



Guidelines on the Protection of Refugee Women

prepared by
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I INTRODUCTION

Background

1. Protection is at the heart of the responsibility that the international community bears towards refugees. Refugees as a group are doubly disadvantaged and thus vulnerable to actions that threaten their protection. First, refugees are victims or potential victims of human rights abuses, conflicts and other acts of aggression. Second, they are outside of their own countries and unable or unwilling to afford themselves of the protection that their own governments should provide. International protection entails taking all necessary measures to ensure that refugees are adequately protected and effectively benefit from their rights.
2. Women share the protection problems experienced by all refugees. Along with all other refugees, women need protection against forced return to their countries of origin; security against armed attacks and other forms of violence; protection from unjustified and unduly prolonged detention; a legal status that accords adequate social and economic rights; and access to such basic items as food, shelter, clothing and medical care.
3. In addition to these basic needs shared with all refugees, refugee women and girls have special protection needs that reflect their gender: they need, for example, protection against manipulation, sexual and physical abuse and exploitation, and protection against sexual discrimination in the delivery of goods and services.
4. These guidelines follow the general framework outlined in the UNHCR Policy on Refugee Women, adopted by the forty-first Session of the Executive Committee. The underlying principle of the Policy is to integrate the resources and needs of refugee women into all aspects of

programming to ensure equitable protection and assistance activities. The guidelines also recognize that special efforts may be needed to resolve problems faced specifically by refugee women.

Legal framework

5. The basic structures and legal instruments to ensure the protection of refugees were established forty years ago. The Office of the UN High Commissioner for Refugees was set up as of 1 January 1951, and the UN Convention Relating to the Status of Refugees was adopted in July 1951. The essential purpose of the Convention was to provide a general definition of who was to be considered a refugee and to define his or her legal status. Paragraph 1 of the Statute of the Office of the United Nations High Commissioner for Refugees (General Assembly Resolution 428 (V) of 14 December 1950) formally mandates the High Commissioner to provide international protection to refugees falling within his or her mandate, and to seek durable solutions to their problems. Since then, in accordance with the Statute, the UN General Assembly has extended the competence of UNHCR through a series of resolutions to cover returnees and displaced persons of concern to the Office.

6. Ensuring the protection of refugee women requires adherence not only to the 1951 Convention and its 1967 Protocol but also to other relevant international instruments such as the Universal Declaration of Human Rights; the 1949 Geneva Conventions and the two Additional Protocols of 1977; the 1966 Human Rights Covenants; the Convention on the Elimination of All Forms of Discrimination Against Women; the Declaration on the Protection of Women and Children in Emergency and Armed Conflict; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; the Convention on the Nationality of Married Women; and the Convention on the Rights of the Child. While individual States may not be parties to all of these instruments, they do provide a framework of international human rights standards for carrying out protection and assistance activities related to refugee women.

7. From these various international instruments can be drawn principles of equity that should underlie all policies and programmes established for refugees by UNHCR. To quote from Article 1 of the UN Convention on the Elimination of All Forms of Discrimination Against Women, no distinction, exclusion or restriction is to be made *on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field.*

8. In addition to international law, the national law of the country of asylum governs the protection of refugee women. Signatories to the 1951 Convention or the 1967 Protocol agree to cooperate with UNHCR in the exercise of its functions and, in particular, its duty of supervising the application of the provisions of the Convention and Protocol (Articles 35 and II, respectively). Further, national laws and policies determine what legal status an individual receives, where she will live, and what assistance will be provided. Also, many of the offences against women, such as rape and physical attack, are punishable by national law. A further legal framework, within the national framework, is provided by the legal codes and processes adopted for internal use in refugee camps. It is particularly important that these instruments of self-governance have provided for the protection of refugee women.

Beyond legal measures

9. International protection goes beyond adherence to legal principles. Equally important, the protection of refugee women requires planning and a great deal of common sense in establishing programmes and enforcing priorities that support their safety and well-being. Thus, international protection of refugee women must be understood in its widest sense. Refugee women who are unable to feed, clothe and shelter themselves and their children will be more vulnerable to

manipulation and to physical and sexual abuse in order to obtain such necessities. Refugee women who are detained among strangers and/or where traditional social protection systems no longer exist, will face greater dangers than those living among family and friends. Refugee women who must bribe guards to obtain firewood, water or other essential goods will be more susceptible to sexual harassment. Moreover, refugee women who formerly had a means of expressing their views in the community may find themselves unable to do so in the camp management committees established by assistance organizations.

10. As these examples indicate, the intrinsic relationship which exists between protection and assistance is particularly evident in relation to refugee women, female adolescents and children. Protection concerns can often be best addressed through assistance-related measures. Conversely, the planning and implementation of assistance programmes can have direct, and sometimes adverse, consequences for the protection of refugee women if they ignore their special needs.

11. To understand fully and address the protection concerns of refugee women, they themselves must participate in planning protection and assistance activities. Programmes which are not planned in consultation with the beneficiaries, nor implemented with their participation, cannot be effective. Since a large proportion of refugees are women, many solely responsible for their dependent children, it is essential that they be involved in planning and delivery of assistance activities if these are to be properly focused on their needs.

12. Participation itself promotes protection. Internal protection problems are often due as much to people's feelings of isolation, frustration, lack of belonging to a structured society and lack of control over their own future as they are to any other form of social problem. This may be particularly evident in overcrowded camp conditions. Refugee participation helps build the values and sense of community that contribute to reducing protection problems.

13. Relief officials often point to cultural constraints in involving women in decision-making, particularly where women have had a limited role in the country of origin. Looking to women as decision-makers under these circumstances, they argue, amounts to tampering with the culture of the group.

14. These relief officials may, however, have only a superficial understanding of the socio-cultural roles of women. Their concerns may reflect the cultural biases of the officials and/or inadequate understanding of both the traditional cultures and the new circumstances in which refugee women find themselves. Prior to flight, women typically have opportunities to express their concerns and needs, sometimes through their husbands and other times through traditional support networks. In refugee camps, however, many women are unable to participate through such traditional mechanisms as these have broken down. Alternative arrangements must be made to ensure that their voices are heard and the perspectives that they have to offer are included in decision-making. It is essential, therefore, that organizations working with refugees recognize that special initiatives may be needed so that refugee women have the opportunity to contribute to activities being planned.

15. In many cases, the government, personnel of other organizations and/or community leaders will need to agree formally or informally to the plans for ensuring protection of refugee women if they are to be effective. They may have objections based on traditional concepts about the role of women in the cultures of the country of origin or the country of asylum. In these situations, it is essential that they understand:

- the responsibilities of UNHCR regarding the protection of refugee women; and
- the requirement that UNHCR uphold international instruments that guarantee equity between men and women as well as the non-discriminatory use/distribution of UNHCR assistance.

Purpose of the Guidelines

16. These *Guidelines on the Protection of Refugee Women* have been prepared to help the staff of UNHCR and its implementing partners to identify the specific protection issues, problems and risks facing refugee women. In doing so, they cover traditional protection concerns such as the determination of refugee status and the provision of physical security. They outline various measures that can be taken to improve the protection of refugee women. Recognizing that prevention is preferable to cure, the guidelines provide suggestions on actions that can be taken, particularly within traditional assistance sectors, to prevent or deter protection problems from arising. Further, they present approaches for helping women whose rights have been violated. Finally, the Guidelines outline steps that can be taken to ameliorate and report upon protection problems that do arise.

Structure of the Guidelines

17. Section II contains brief guidelines for assessing the protection situation of refugee women.

18. Section III suggests the kinds of protection needs which might arise in different situations and the specific interventions that may be appropriate. It has two major parts. The first part details the physical security problems faced by refugee women. The second part details the legal protection problems they may face.

19. Section IV suggests improvements that can be made to prevent abuses at the borders, in the design of camps and settlements, delivery of assistance, and the implementation of education, skills-training and income-generation activities to foster greater protection for refugee women. It also describes activities that can be undertaken in these sectors to help refugee women who have been the victims of protection problems.

20. Section V outlines specific actions to be taken after protection problems have been identified to halt the practices, where possible, and report on their occurrence.

II ASSESSMENT AND PLANNING

Purpose of the assessment and planning process

21. Efforts to prevent or address protection problems will be enhanced by a more informed understanding of the demographic composition of the refugee population, the protection situation faced by each category of refugee (men, women and children), and the mechanisms traditionally used by that society to ensure the safety of vulnerable groups. The planning process takes this information into account and includes it with other practical considerations such as available human, financial and material resources, in proposing activities for refugees.

