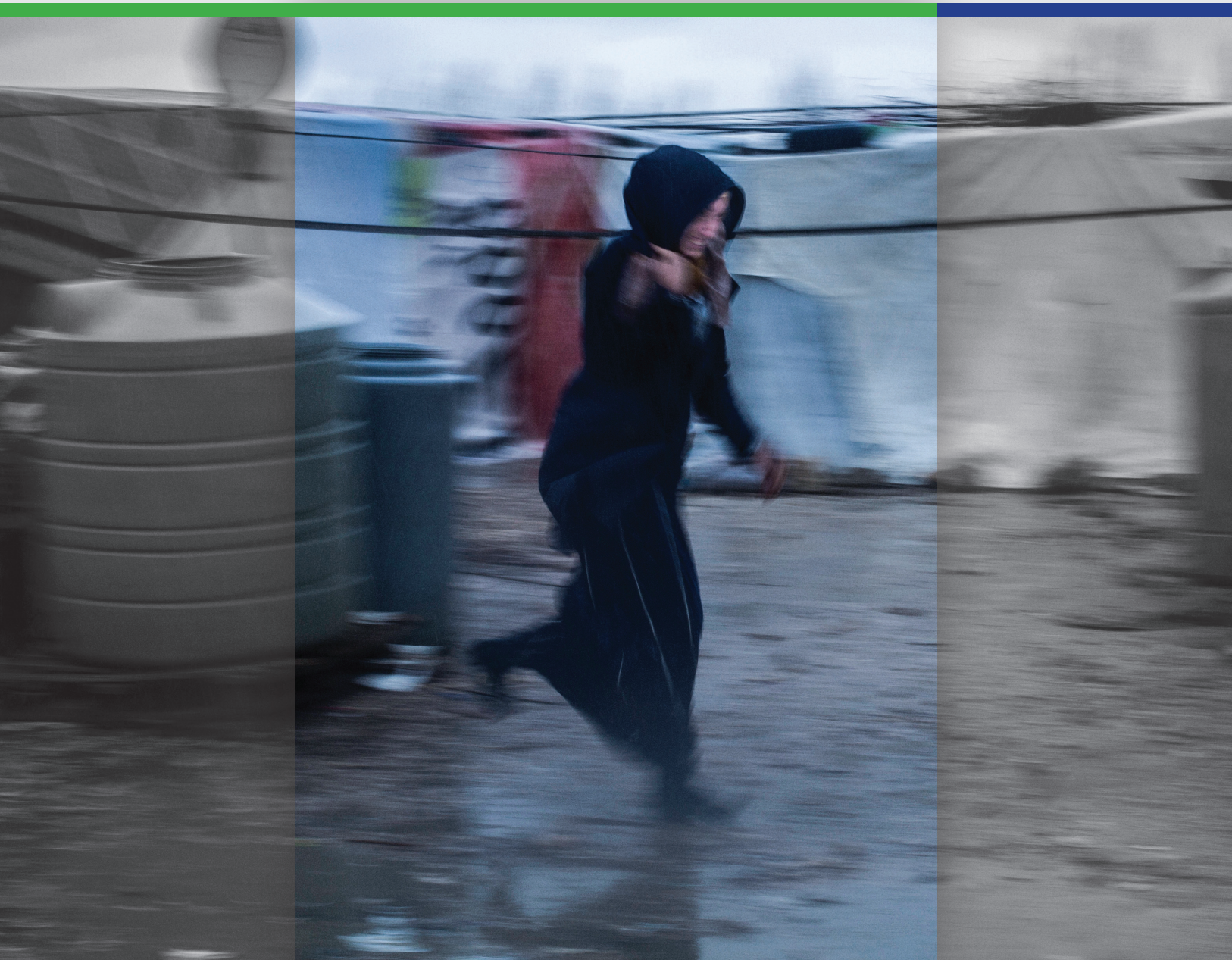




THE ARAB STRATEGY

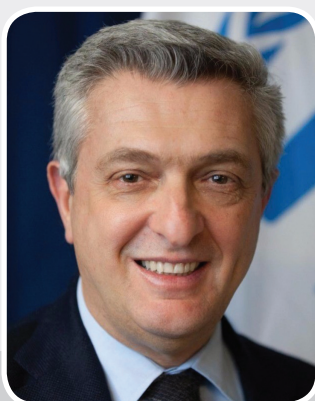
FOR THE PREVENTION AND RESPONSE TO COMBAT ALL FORMS
OF VIOLENCE IN ASYLUM CONTEXT ESPECIALLY SEXUAL VIOLENCE
AGAINST WOMEN AND GIRLS



