women and girls and provide coordinated and effective responses.
- f) Responses to individual risks. These would draw on listings D and E above¹¹ to set out measures to ensure identification, determination of status and monitoring, immediate response, medium-term responses and remedial action, and establish longer-term solutions. Identifying responsibilities of different actors involved and areas for joint action will be especially important.

21. This paper sets out key issues for discussion in relation to a Conclusion on Women and Girls at Risk. The Office is interested to hear what suggestions Executive Committee Members may have on these issues and in particular to hear what they propose as regards responsibilities to address the concerns of displaced women and girls at risk and as regards proposed joint actions by the different actors involved – whether States, UNHCR, other UN and international organizations, NGOs and displaced communities themselves – to implement preventive and individual responses. This will greatly assist UNHCR in preparing a first draft of the Conclusion.

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2 May 2006

¹¹ See also UNHCR, “Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response”, May 2003, chapter 4.