22. Assessment and planning is needed through every stage of a refugee situation, from the initial emergency through care and maintenance to durable solutions. Early assessment of protection issues affecting refugee women is crucial for two major reasons. First, refugee women may be particularly vulnerable to protection violations as they cross the border into an asylum country. The sooner an assessment of the dangers they face can be made, the sooner these protection problems can be addressed and their security enhanced. Second, decisions made early in a refugee emergency regarding such fundamental issues as camp lay-out and food distribution mechanisms can have long-term ramifications for the protection of refugee women. If the impact on groups with specific needs is assessed, decisions may be taken that will avoid many future problems.

Questions to be answered by assessments

23. Understanding the protection problems facing refugee women requires a two-pronged approach. First, the protection situation facing all the refugees must be assessed. Since women

and their dependent children account for a majority of refugees in most countries, these general protection issues by definition will affect them. Second, issues related to refugee women only need to be identified.

Key Issues - Emergency Stage

- Prevention of attacks on refugee women in crossing the border.
- General knowledge of the demographic profile of the refugee population by gender and age.
- Participation of refugee women in planning and implementation of assistance services and protection measures.
- Physical organization and location of camps to ensure greater protection.
- Assistance policies that ensure that single refugee women and women-headed households gain access to food, shelter, health care, clean water, firewood, etc.
- Access of women to registration documents in their own names.
- Access of women asylum applicants, where applicable, to a fair hearing to determine their refugee status.
- Identification of particularly vulnerable populations to ensure that their protection receives special attention.
- Reunification of families separated during flight.
- Ensuring staff are sufficiently aware of needs of women to include social factors in planning.
- Ensuring an adequate number of women staff, particularly as protection workers and health workers.

Key Issues - Long-Term Refugee Situations

- Demographic profile of the refugee population by gender and age.
- Participation of refugee women in planning and implementation of assistance, services and protection measures.
- Prevention of attacks on refugee women in refugee camps.
- Physical organization and location of camps to ensure greater safety and security for refugee women.
- Assistance policies that ensure that single refugee women and women-headed households gain access to food, shelter, health care, clean water, firewood, etc.
- Access of women to registration documents in their own names.
- Access of women to income-generation and skills-training programmes to ensure their ability to support themselves and their families.
- Access of refugee women to programmes for voluntary repatriation, resettlement and local integration and the information needed to make informed choices about durable solutions.
- Recruitment and training of staff, including women, who are sensitive to incorporating women's issues in planning and implementation of programmes.

24. The questions to be answered in assessing the protection problems faced by refugee women cover a great number of areas. Not all of the questions need be asked at the same time, however. Nor do all have the same import.

25. The assessment may require the involvement of a number of UNHCR staff, in consultation with and assisted by non-governmental organizations, host-country governments and refugees. Some of the questions can best be answered by protection officers while others will require the input of social service officers, health workers and others.

26. More specifically, the questions to be asked in assessing the protection situation of refugee women include:

Circumstances of the movement

- Why have they moved?
- Are they still moving? If so, at what rate? Are further movements likely?
- Do the reasons for movement indicate particular vulnerability of any given group among the refugees? If so, who and for what reasons?
- How have they arrived in this location - on foot, by boat, by plane, by other means?
- Did they face protection problems in getting across the border? If so, what specific protection problems did the refugee women encounter:
 - physical attacks,
 - sexual harassment,
 - rape,
 - abduction,
 - sexual abuse,
 - other?
- Who was responsible for perpetrating the offence? Are these problems likely to continue?
- Are protection officers deployed along the border? If so, by whom? Are women staff among the protection officers?
- Is displacement expected to be short or long term?
- Do people move as individuals, in families or in larger groups? Are single women incorporated into family units or other groups during flight?
- Have families been separated or divided? Are there single parents or families headed by women?
- Have the refugees suffered casualties either before or during flight? If so, in what numbers and from what causes? Are women among those who have suffered casualties? Are they responsible for providing assistance to those who have suffered casualties?
- What resources, if any, have they been able to bring with them? Do women have access to these resources?
- What is their physical condition on arrival?

Characteristics of the refugee population

- What is the ethnic, cultural and language background of the people?
- What are their major traditions, social organization and life styles, particularly regarding the role of women?
- What are the percentages of men and women?
- What is the age distribution by gender of the population?

Local reception and attitudes

- How are they received by the indigenous population of the area?
- How are they received by the government of the country of asylum? How are they received by the military or police forces in the area?
- Are there any local customs in the country of asylum regarding the role of women that may affect the safety or legal status of the refugee women?
- Are the refugees placing strain on the area's resources (including water, food and cooking fuel) and services? Is the local population being adversely affected? If so, who within the local population is most affected? Are women among this group?

Physical organization and location of camps

- How far from the border are the refugees being settled? Are the camps in danger of armed attacks?
- How is the camp or other place of settlement physically organized? Is the camp organized in a manner similar to what the refugees are accustomed to in their villages and townships? Have refugees been consulted?
- Are different ethnic/tribal groups inter-mixed or are they in separate sections?
- Is the camp or other place of settlement isolated from neighbouring communities or is it integrated into the local population?
- Can the people move freely into and out of the camp? If there are restrictions on free movements, what are they? Are men and women affected equally by these restrictions? Are men and women equally able to afford themselves of opportunities to move?
- Is the camp guarded? If so, by whom? Through what physical means?
- Do the guards receive any training regarding the rights of women and their responsibilities towards the protection of refugee women?
- Is the camp lit at night? If so, by what means? Are all parts of the camp lit?
- Where are the latrines and washing facilities relative to the living quarters? Do the latrines/washing facilities ensure privacy? Are there specific access times for women and children? Is there safe access for women on their own, particularly at night?
- Where do people collect water and firewood relative to the living quarters? Do they need passes or permission to go to where the water and firewood is located? Do they need to exit the boundaries of the camp to collect water and firewood? Are the means of exit safe? Is there safe access for women to collect these items, given that women in many societies have primary responsibility for these tasks?
- Where do the refugees obtain assistance and services relative to the living quarters? Do they need passes or other permission to go to the service/assistance locations? Do they

experience any protection problems in reaching the locations of services and assistance?

Social organization

- What social and other structures exist? Who are the apparent leaders? What is the basis of their influence? To what extent do they have the confidence and support of different population groups?
- Are women included in the overall leadership structures? Are there separate women-run social structures? If neither is true, are there other avenues for the participation of women in planning and programming?
- What tensions/rivalries exist within the population? To what extent will these tensions spill over into security problems for refugee women?
- What are the traditional mechanisms for ensuring the safety of vulnerable groups within the population? Have any of these mechanisms carried over to the refugee camp or settlement? Have any new protection mechanisms been developed?

Physical safety

- Within the camp or other place of settlement do women face any of the following safety problems:
 - physical attack
 - rape
 - abduction
 - threats
 - sexual harassment
 - obligation to grant "sexual favours" in return for documentation and/or assistance
 - forced prostitution
 - forced sale of children
 - other?
- Are these situations frequent? On what scale do they occur?
- Are there specific groups of women who are more vulnerable than others to these situations?
 - When do these most often occur?
 - Who are the perpetrators?
 - Who reports these incidents and to whom? Are there rumours of unreported incidents? What happens to the information?
- What actions are taken to protect women from becoming victims of these situations?
- What actions can be taken and by whom to punish the perpetrators?
- Are refugee women engaged in prostitution? If so, in what numbers? Are specific groups of women more likely to become prostitutes? Why? Are there alternative economic opportunities for them?

Access to assistance and services

- Do single women, single-parent families and/or wives have access to basic assistance supplies (food, water, shelter, firewood, clothing, etc.) on the same basis as men?
- Do women heads of households and single women have access to assistance supplies on the same basis as male-headed households?
- Does food distribution offer specific protection problems for women (for example, can women be put in the situation of having to offer sexual favours in exchange for food)?
- Do women face security problems in securing water (for example, do women have to bribe guards or cross minefields in order to obtain water)?
- Do women have equal access to health services? Are the services provided appropriate to the health needs of women (for example, are gynaecological services offered)? Are counselling services provided, particularly for victims of trauma? Are public health workers employed to provide health education to refugee women (for example, regarding breast-feeding, sanitation, family planning)? Are these services offered in a culturally sensitive way? Are traditional birth attendants recognized and trained?
- Do women have equal access to skills-training and income-generation programmes?
- Do girls have equal access to primary education programmes?
- Are female staff employed in these various services, particularly health and counseling services, in proportion to the number of female clients?
- Do women refugees have equal access to employment in programmes operated by international agencies and non-governmental organizations?