The Arab Strategy

**for the Prevention and Response to Combat all Forms
of Violence in Asylum Context, especially Sexual Violence
against Women and Girls**

Foreword



Filippo Grandi



H.E. Ahmed Aboul Gheit

Sexual and gender-based violence (SGBV) remains one of the most egregious—and the most widespread—human rights violations, public health issues and protection concerns that occur. Gender inequality, the abuse of power and harmful norms are the root causes of SGBV. These root causes are aggravated in situations of armed conflict and crisis when regular social structures are disrupted, and people are forced to flee. Families and communities may be separated during displacement, making individuals even more vulnerable to all forms of violence, including SGBV. SGBV disproportionately affects women and girls, and in situations of displacement, their risk of exposure to SGBV increases. In its worst form, gender-based violence may be used as a weapon of war. Even after escaping immediate dangers, however, risks of SGBV may remain high as a forced displacement context becomes protracted due to prolonged family separation, breakdown of previously existing community structures and socio-economic hardship. Moreover, while host communities may also be affected by armed conflict, refugee women, men, girls and boys are often the first to lose access to health care, education and livelihoods.

The Arab Strategy for the Prevention and Response to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls explores the nature of the problem and proposes opportunities for prevention and response.

This Strategy is in line with international standards laid out by instruments such as the CEDAW and the DEVAW to which all LAS Member States are Parties. Special attention is given to employing the necessary steps toward eradication of the sale and exchange of sex for goods and services and the trafficking of women for the purposes of sexual exploitation, with a view to ensuring women and girls have the right to “the highest standard attainable” of physical health and the right not to be subjected to “cruel, inhuman or degrading treatment”. Additional focus is given to enhancing the rule of law as fleeing from conflict, persecution and discrimination often pose barriers to accessing justice particularly for women and girls, thus leaving victims/survivors without remedies and reparation.

This Strategy seeks to provide a modern Arab framework that supports the efforts of Member States in the region to protect forcibly displaced persons from SGBV by strengthening systems of prevention and response. This framework also foresees the adoption, review and implementation of national legislation and policies in line with international standards. The Strategy encourages SGBV prevention using a community-based approach that includes engaging men and boys as agents of change to empower women and girls through life skills and livelihoods programming and through awareness raising. The Strategy also aims to strengthen the provision of a timely and efficient response to SGBV by bolstering multi-sectoral services that adopt a survivor-centered approach in a culturally and financially acceptable form. Finally, the Strategy reflects the efforts of Member States to tackle this serious human rights violation by strengthening and integrating services that provide a holistic protection approach that allows all forcibly displaced women, girls, men and boys to fully enjoy their rights to safety, dignity, non-discrimination and security from violence.



H.E Ahmed Aboul Gheit
Secretary General
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1

INTRODUCTION

INTRODUCTION

Violence in all its forms, especially sexual violence against women and girls, and sometimes against men and boys, is an issue that seriously affects global health and human rights and the individual's physical and psychological dignity. During emergencies such as conflicts or natural disasters, the risk of violence, exploitation and abuse is heightened, particularly for women and girls.⁽¹⁾ Sexual and Gender-Based Violence (SGBV) is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially and culturally ascribed (i.e. gender) differences between males and females.⁽²⁾ This includes any kind of physical, mental or sexual harm, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or in private space. Acts of sexual and gender-based violence are often linked to inequality between men and women within communities, unequal power relations and the abuse of that power. Sexual and gender-based violence takes multiple forms and may affect all members of society, including women, girls, men and boys. Although, women and girls are more at risk and represent the vast majority of victims and survivors of sexual and gender-based violence.