Legal status and access to legal systems

- What is the legal status of the people?
- Do women generally obtain the same legal status as men in the same circumstances?
- How is the legal status determined?
- Do women have the same access as men to the refugee-status determination process if such a process is in place?
- Are efforts made to interview women household members to ensure their claims to refugee status are assessed?
- Are there women interviewers involved in the determination process?
- Do adjudicators receive any training about the rights and problems of refugee women? Do they receive training or information about the situations faced by women in the countries of origin? Do they receive training about the forms persecution take for women? Do they receive training or information regarding cross-cultural issues in interviewing women applicants?
- Does the country recognize persecution on the basis of gender as a grounds for granting refugee status?
- What specific problems do women face in obtaining legal status?
- Do women automatically derive refugee status from their husbands and vice versa? Do children automatically derive refugee status from their parents?

- Do women receive documents attesting to their refugee status? Are these documents in their own name?
- Do they receive registration cards attesting to their eligibility for assistance? Are these cards in their own name?

Durable solutions

- Do women have access to information on and opportunities for participation in voluntary repatriation programmes on the same basis as men? When refugees are interviewed to determine if they are returning voluntarily, do women have equal access to the interviewing process? Do they have access to the information needed to make an informed choice? Where UNHCR arranges for community leaders to visit their countries of origin to assess prospects for return, are refugee women included in these missions?
- Do women have access on the same basis as men to programmes for the local integration of refugees into the host country? Do they have the same legal status and rights (for example, to own land, obtain work and become economically self-supporting) as men who are locally integrated?
- Do women have access on the same basis as men to resettlement programmes? Is there a mechanism for women who are particularly at risk to be considered for resettlement in countries that have special programmes for their admission? Are protection officers and others who come into contact with these women aware of the criteria?

How and where to get information

27. The protection problems facing refugee women are often hidden within the community and are not easily uncovered. Because refugee women are often not empowered to speak and their protection problems involve sensitive issues such as sexual assault, it is often necessary to seek relevant information and not assume that it will come to your attention. Systematically gather information on the current situation from all available sources:

- Get reports from people working within the camps or other places of settlement. Look to staff in a wide range of sectors - health, food distribution, education, skills training, etc. - as well as individuals with formal responsibility for protection. UNHCR social service officers, staff of non-governmental organizations, and staff of host-country ministries of health, education and social services are among those with information about the situation of refugee women.
- Talk with members of the refugee community that represent a cross-section of the refugee population. Be sure to include refugee women, using female staff to the extent possible to identify and interview them. Ask specific questions to generate discussion. Also ask for their suggestions about ways to overcome protection problems. It may be necessary to bring refugee women together without men present to obtain the necessary information.
- Make direct, on-the-spot observations of the situations facing refugee women and the physical conditions of the camps.
- Arrange sample surveys, if necessary, to gather specific information from women refugees.

28. The methods used in the collection of information and the time spent in doing so will vary depending on circumstances. At the start of an emergency, for example, you will want to get the pertinent information as quickly as possible without hindering the actual delivery of emergency assistance. As conditions stabilize, it will be possible to obtain a more systematic view of the protection situation of refugee women. Note, however, that the initial collection of information will be extremely important in setting policies and practices that will have long-term ramifications for

the safety of refugee women. Therefore, the emergency assessment should be as accurate and detailed as is logistically possible.

Evaluating and using information

29. To evaluate and use the information, take the following steps:

- **Record** information received, noting the source/origin and the date.
- **Evaluate** the information to determine if it is consistent and plausible.
- **Update** information on a continuous basis. Initial information can be misleading. Needs evolve and priorities change. Some protection problems may not be apparent at all in the initial phase of a refugee movement but will emerge as time passes. Other problems may be a function of flight and will not continue after people are settled into camps.
- **Integrate** the information and perspectives gained in assessing the protection situation of refugee women into overall planning for enhancing the protection of refugees. Where problems are experienced only by refugee women, develop concrete plans of action to remedy those specific problems.
- **Involve** refugee women in evaluating the results of the assessment and developing recommendations to address problems identified therein.
- **Don't** generalize from information relating to only one part of the population or found in one locality. Neither the absence nor the presence of protection problems in one location or among one group is necessarily true of others. Nevertheless, finding problems should be a warning sign to be on the alert for similar situations developing in other locations or affecting other groups.
- **Avoid** hasty actions resulting from initial or incomplete information obtained during the assessment. Nevertheless, it may be necessary to take immediate steps to remedy specific protection problems identified during the assessment without waiting for the whole process to be completed.
- **Consult** on plans for ensuring greater protection that result from the assessment with a wide range of groups in addition to refugee women themselves including the government, local authorities, male refugee leaders, non-governmental organizations, UNHCR assistance staff, and other concerned UN agencies (notably the World Food Programme (WFP) - regarding aspects of food distribution that may be adversely affecting the protection of refugee women).

III PROTECTION NEEDS AND RESPONSES

Physical security

30. While refugee situations present problems of safety to all refugees, women and their dependents are particularly vulnerable. Their physical security is at risk both during flight and after they have found refuge. Durable solutions, such as repatriation or resettlement, may also present protection problems specific to refugee women.

Possible problems/needs

Physical and sexual attacks and abuse during flight

31. For many refugees, the violent situations that cause them to flee their home countries are only the beginning. The path to refuge may itself present such dangers as rape and abduction. During flight, refugee women and girls have been victimized by pirates, border guards, army and resistance units, male refugees, and others with whom they come in contact.

32. When women and girls are separated from male family members in the chaos of flight or

they are widowed during war, they are especially susceptible to physical abuse and rape.

Physical and sexual attacks and abuse in countries of asylum

33. Violence against women and girls does not necessarily abate when refugee women reach an asylum country. The abuse may be as flagrant as outright rape and abduction or as subtle as an offer of protection, documents or assistance in exchange for sexual favours. Perpetrators of such violence may include military personnel from the host country and resistance forces, as well as male refugees. Unaccompanied women and adolescent girls are particularly at risk of such sexual and physical abuse.

34. In many camps, the physical facilities increase the likelihood of protection problems. Camps are often overcrowded. Unrelated families may be required to share a communal living space. In effect, they are living among strangers, even among persons who could be considered traditional enemies.

35. Poor design of camps may also contribute to protection problems for women and girls. Communal latrines and washing facilities may be at some distance from the living quarters, thereby increasing the potential for attacks on women, especially at night. Most camps are not lit. Night patrols to ensure greater protection may be absent or infrequent.

36. Incarceration in closed detention facilities compounds these problems. In a number of countries, all individuals who enter illegally or unauthorized are subject to detention regardless of age or sex or their application for refugee status. In some cases, women and girls seeking asylum are incarcerated with hardened criminals. Closed facilities or camps are often surrounded by barbed wire, giving the appearance and reality of being prisons with prison-like lack of regard for individual freedoms. Inhuman surroundings can encourage inhumane actions.

37. Traditional mechanisms for protection of the vulnerable may be lost when refugees are forced to live in such camp surroundings. In particular, the communal support systems for protection of widows, single women and unaccompanied girls are often no longer present. Aged and disabled women are also particularly vulnerable.

Spouse and child abuse and abandonment

38. Spouse and child abuse and abandonment are problems encountered by women in refugee situations. Heightened levels of domestic violence are frequent where refugees have lived for extended periods of time in the artificial environment of a refugee camp. There is evidence that psychological strains for husbands unable to assume normal cultural, social and economic roles can result in aggressive behaviour towards wives and children. The enforced idleness, boredom, frustration and despair that permeates many refugee camps are natural breeding grounds for such violence.

Military-related violence and forced recruitment into military operations

39. Refugee camps in a number of locations house the civilian families of members of armed forces. The camps frequently serve as rest and recuperation sites. The men often bring weapons with them into the camps. Proliferation of weapons can compound the protection problems facing refugee women. Forced recruitment of women and adolescent girls into the armed forces of resistance groups is a further problem in some countries. They are recruited in some cases as actual soldiers. In other cases, women and children are required to carry ammunition and other supplies. In still other situations, refugee women and children are used to clear mines.

Sexual exploitation and prostitution

40. The failure to address adequately the assistance needs of refugee women has had serious repercussions in the form of sexual exploitation. Such exploitation takes many forms. In some situations, sexual exploitation of single women who are housed with other families has been reported, particularly where the refugee women are expected to take on conjugal roles in their new households. In other countries, some refugee women have been forced into prostitution for lack of assistance. Prostitution involves primarily single refugee women and girls who are unaccompanied, as well as female heads of household. The causes are generally complex and include the breakdown of the social fabric, but key to the decision to become a prostitute is the absence of adequate income. Until alternative income-generating opportunities are made accessible to these women, prostitution will probably remain a too-common occupation. This problem is compounded by minimal assistance programmes in many urban locations, particularly where refugees are residing illegally.

41. Refugee women without proper documentation are particularly susceptible to exploitation and abuse. In many refugee situations, women are not routinely provided documents showing that they are legally in the country. The male head of household may have been given a document but he is not always present. If a military or police unit stops a refugee woman who has no documentation, she may find herself incarcerated even if she has permission to reside in the country. Alternately, she may find it impossible to obtain international assistance or work authorization without the documentation and may turn to prostitution or other illegal pursuits to feed herself and her family.

Physical protection during repatriation

42. Many of the protection problems facing refugee women and girls in flight and in countries of asylum follow them home. Much of the return to home countries is spontaneous, occurring without the assistance of international organizations. Often, the return is to a still-unsettled political and military situation. The physical safety problems encountered in crossing from country of origin to country of asylum may be repeated on the return trip. Moreover, once the refugee woman has returned to her home town or village, she may be subject to abuse or exploitation by military forces in control of the area. The victims may find it difficult to report such abuse to UNHCR staff who are monitoring the safety of returnees unless there are female protection officers among the monitors.

Difficulties in prosecuting offenders

43. Prosecuting those who attack or exploit women has proven difficult in many situations. The women are often reluctant to talk about the attacks and to go through the emotional and sometimes threatening process of identifying and testifying against the culprits. The perpetrators may be individuals in positions of authority, and those representing the interests of the women are unable or unwilling to bring them to account. In at least one situation - piracy attacks - prosecution has led the attackers to kill eyewitnesses who could testify against them, thereby increasing the danger to the women.

Possible programme interventions

Participation of refugee women

44. Involve refugee women in decisions affecting their security. Among the decisions about which refugee women should be consulted are: identification of particularly risky situations; mechanisms to improve the reporting of physical and sexual protection problems; programmes for improving protection that build upon traditional protection mechanisms that have proven

themselves beneficial and avoid harmful practices; improvements in camp design and implementation of assistance programmes to ensure greater safety; and programmes for addressing the needs of victims.

Design and implementation of assistance programmes to reduce dangers

45. Improvements in the assistance programme can increase protection for refugee women and girls:

- Assess and make changes needed in the physical design and location of refugee camps to promote greater physical security. Special measures that may need to be implemented include security patrols; special accommodation if needed for single women, women heads of households and unaccompanied girls; and improved lighting.
- Reduce the use of closed facilities or detention centres where refugee women are likely to be the victims of violence.
- Address protection concerns particular to refugee women in all other sectors of refugee programmes, such as health and nutrition programmes, and incorporate information on the situation, needs and rights of refugee women in educational activities carried out in refugee programmes (See Section IV).
- Ensure that refugee women have proper documentation and have access to whatever registration process is used to determine eligibility for assistance.

Vulnerable groups

46. Within the female refugee population are women who are particularly vulnerable to protection problems: for example, unaccompanied adolescent girls and women, elderly women and disabled women:

- Identify women who fit into these vulnerable groups and determine if they are facing special protection problems.
- Develop approaches in consultation with the refugee women to address their special needs. For example, the unaccompanied women may want to establish a separate living area for themselves. Elderly and disabled women may need to be assigned space in closer proximity to services.

Staffing to ensure greater protection

47. Changes in the composition, training and deployment of staff can promote protection for refugee women:

- Place trained international staff, including women, in border areas which refugee women must cross in order to enter countries of asylum as well as in reception centres, refugee camps and settlements. Staff in NGOs and other UN agencies can serve as an important protection arm of UNHCR by identifying problems and, through their very presence, deterring such problems.
- Employ female protection officers in border units and inside refugee camps and other places of settlement. Refugee women may be reluctant to report abuses, particularly of a sexual nature, to male staff.
- Employ female interpreters and train them on protection issues related to women.
- Provide training for UNHCR staff, NGO staff, host-country border guards, police, military units and others who come into contact with refugees. The training should include sections on the

rights of refugee women under international law, the responsibilities that the host country has in protecting these rights, and specific actions that can be taken to increase protection for refugee women under their jurisdiction. The emphasis should be on deterring problems from occurring.

Protection in the context of repatriation

48. Ensure that monitoring of protection of returnees gives high priority to assessing the safety of refugee women.

Help for the abused

49. A part of protection is finding appropriate remedies for victims of protection problems. These remedies not only help individuals but also provide an improved environment for identifying and instituting measures to prevent problems from emerging. Steps to be taken include:

- Employ social and community workers to talk directly with women and to identify and provide remedies for women who are the victims of physical violence and sexual abuse. Offer culturally sensitive counselling to refugee women who have been victims of abuse (See Section IV).
- Provide emergency relocation, if necessary, for refugee women who may be particularly exposed to abuse. In some cases, the best solution for a woman who has been the victim of protection problems may be to remove her from the site of the abuse. The Women-at-Risk programmes operated by a number of resettlement countries to facilitate the entry of women under particularly difficult circumstances are a possible vehicle through which these women can be resettled with appropriate services and assistance. Voluntary repatriation should also be explored, particularly if the woman's family is still in the country of origin and is prepared to assist her in her reintegration.
- Ensure that reunification takes place of families separated between different camps or inside the same camp so as to reduce the number of unaccompanied vulnerable females (women and girls).

Law enforcement in countries of asylum

50. Establish effective mechanisms for law enforcement to ensure that abusers are identified and prosecuted for their offence. Careful planning of enforcement mechanisms is essential.

Internal camp legal codes and processes

51. Review legal codes and processes adopted in camps to make sure that protection problems affecting refugee women are covered and that women have equal access to the remedies provided in these courts. Encourage adoption of rules governing these situations, encourage the participation of refugee women in planning and implementation of the procedures, and provide training to those administering them.

Education and public information

52. Education of refugee women as to their rights and education of potential abusers of women as to their responsibilities can be a strong defence against protection problems:

- Inform refugee women of their rights under international and national laws.

- Work with NGOs to develop programmes and materials to educate refugee women, refugee men, NGO staff, government staff and others as needed about the rights of refugee women and their need for physical protection.

Legal procedures and criteria for the determination of refugee status

53. Determination of refugee status is fundamental for the provision of assistance and protection to refugees. In many countries, elaborate procedures exist to carry out determinations on an individual basis. In the absence of such procedures or depending on the exigency of the situation, there may be prima-facie group determinations reached. In addition, UNHCR protects individuals or groups who fall within its competence based on its Mandate and General Assembly directives.

Possible problems/needs

The grounds for establishing refugee status do not include gender

54. The 1951 Convention Relating to the Status of Refugees defines a refugee as a person who is outside of his or her country of origin and is unable or unwilling to return owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, Article I.A.(2). The claim to refugee status by women fearing harsh or inhumane treatment because of having transgressed their society's laws or customs regarding the role of women presents difficulties under this definition. As a UNHCR legal adviser has noted, "transgressing social mores is not reflected in the universal refugee definition." Yet, examples can be found of violence against women who are accused of violating social mores in a number of countries. The offence can range from adultery to wearing of lipstick. The penalty can be death. The Executive Committee of UNHCR has encouraged States to consider women so persecuted as a "social group" to ensure their coverage, but it is left to the discretion of countries to follow this recommendation.

55. Women may also flee their country because of severe sexual discrimination either by official bodies or in local communities. Protection from sexual discrimination is a basic right of all women and is enshrined in a number of international declarations and conventions. While the universal right to freedom from discrimination on grounds of sex is recognized, and discrimination can constitute persecution under certain circumstances, the dividing line between discrimination and persecution is not a clear one.

56. Women who are attacked by military personnel may find difficulty in showing that they are victims of persecution rather than random violence. Even victims of rape by military forces face difficulties in obtaining refugee status when the adjudicators of their refugee claim view such attacks as a "normal" part of warfare. Women victimized because of the political activities of a male relative have particular difficulty demonstrating their claim to refugee status. Yet, in many conflicts, attacks on women relatives are a planned part of a terror campaign.

Access to a hearing

57. Sometimes, women who arrive as part of a family unit are not interviewed or are cursorily interviewed about their experiences, even when it is possible that they, rather than their husband, have been the targets of persecution. Their male relatives may not raise the relevant issues because they are unaware of the details or ashamed to report them.

Refugee determination interviews

58. Women face special problems in making their case to the authorities, particularly when they have had experiences which are difficult and painful to describe.