On one hand, inadequate legislation may lead to the persistence of the phenomenon of sexual and gender-based violence, especially those that provide for reduced punishment or lead to further harm to victims/survivors. Where such legislation contributes to putting further impediments to the efforts to prevent or respond to sexual and gender-based violence or contribute to creating an incubating environment for not subjecting perpetrators to punishment. On the other hand, the risks of sexual and gender-based violence may cause refugees to flee their country of origin; and while refugees may find security from the direct dangers of conflict or persecution once they reach the country of asylum, the risks of sexual and gender-based violence might persist in situations of forced displacement.

Moreover, refugees, asylum-seekers and forcibly displaced persons are often at greater risk of various forms of sexual and gender-based violence due to multiple factors, including heightened levels of violence in conflict settings, and the possible collapse of existing protection mechanisms within their countries of origin, in addition to impunity of perpetrators especially in conflict situations, as well as the increased risk of sexual violence, abuse and exploitation in the course of seeking safety, and as a result of the changing gender roles and pressures refugees are exposed to during displacement, among others.⁽³⁾

It is important to note that social concepts can either play a key role in the perpetuation or ending of sexual and gender-based violence. Societies that provide equal opportunities and rights for both women and men, and that do not tolerate violence are usually stronger, more resilient, safer, and more prosperous for the benefit of all members of society. There is, therefore, a need for a multidisciplinary and coordinated approach to ensure effective protection of the most at-risk groups and to respond to the needs of victims/survivors, and also to support prevention efforts.

(1) IASC. 2015. Guidelines for GBV in Humanitarian Action, p. 3. For a more comprehensive list of the types of GBV, see Annex 3.

(2) UN High Commissioner for Refugees (UNHCR), Action against Sexual and Gender-Based Violence: An Updated Strategy, June 2011, available at: <http://www.refworld.org/docid/4e01ffeb2.html>

(3) Action against SGBV, an updated strategy, UNHCR, 2011.

Statistics show that sexual and gender-based violence persists, as it is a global human rights problem that affects all regions of the world. While women and girls represent the vast majority of survivors of sexual and gender-based violence, men and boys are also among the survivors:⁽⁴⁾

- World-wide, an estimated 40 to 70 per cent of homicides of women are committed by partners, often in the context of an abusive relationship.
- 35 per cent of women worldwide have experienced physical or sexual violence by either partner or non-partner⁽⁵⁾, although some national studies indicate that 70 per cent of women have experienced physical or sexual violence by their partner.
- Around 120 million girls worldwide (more than one in ten) have experienced sexual violence or other forced sexual acts at some point in their lives. The perpetrators of sexual violence against girls were often current or former husbands, partners or friends.⁽⁶⁾
- Adult women account for almost half of all human trafficking victims detected globally. Women and girls together account for about 70 per cent, with girls representing two out of every three child trafficking victims.⁽⁷⁾ In some instances, women and girls are trafficked for the express purpose of forced prostitution or sexual exploitation. Additionally, women and girls who are trafficked for the purpose of forced labor or slavery are exposed to high risks of sexual violence, exploitation and abuse.
- At least 200 million women and girls alive today have undergone female genital mutilation/cutting in 30 countries, according to new estimates published on the United Nations' International Day of Zero Tolerance for Female Genital Mutilation in 2016.⁽⁸⁾
- Worldwide, more than 700 million women alive today were married as children (below 18 years of age). Of those women, more than 1 in 3 - or some 250 million -were married before 15. Usually, young girls are less able to negotiate safe sex, which exposes them to early pregnancy in addition to sexually transmitted diseases, including HIV.⁽⁹⁾
- The risk of miscarriage is twice as high in women who have been physically or sexually abused by their partners, and their risk of depression is twice as high. In some areas, women are 1.5 times more likely to be infected with HIV/AIDS than women who have not experienced violence by their partners.⁽¹⁰⁾

It is important to note that conflict, post-conflict and displacement situations may exacerbate partner violence as well as many forms of violence against women.⁽¹¹⁾

Women and girls are particularly affected by the effects of sexual violence; however, men and boys can also be survivors/victims.