59. Persecution of women often takes the form of sexual assault. The methods of torture can consist of rape, the use of electric currents upon the sexual organs; mechanical stimulation of the erogenous zones; manual stimulation of the erogenous zones; the insertion of objects into the body-openings (with objects made of metal or other materials to which an electrical current is later connected); the forced witnessing of 'unnatural' sexual relations; forced masturbation or to be masturbated by others; fellatio and oral coitus; and finally, a general atmosphere of sexual aggression and threats of the loss of the ability to reproduce and enjoyment of sexual relations in the future.

60. The female victim of such sexual torture obviously may be reluctant or find it very difficult to speak about it, particularly to a male interviewer. Rape, even in the context of torture, is seen in some cultures as a failure on the part of the woman to preserve her virginity or marital dignity. She may be shunned by her family and isolated from other members of the community. Discussing her experience becomes a further source of alienation.

61. A second problem arises when women are interviewed about the claims to refugee status made by male relatives. A wife may be interviewed primarily to corroborate the stories told by her husband; if she is unaware of the details of her husband's experiences (for example, the number of her husband's military unit), the entire testimony may be discounted as lacking in credibility. Yet, in many cultures, husbands do not share many details about military or political activities with their wives.

Inequities in granting of status

62. A further legal problem affecting refugee women is the actual status they are granted by a country of asylum. In most countries, family members who are accompanying or join a person who is granted refugee status are granted the same status. This practice is not followed in all places, however. Nor is recognition of refugee status automatic in some countries for spouses and children who follow a refugee to a country of asylum. Family reunification is not a right conferred on refugees by the 1951 Convention; it is a recommended practice that leaves much to the discretion of individual States. While many States allow family members to immigrate, a number of countries grant family members a residency status that provides less protection against deportation than does refugee status. Should the family break up, the wife (who is more often the person to be joining the one granted refugee status) may find herself without any protection from forced return. Yet, her own claim to refugee status may be as strong as her husband's. She may, after some lapse in time since the events described by her husband or because she was not privy to some of the details, be unable to make the case convincingly for being granted her own refugee status.

Absence of documentation

63. Countries of asylum often have inadequate processes for registering and providing documentation even to those refugees who have permission to remain. Sometimes, countries of asylum register and provide documentation to the male head of a refugee household but offer no proof of residency to other family members. Should the men abandon their families or otherwise not be present, it is difficult, if not impossible, for their wives to prove that they are legally in the country.

64. Registration of marriages, births and deaths is a further problem for many refugee families. In some countries, no procedures exist for formally registering marriages and births or even deaths that take place in refugee camps. In other countries, registration can take place in camps but there are no procedures for the spontaneously settled. Alternatively, urban refugees can register their children but there are no procedures for those in rural settings. In still other

cases, the procedures are in place but refugees are afraid to make use of them for fear of coming to the attention of the authorities.

65. Statelessness is a problem facing many refugee girls. In a number of situations, there are conflicting national laws concerning the attribution of nationality. A country of asylum may hold that a child born on its territory cannot have its nationality if the child's parents are of a different nationality. The country of the parent's origin may hold, however, that the children are ineligible for its nationality if born on another country's soil.

66. Even where documentation can be legally obtained, special constraints in registering exist for refugee women, particularly women heads of households. These constraints include physical and logistical difficulties in reaching the authorities responsible for registration, particularly in cultures that do not permit women to interact with strangers, and lack of access by single women and women heads of households to information about benefits to which they are entitled.

67. Failure to provide for registration creates many psychological and practical problems, particularly for refugee women who are the primary care-givers in their families. Registration is necessary not only to establish legal standing, age and nationality but also to obtain assistance in many locations.

Repatriation decisions

68. Often, decisions on return are made by camp leaders and there may be little opportunity for women to express their views either as a group or as individuals. In some situations, women who would like to return to their homes are unable to do so because male leaders have determined that no one should repatriate. Women and children are in effect captives of the resistance groups that control these camps. Under other circumstances, women may be compelled to return "voluntarily" because of decisions taken on their behalf or because of reductions in assistance, poor living conditions, and physical abuse. To complicate matters, women are not always given information needed to make an informed choice, where choice is an option.

Local integration

69. Refugees integrated into communities in countries of first asylum may not be accorded full legal and political rights. Even those born in the settlements may be without these rights. In effect, the residents remain refugees in their new homes. Absence of legal rights impedes the ability of refugee women to attain full economic self-support because they could be denied access to markets, ownership of land and businesses, the right to travel freely throughout the country, etc. Access to employment and income-support for needy families is a further issue affecting refugee women who are settled in countries of asylum. Sometimes, work permits are limited to certain activities such as domestic labour, with strict requirements related to age, physical condition, and often with very limited labour protection. It is particularly unskilled women who are forced by economic conditions into this exploitative situation.

70. Spontaneously settled refugee women, particularly those living in urban settings, face even further difficulties. Obtaining legal residency is often impossible, particularly where governments are trying to discourage settlement in cities. Even in rural areas, spontaneously settled refugees often do not have identity cards, thereby limiting their access to services. A number of reports on prostitution among refugee women have noted that women without legal residency are among those most likely to become prostitutes.

Possible programme interventions

Bases for granting refugee status to women

71. An improved understanding of the various bases upon which women can and should be granted refugee status will increase the likelihood of a fair hearing of their claims:

- Afford opportunities for the women as well as the men in a family to provide information relevant to the determination of refugee status.
- Promote acceptance in the asylum adjudication process of the principle that women fearing persecution or severe discrimination on the basis of their gender should be considered a member of a social group for the purposes of determining refugee status. Others may be seen as having made a religious or political statement in transgressing the social norms of their society.
- Promote acceptance of the notion that sexual violence against women is a form of persecution when it is used by or with the consent or acquiescence of those acting in an official capacity to intimidate or to punish.
- Promote recognition that there may be a basis for granting refugee status where a government cannot or will not protect women who are subject to abuse for transgressing social standards. The government need not itself have been the instigator of the abuse.

Interviews

72. It may be necessary to use a variety of gender-sensitive techniques to obtain information from women during the status-determination process. The recruitment and training of female interpreters is a precondition for the most effective interviewing:

- Study the training module that has been developed on interviewing refugees.
- Be aware of gender differences in communication, particularly regarding non-verbal communications. As an interviewer, avoid intimidating gestures that inhibit responses. In assessing the credibility of the female applicant, for example, do not judge it on the basis of such Western cultural values as the ability to maintain eye contact.
- Be patient with female applicants to overcome inhibitions, particularly regarding sexual abuse. Questions may need to be asked in a number of different ways before victims of rape and other abuses feel able to tell their stories. Enough time should be allowed during the interviewing process to permit the female applicant to build a rapport with the interviewer so she is able to recount her experiences. Do not ask for details of sexual abuse; the important thing in establishing a well-founded fear of persecution is to establish that some form of it has occurred.
- Recognize that women who have been sexually assaulted exhibit a pattern of symptoms that are described as Rape Trauma Syndrome. These symptoms include persistent fear, a loss of self-confidence and self-esteem, difficulty in concentration, an attitude of self-blame, a pervasive feeling of loss of control, and memory loss or distortion. These symptoms will influence how a woman applicant responds during the interview. If misunderstood, they may be seen wrongly as discrediting her testimony.
- Understand that women in many societies do not have specific information about the activities of the men in their families. Gaps in their knowledge should not be construed as lack of credibility unless there is other evidence of such lack of credibility.
- Provide women the opportunity to be questioned by themselves, out of the hearing of other members of their family. Victims of sexual abuse may not feel comfortable recounting their experiences in front of their fathers, husbands, brothers or children.

Country conditions affecting women

73. Adjudicators should be familiar with the status and experiences of women in the country from which a refugee claimant has fled. Among the issues of which interviewers should be aware are:

- the position of women before the law, including their standing in court, the right to lay a complaint and give evidence, divorce and custody law, the right to own property, the right to have or refuse an abortion;
- the political rights of women, including the right to vote, to hold office and to belong to a political party;
- the social and economic rights of women, including the right to marry the person of her choice, the right to an education, a career, and a job or remunerated activities, the status of a widow or divorcee, and freedom of dress;
- the incidence of reported violence against women, the forms it takes (such as sexual assaults, "honour" killings, bride burnings), protection available to women and the sanctions or penalties on those who perpetrate the violence; and
- the consequences that may befall a woman on her return in light of the circumstances described in her claim.

Repatriation and local integration

74. • Institute programmes to ensure that women have equal access to the procedures for voluntary repatriation so that those who want to return are able to do so and that those fearing return are provided protection against refoulement.

- Provide information to refugee women as well as men to help them make an informed choice about repatriation options.
- Assess the legal standing of refugee women who have been integrated into local communities, with particular attention to legal provisions that limit the rights of women. Where these provisions are exploitive or will impede the capacity of refugee women to become economically self-supporting, assess and make changes, as needed, in UNHCR's plans for transitional assistance to the refugees and surrounding communities.

Staffing and training

75. • Employ women as interviewers and interpreters for purposes of determining status. The very delicate and personal issues arising from sexual abuse requires the physical presence of officials who are sensitive to the needs of refugee women. In many instances it requires female staff members who can communicate with victims about their personal experiences.

- Provide gender-sensitive training to all interviewers and adjudicators of refugee status. Immigration officers doing status determinations should be given training specifically regarding the interviewing and assessment of the claims of women asylum-seekers.

Registration and documentation

76. Institute procedures to ensure that women have equal access to registration procedures and are provided appropriate documentation. Where it is not possible to provide separate documents to all family members, adult women should be given high priority for receiving the documents needed to establish eligibility for assistance.

IV ADDRESSING PROTECTION THROUGH ASSISTANCE

Introduction

77. Protection cannot be seen in isolation from the mechanisms that are established to assist refugees. From the initial decisions that are made on camp design and layout to the longer-term programmes to assist refugees in finding durable solutions, the choices made in the assistance sectors have profound effects on the protection of refugee women. UNHCR has the responsibility, as part of its protection function, to ensure the non-discriminatory access of all refugees to its assistance. Beyond that, UNHCR assistance should be supportive of efforts to provide for the safety and dignity of refugee women and be responsive to the needs of those already victimized.

78. The following issues and recommendations, aimed at camp planners and the administrators of assistance programmes, follow closely the protection problems and interventions described in Section III. They are meant to be seen as complementary actions to those recommended to protection officers.

Camp design and layout

Possible problems/needs

79. The physical circumstances in which refugees are housed affect their safety. Too often refugee women face dangers stemming from poor design of camps: for example, communal housing that provides no privacy for women; location of basic services and facilities such as latrines at an unsafe distance from where refugee women are housed; poorly lit camps that allow attacks to take place with relative impunity; construction of barriers and even the mining of the perimeters of camps even when refugees must go beyond those borders to obtain firewood or other items.

80. In many refugee situations, strangers are thrown together in new settings. Often, no efforts are made to restore traditional communities in deciding to which camps individuals and families will be assigned or where within a camp a given person will be living. Encampments may be the size of large cities, offering the first experience of urban life for refugees. Unaccompanied women and women-headed households may be intermixed with single men under circumstances that undermine efforts to provide protection. Traditional mechanisms for providing order within the community may be lost in the refugee experience.

Possible programme interventions

81. The following is a summary of possible programme interventions:

- Conserve to the extent possible the original community from the country of origin within the new site.
- Consult with the refugees as to the preferred physical and social organization of the camp. Ensure that women are consulted during this process, and when possible, have female staff talk with community workers.
- Ensure that basic services/facilities at the site are located in such a manner that refugee women do not become vulnerable to attack when they need to avail themselves of these services/facilities.
- Form security patrols, preferably by trusted members of the refugee community, to guard the encampment at night, targeting the protection of refugee women as a first priority.
- Improve lighting where possible, particularly on the paths used by women at night to use services/facilities.
- Give special priority to assessing the needs for protection of unaccompanied refugee women, women-headed households, aged and disabled women, consulting with them to

determine the best housing arrangements.

- Identify and promote alternatives to camps where possible, particularly alternatives to closed camps and detention centres. Prolonged stays in camps can lead to a breakdown in law and order.

Access to food and other distributed items

Possible problems/needs

82. Equal access to food and other distributed items is a key issue for refugee women. The principle cause of mortality in refugee camps is malnutrition. Lack of food kills on its own and is a major contributor to death from a number of diseases. Malnourished people are more susceptible to disease and are more difficult to cure of illnesses. Malnourished women who are pregnant or lactating are unable to provide sufficient nutrients to their children to enable them to survive. Further, people denied such basic items as shelter, clothing and cooking utensils are at higher risk of disease.

83. Decisions about food and other item distribution are generally made by international organizations and host countries in consultation with the male leaders of the camps. Yet, these male leaders may have little understanding of the needs and circumstances of those who cook the food, feed or clothe their families: the women. As a result, the distribution procedures and contents of the food basket may be inappropriate. Food that is inconsistent with the dietary traditions of the refugees may be provided. Or, food may be offered that requires preparation that cannot be readily accomplished in the camp setting. These problems are further compounded by cultural practices among some refugee populations that require that men be fed first. Where supplies are limited, women and children may not receive adequate food and will be the first to suffer.

84. The predominance of male-dominated food distribution is at clear odds with traditional patterns in which women play a lead role in food production. The World Bank reports that 70 percent of the food grown in developing countries is produced by women. Although the pattern differs somewhat by region, women in developing countries are also typically involved in animal husbandry, activities aimed at storing food, selling and exchanging produce, and the preparation and cooking of food. In Africa, women are often the sole cultivators whereas in Asia, joint cultivation by spouses is more typical. In Latin America, women tend to take over cultivation when their husbands seek employment in the cities to supplement the agricultural work.

85. In some circumstances, food distributed through male networks has been diverted to resistance forces or for sale on the black market, with women and children suffering as a result. In other situations, food has been used as a weapon by blocking distribution to civilian populations. In still other cases, male distributors of food and other items have required sexual favours in exchange for the assistance goods.

Possible programme interventions

86. The following is a summary of possible programme interventions:

- Consult with refugee women regarding all decisions about food and other distribution.
- Designate refugee women as the initial point of contact for emergency and longer-term food distribution. Distribution of food directly to women can reduce diversion to the military and creates a greater likelihood that food will reach the refugee population. It also helps ensure that women are not forced to provide sexual favours in order to obtain food.
- Monitor the nutritional status of women and children to identify problems in food distribution. Where nutritional deficiencies or declining nutritional status is detected, immediate steps should be taken to review the food distribution policies and their implementation to

determine if they are acting in a non-discriminatory manner that provides adequate access for all refugees.

- Provide opportunities and training, if necessary, so that refugee women can produce, trade or otherwise acquire food for themselves and their families.

Water and firewood

Possible problems/needs

87. In addition to malnutrition, poor sanitation and contaminated water supplies contribute to high death rates in many refugee situations. Improved techniques for obtaining clean water is an essential need. Women in refugee camps, like many other women in developing countries, spend a great deal of time in water collection. Containers that are too heavy or pumps that are inconveniently located can intensify this effort. Similarly, collection of fuel for cooking and heating is a task for which women are generally responsible. In a refugee context, efforts to find water or firewood can be not only time-consuming (if located at some distance from the camps) but dangerous (if located in mine-infested areas or the site of conflict).

Possible programme interventions

88. The following is a summary of possible programme interventions:

- Consult with refugee women concerning the type and location of water points and containers for carrying water.
- Consult with refugee women concerning the location and means of collection of fuel for cooking and heating.
- Monitor the water and fuel-collection points to ensure that they are safe and accessible.

Access to appropriate health care

Possible problems/needs

89. The access of refugee women to health care services is important both to their own health and to the welfare of the broader community. Women are also the prime providers of health care to other family members. Thus, the health of other members of the family will be directly related to a mother's knowledge or interest in promoting a healthy environment and taking preventive actions against disease.

90. Health services further serve an important protection function in identifying protection problems arising within a camp or other place of settlement. Health staff become aware of protection problems when women who have been sexually abused or otherwise harmed seek medical care. Community health workers typically visit homes within the refugee community and may hear of specific problems during the course of their work. However, few health workers receive training about what to do when they uncover these problems.

91. Inappropriate or inaccessible health services can be obstacles to good health among refugee women and their families. The absence of female health practitioners has been one of the principal barriers to health care, particularly where cultural values prevent a woman from being seen by a man who is not a member of her immediate family.

92. Failure to utilize the existing networks of female health practitioners in refugee communities has caused a variety of problems. For example, a number of programmes have trained refugee men to serve as medics but then find that the trained personnel leave the camps. Some seek resettlement abroad; others are conscripted to serve as medics in the military forces.

93. By contrast, women health workers tend to be not only more appropriate practitioners but also more stable members of the community. Recruitment of refugee women to become health workers is thus essential to the operation of health services. Agencies that place high value on English skills and literacy in their refugee workers may need to change their criteria for recruitment of health workers if insufficient numbers of refugee women meet them. They may also need to redesign their training programmes to include an emphasis on the development of literacy skills. Further, they may need to develop mechanisms for convincing male leaders that women should become health workers, particularly where there are cultural constraints on women taking employment outside of the home. Recruitment of female expatriate and host-country staff will also need to be intensified, particularly in those posts involving supervision of refugee women staff and clinical services for women.