(4) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003, Violence Against Women: The Hidden Health Burden (World Bank 1994), Fact Sheet on Gender Violence; A Statistics for Action Fact Sheet (L. Heise, IWTC, 1992), Progress of the World's Women (UNIFEM, 2000).

(5) Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence, WHO, London School of Hygiene and Tropical Medicine, 2013.

(6) UNICEF (2014). Hidden in Plain Sight: A Statistical Analysis of Violence against Children.

(7) UNODC (2014). Global Report on Trafficking in Persons.

(8) UNICEF (2016). Female Genital Mutilation/Cutting: A global concern.

(9) UNICEF (2014). Ending Child Marriage: Progress and Prospects, p. 2, 4.

(10) Ibid.

(11) <http://www.who.int/mediacentre/factsheets/fs239/en/>

Sexual and gender-based violence issues in the Arab region

The Arab region is still confronting a plethora of humanitarian emergencies in Syria, Iraq, Yemen, Libya, Somalia and Sudan. As indicated above, conflict situations and crises inevitably lead to heightened levels of sexual and gender-based violence. Women, girls, men and boys are affected in different ways by these crises, not to mention the new manifestations of sexual and gender-based violence that require immediate preventive and response actions. New forms of violence have emerged in the region as a result of escalating conflicts and the emergence of militant groups. These forms include abduction, human trafficking and enslavement of women and girls. Other more prevalent forms of sexual and gender-based violence to which women and girls are particularly vulnerable include emotional and psychological violence, domestic violence, forced marriage, child marriage, sexual violence, as well as abuse and exploitation. These forms have been repeatedly cited by Syrian refugee women and girls as a major concern, while refugee men cited anxiety over their family members, lack of physical safety and economic security at their primary concern.⁽¹²⁾

On the other hand, evidence indicates that conflict and forced displacement are also placing men and boys at greater risk of sexual and gender-based violence, in addition to their increased exposure to sexual violence in situations of detention and as part of conscription or compulsory service in armed forces and armed groups, as well as greater risks of sexual exploitation due to socio-economic vulnerability. The forced unemployment of refugee men has changed their traditional gender roles as providers, which increased the level of frustration and consequently led to increased domestic violence. Domestic violence from husbands against their wives often may also lead to mothers exercising more physical violence with their children. Domestic violence and violence by the “partner” may also aggravate as a result of the social isolation of the households, the financial hardships experienced by the family and lack of privacy especially in their new asylum setting, which contributes to increased tensions that can result in violent outbursts, often committed by a male head of household, and to a lesser degree females.⁽¹³⁾ In Jordan, 28 percent of refugee women surveyed reported that they left Syria fearing violence, including sexual and gender-based violence; and the vast majority indicated experiencing more violence at the hands of their partners once they arrived in Jordan.⁽¹⁴⁾

In broad terms, cases of violence, particularly sexual and gender-based violence are often under-reported due to the associated social stigma, an issue which can be even more of an obstacle to disclosure or seeking assistance for male survivors/victims. This results in a vicious cycle, especially as refugee girls and boys are subjected to violence in various contexts, including in schools, which may result in increased dropout rates, leading to more protection concerns for children, especially outside the school, where they are exposed to more risks of various abuses such as child labor, child recruitment and child marriage. Refugee girls are particularly at risk of dropping out of school and child marriage, a phenomenon that has increased particularly among refugee girls in the context of the Syrian crisis.⁽¹⁵⁾

According to UNICEF, child marriages in Jordan among Syrian refugees rose from 18 to 25 per cent between 2012 and 2013, with 48 per cent involving girls married to men at least 10 years

(12) Joint Assessment Review of the Syrian Refugee Response in Jordan, UNHCR, UNICEF, WFP, January 2014.

(13) Mercy Corps, Mapping of Host Community-Refugee Tensions in Mafraq and Ramtha, Jordan, May 2013.

(14) Interagency Assessment, GBV and CP among Syrian Refugees in Jordan, with a focus on early marriage UN Women.