94. A further problem relates to the types of services offered. Existing health services too often overlook female-specific needs. For example, gynaecological services are frequently inadequate as are child spacing services. Basic needs, such as adequate cloth and washing facilities for menstruating women, are overlooked. Serious problems, such as infections and cervical cancer, and harmful practices such as female circumcision go all but undetected. Counselling regarding sexually-transmitted diseases is generally inadequate for both women and men. Few, if any, programmes focus on the needs of adolescent girls even though early marriages and pregnancies are a reported cause of poor health.

95. Access to family-planning information and devices is limited in most refugee camps even where it is available to women and men in the host country. In some cases, the refugees are reluctant to use birth control because of cultural constraints or unfamiliarity. In a number of camps, non-governmental agencies provide health services, including those relating to maternal and child health and health education, but they are unable, because of their own religious or cultural constraints, to include family planning in their programmes. Refugee women may not be given sufficient information to provide informed consent to the use of birth control.

96. Inappropriate design of health programmes is another impediment to their effective utilization by refugee women. Although an emphasis on preventive programming is supposed to dominate health care systems, many programmes are still primarily focused on curative services.

97. In many situations, men are the primary users of in-patient facilities. Some hospital beds are used almost exclusively by soldiers who have returned to their families in refugee camps because they have been wounded or suffer from such diseases as malaria. Use of health care services for this purpose is often at the expense of preventive efforts that would improve the health status of refugee women.

98. In addition to physical health problems, some refugee women suffer from mental health problems. Becoming a refugee involves many dislocations and abrupt changes in life. At a minimum, refugee women face emotional problems and difficulties in adjustment resulting from loss of family and community support.

99. More serious mental health problems are not uncommon, arising from torture and sexual abuse prior to or after flight. Depression and post-traumatic stress disorder often follow such experiences. Common symptoms experienced by survivors of traumatic events include anxiety, intrusive thoughts, disassociation or psychic numbing, hyper-alertness, and sleeping and eating disorders. The most serious mental health problems of refugees may manifest themselves in severe depressive behaviour, self-destructive behaviour, violent or disruptive behaviour, alcohol or drug abuse, and a high degree of psychosomatic illness.

100. Rape counselling programmes, or their cultural equivalents, are few in number although many refugee women have been raped. Other mental health services are also lacking in most refugee camps. Nor are counselling programmes available for women who have undergone the trauma of dislocation.

101. There are also logistical problems that impede access to health care for refugee women. Inconvenient clinic hours may prevent women from coming for health services or bringing their

children. Other time-consuming responsibilities limit women's flexibility. Also, clinics may be distant from home. Concerns about security also impede access. In some camps, women are reluctant to go to clinics because they must cross insecure areas to get there.

Possible programme interventions

102. The following is a summary of possible programme interventions:

- Consult with refugee women to design health programmes that are appropriate for them and that guarantee that women have equal access to their services.
- Enter into contracts and agreements with institutions operating health programmes that require that the gender composition of their health staff reflect the gender composition of the refugee population.
- Develop programmes for the recruitment and training of refugee women as health workers.
- Provide training to health staff, including refugee workers, to help them identify protection problems and know to whom to report them.
- Give high priority to the provision of primary health care, including maternal and child health services, gynaecological services, birthing care, counselling regarding sexually transmitted diseases, family planning programmes, and health education regarding public health and harmful practices such as female circumcision. Special attention should be paid to services needed by adolescent girls.
- Institute counselling and mental health services for refugee women, particularly for victims of torture, rape and other physical and sexual abuse.

Education and skills training

Possible problems/needs

103. The right to education is universal. The Universal Declaration of Human Rights states explicitly, "Everyone has the right to education. Education should be free, at least in the elementary and fundamental stage." The 1951 Convention Relating to the Status of Refugees provides that: "Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education." The UNHCR Executive Committee has reaffirmed the fundamental right of refugee children to education and, in its thirty-eighth session, called upon all States, individually and collectively, to intensify their efforts to ensure that refugee children benefit from primary education. Yet, the right to education continues to be abridged.

104. Millions of refugee children are without education, even at the elementary level. In 1987, fewer than 500,000 of an estimated 5 million children receiving assistance from UNHCR were enrolled in schools. The educational coverage is poor by comparison with either the surrounding host-country population or the country of origin. The situation for girls is particularly bad, with reports in several countries showing a much lower utilization by refugee girls of educational programmes at all levels (primary through university) than is true of refugee boys.

105. Even where refugee children have access to schools, the classes may be seriously overcrowded. Teacher shortages are a further problem. Teachers often lack adequate training, and the numbers of trained national personnel are inadequate for even national needs. Female teachers are often under-represented in refugee schools, sometimes because few women had access to education in the country of origin.

106. Opportunities for secondary and university education for refugees are limited in almost all locations. In many countries, access to secondary education is affected by the host country's

policies about the admission of refugees. UNHCR operates scholarship programmes that allow a small number of refugees to obtain higher education. A report in 1984 of the secondary and tertiary educational scholarship programme at UNHCR showed that scholarships generally went to single, male students. Most educational scholarships do not provide support for dependents, making it difficult for women with children to compete for them.

107. Problems of access for refugee women can also be found in skills-training programmes. Refugee situations often call for new skills and occupations for women. Many of the skills which women bring with them are not immediately or directly relevant to their experiences in refugee camps or settlements. Although many of their skills are transferable, refugee women often need training to undertake new roles in support of themselves and their families.

108. Refugee women face many of the same impediments to education and skills-training as do children - inadequate resources, teachers and classes. In addition, women face other barriers. Cultural constraints sometimes prevent women from accepting work or undertaking training that takes them out of the household. The culture may also set restrictions on the type of work that is considered to be appropriate for women. Practical problems also constrain enrolment, including need for day care and lack of time and energy after household work and/or jobs as a wage earner. Also, many skills-training programmes assume some level of prior education, most notably in terms of literacy. Refugee women may not qualify for such programmes, having been discriminated against in their country of origin in obtaining elementary education.

109. Other constraints relate to the design and contents of training programmes. In some cases, programmes have been too far removed from the everyday-life activities of the refugee women and have therefore appeared to be irrelevant to their needs. Some vocational training programmes have focused on skills that are not marketable in the refugee context.

Possible programme interventions

110. The following is a summary of possible programme interventions:

- Ensure that refugee girls have equal opportunities as boys to obtain primary education offered by UNHCR. Where refugees are schooled by national authorities, ensure that refugee girls have access on the same basis as boys, within the parameters set by national educational policies. Where needed, institute programmes to help refugee girls overcome the barriers that impede their utilization of the educational programmes.
- Assess and make changes, as needed, in high school and university scholarship programmes, adult educational programmes and skills training programmes to ensure that refugee women have equal access to them. Institute projects to help women overcome the barriers, such as need for child care, that impede their utilization of the educational and training programmes.
- Consult with refugee women in the development and implementation of these programmes.

Economic activities

Possible problems/needs

111. A basic need of many refugee women, particularly heads of households, is sufficient income to support their families. The extent to which refugee women are economic resources has often been under-estimated. While household strategies for economic survival differ greatly, in all situations women play an important economic role. Barriers to assuming these economic roles lead to an inability of refugee women to support themselves and their families, thereby contributing to their potential exploitation.

112. Household strategies for economic survival vary depending on family composition,

existing work opportunities, refugee and host-country cultural constraints, and other factors. Refugee women in developing countries (like their host national counterparts) are an integral part of the family's economic activities whether those entail assisting in food production, marketing goods or providing services such as cooking and laundry for other family members who engage in wage-labour activities.

113. Theoretically there are a number of ways that refugees can supplement their household income. They include: employment in the local economy or with assistance agencies; agricultural activities; bartering; establishment of trades or small businesses; and participation in skills-training programmes and formal income-generation projects.

114. Women in developing countries most typically find employment in the informal sector of the economy. Refugee women in developing countries do the same. In general, refugee women who work in the local economy are within the service sector. For example, it is not uncommon to find a refugee woman supporting her family through her earnings as a domestic. These jobs are often a cornerstone in the household survival strategy for an extended family.

115. Assistance agencies are an important source of employment for refugees in developing countries. Typically, these positions go to younger men who have the language skills to communicate with and relate to the expatriate staff in charge. These positions often offer a higher level of financial compensation than is usually available to refugees in the local market; relatively interesting, non-manual labour work (though the employees often feel they are over-qualified for the position); more security; higher status; and other benefits such as an increased chance for resettlement to a third country.

116. The primary area of employment with assistance agencies for refugee women is in the health sector. In a number of cultures, it is more appropriate for women to seek medical advice from and be examined by other women. The employed women work in supplementary feeding programmes; as traditional birth attendants; in mother/child health programmes; as home visitors, particularly in public health education and outreach; as translators; etc. Following health programmes, the second largest sector for employment is income-generation projects, particularly those aimed specifically at women. Refugee women, however, tend to be under-represented even in these fields.

117. UNHCR and NGOs have implemented many programmes to help women's income-generating activities. A number of problems have affected the success of these attempts. Generally, they targeted marginal economic activities such as handicrafts for which there is often not a sustainable market. Women have generally not been involved in some of the larger projects that focus on reforestation, infrastructure development, or agricultural activities. Interestingly, in many of the cultures from which the refugee women come, women are traditionally involved in these activities, raising questions about whether Western biases about women's traditional role may be constraining choices.

118. Few of the women's projects have led to long-term economic self-sufficiency for the women involved. The programmes suffer from such problems as: lack of clarity regarding the goals and objectives; lack of proper planning (skills assessment, market research, identification of appropriate participants, etc.); excessive administrative costs and/or inadequate funding; unrealistic time-lines; and inadequate consultation with the refugee community. These programmes do demonstrate, however, that refugee women are interested in increasing their incomes and will participate in economic activities outside the home if given the chance.

119. Where refugee women have no opportunities for income generation, they are vulnerable to sexual exploitation and abuse. Refugee women involved in prostitution often note that they have no other means of supporting themselves and/or their families. In this case, deficiencies in the assistance and social service systems lead to major protection problems for the refugee women.

Possible programme interventions

120. The following is a summary of possible programme interventions:

- Be aware of the direct relationship between access to adequate income and protection of refugee women.
- Ensure equal access of refugee women to programmes designed to increase economic self-sufficiency. Beware of cultural biases in your own thinking that may serve as barriers to helping refugee women become fully self-supporting.
- Consult with refugee women about the design and implementation of these programmes.
- Integrate refugee women into all refugee aid and development plans. Projects that target refugee women should be implemented, however, where there are cultural or other barriers to overcome that do not equally affect men.
- Monitor projects carefully to ensure that they provide sufficient household income and do not focus on marginal economic activities.

V FOLLOW-UP AND REPORTING OF PROTECTION PROBLEMS

Introduction

121. Even if the various recommendations contained in these Guidelines are implemented, it is still likely that protection problems for refugee women and girls will arise. Two categories of problems may be foreseen. The first are cases in which individual refugee women are subject to violations of their safety or rights. The second are cases in which a pattern and practice of abuse or discrimination against refugee women is uncovered. Both of these situations require action to be taken to redress the problem. Also, reports to the country representative/chargé de mission and UNHCR Headquarters should be made regarding the exact nature of the identified problems.

Planning a response

122. The more specific and practical the strategy for preventing and overcoming protection problems the better. A plan for improving protection will be needed which spells out whether the problem being addressed is a unique occurrence (that is, affecting an individual woman) or is likely to be part of a pattern of events that does or will affect other refugee women as well. Planning will vary substantially depending on the answer to this question in terms of:

- the specific objectives of the plan;
- the target groups, locations and the estimated number of beneficiaries of the protection activities;
- the specific nature of the proposed strategy;
- mechanisms and responsibilities for implementation;
- the technical expertise and other personnel required to carry out the activities;
- responsibilities and arrangements for monitoring implementation and evaluating outcomes;
- the specific time schedule of operations;
- the cost of implementing the strategy;
- the need to make formal representations to the host country government; and
- the need to involve UNHCR Headquarters in the plan of action.

123. It is important to keep in mind that different protection cases may require substantially different responses depending on the specific circumstances. These Guidelines are meant to suggest courses of action but they are not substitutes for assessing and implementing the specific activities called for in a particular case.

Individual cases

124. When specific protection cases such as rapes of individual women are identified, the aim of UNHCR activities should be to ensure that the individual obtains protection in the future, that adequate actions are taken to prevent similar cases from occurring, that her medical and other needs resulting from the protection problem are met, and that actions be taken to institute legal proceedings if sufficient evidence can be obtained. The following activities should be considered:

- Provide an environment within which refugee women can report protection problems in private and with confidence that there will be no retribution for having done so.
- Obtain as much information as possible about the circumstances of the case: the victim, the person or persons accused of causing the protection problem, when it occurred, where it occurred, who, if anyone, witnessed the occurrence, etc. Trained staff should conduct the interviews, using female staff to the extent possible in interviewing the victim and any female witnesses. Keep in mind that you are not trying to build a court case against the person accused of causing the problem but are trying to clarify the circumstances sufficiently to determine what, if any, further actions should be taken.
- Determine if the victim requires medical help and/or counselling and make the necessary referrals for service.
- Ensure the confidentiality of the information being provided.
- Determine if the victim is currently living in a secure, safe situation. If she is still subject to abuse, make plans to relocate her. If relocation out of the camp or even the country of asylum is necessary, consider the woman's eligibility for possible resettlement through a "women-at-risk" programme.
- If the person(s) accused of causing the protection problem is/are person(s) working inside the camp, bring the issue to the attention of the agency for which the person works to discuss possible avenues to prevent further occurrences.
- If the person(s) accused of causing the protection problem is/are host country nationals (for example, military personnel or local residents), inform the UNHCR country representative/chargé de mission of the accusation so that he or she can bring the issue to the attention of the host-country government to discuss possible avenues to ensure protection for the specific victim and to prevent further occurrences.
- If sufficient evidence can be obtained to institute legal proceedings against the accused person, inform the host country of this evidence and request that proceedings be instituted.

Pattern of protection problems

125. Where there appears to be a recurrent pattern of violations of the security or legal rights of refugee women, UNHCR actions should focus not only on the issues described above for individual cases but should also seek to identify and ameliorate systemic reasons for the continuing protection problems. This will involve:

- undertaking a systematic assessment of policies and practices implemented in the camp to determine if these policies are contributing to the protection problems and instituting changes as needed to prevent further abuses;

- establishing training programmes for responsible officials of UNHCR, NGOs, the host-country government and the refugee community to make them more aware of the rights of refugee women and their responsibilities to provide protection to refugee women;
- establishing education programmes for refugee women to apprise them of their rights and the recourse open to them if their rights are violated;
- making representations to those responsible for setting policies and implementing programmes, including strong requests to host governments to take actions to further the protection of refugee women; and
- consulting with NGOs to inform them of the identified problems and seek their cooperation and assistance in finding solutions.

Reporting

126. Individual protection cases involving refugee women should be reported to UNHCR Headquarters through the regular protection reporting channels. Their occurrence should be included in the annual protection report under the applicable sections. Note that the protection report does not call for a specific section on refugee women. Rather, issues related to refugee women should be included throughout.

127. Advice should be sought from Headquarters on individual legal and physical protection cases, when the following conditions apply:

- cases in which the field office does not have the factual information necessary to address the problem. For example, cases where the field office is unable to assess the well-foundedness of a woman's claim to refugee status because it lacks information relating to the situation in the country of origin;
- cases in which the field office needs advice regarding the proper interpretation of particular elements of the refugee definition (in cases of status determination) or national laws and policies (for example, the burden of proof required or rights of the victim in rape cases);
- cases which have not been dealt with in the past by the field office concerned and which may constitute precedents for handling future cases of a similar nature; and
- cases requiring intervention by Headquarters in order to ensure the safety of the refugee woman, for example, by requesting emergency resettlement.

128. When requesting assistance from Headquarters on individual cases, provide the following information:

- basic biodata, including name of individual or alias, if applicable, date and place of birth, nationality, ethnic origin, religion and political or similar affiliation, and the current status of the woman in the country of asylum;
- summary of the problem with all relevant facts, including all elements and facts put forward by the refugee woman or witnesses to substantiate the claim;
- credibility assessment, particularly in cases which cannot be independently substantiated;
- summary of actions taken to date in as concrete a form as possible; and
- options already under consideration by the field office.

129. Recurrent protection problems should be reported to Headquarters as soon as they are identified. These reports should:

- provide specific information as to the nature of the problems;

- detail what advice and assistance is needed from Headquarters, including any technical assistance needed in addressing protection problems stemming from camp layout and design and/or assistance policies; and
- provide detailed information about plans being formulated to overcome the identified problems, including any financial implications of taking these actions.