(15) Sexual and Gender based Violence Prevention and Response in Refugee Situations in the Middle East and North Africa, UNHCR, 2015.

older than them. Adolescent girls who were forced to marry at younger ages, are at more risk of health problems and violence in and outside of home and are finding it difficult to access vital services such as health care and education.⁽¹⁶⁾

On the other hand, in Syria, the breakdown in social structures, loss of income sources and parental concerns over the ability to ensure their daughters' safety and security as a result of conflict and forced displacement seems to be exacerbating harmful cultural practices and leading to an increase in negative coping mechanisms, including child marriage. Tragically, parents concerned about their daughters' safety, may attempt to obtain a more secure future for them through marriage, especially if they perceive marriage as one of the only options available to their daughters and to lessen the financial burden on the family. In reality, however, child marriage introduces a serious range of risk and harms to which the child is exposed, including heightened rates of violence, health problems and the disruption of education. Initial findings from a study on child marriage show that in 2012, the incidence of registered child marriages in Jordan was 18 per cent (for both Syrian refugees and non-refugees) compared to 15 per cent of Syrian marriages in Syria.⁽¹⁷⁾ On another note, unregistered marriages pose a challenge to the efforts made to draw a comprehensive picture of the situation of child marriage among refugees. Such marriages could result in the failure to register the birth of children, thus exposing them to a plethora of risks, as discussed below in further detail (Section on child marriage).

Women also face the risks of sexual harassment and physical violence outside the home, especially in places of distribution inside camps. Common areas such as kitchens and latrines are considered to be further areas of high risk of physical violence against women.⁽¹⁸⁾ On the other hand, there are many obstacles to the disclosure of cases of violence, ranging from social stigma to the risk of reprisals by perpetrators or by the family or community, in addition to exposure to negative social attitudes, including blaming the victim. This means that the majority of sexual and gender-based violence offenses remain unreported or at best under-reported, with most women considering family and friends as the first people to turn to, with health clinics as a last resort.⁽¹⁹⁾ Under-reporting of sexual violence remains a serious challenge to providing adequate response services. Existing data on a number of protection risks, including sexual and gender-based violence, reflects only a small proportion of the actual number of incidents.⁽²⁰⁾

The Arab region has served as a point of departure and destination, as well as a transit area for refugees and migrants, while many resort to smuggling routes and other dangerous means of transportation overseas. All these compounded factors expose them to risks of being sold, trafficked, sexually or economically exploited, or enslaved. These risks are further heightened when women and children undertaking these journeys are separated from their families. For instance, refugee girls attempting to travel on their own from the Horn of Africa to the Arabian Gulf region face serious risks of human trafficking and exploitation during the journey, with reports of girls being forced into "marriage" and otherwise subject to violence and sexual exploitation by

(16) UNICEF Jordan, A Study on Early Marriage in Jordan, 2014, http://www.unicef.org/mena/UNICEFJordan_EarlyMarriageStudy2014%281%29.pdf

(17) UNICEF, Early Marriage in Jordan, September 2013.

(18) Child Protection and Gender Based Violence sub-working Group in Jordan, Findings from the Interagency Child Protection and Gender-Based Violence Assessment in the Za'atri Refugee Camp, January 2013.

(19) Child Protection and Gender Based Violence sub-working Group in Jordan, Interagency/UN Women Assessment of Gender-Based Violence and Child Protection among urban Syrian refugees in Jordan, with a focus on early marriage, 2013.

(20) Joint Assessment Review of the Syrian Refugee Response in Jordan, UNHCR, UNICEF, WFP, January 2014.

older men during the journey.⁽²¹⁾

On the other hand, conditions in Syria and Iraq have also created new forms of sexual exploitation and forms of slavery committed against women and girls, especially minorities, by some emerging armed groups. According to the UN Human Rights Council Report, there are “clear patterns of sexual and gender-based violence against Yezidi women”. When attacking Yezidi villages, ISIS reportedly engaged in the systematic killing of men and boys over the age of 14. Women and children were subjected to different violations; and reports have indicated that ISIS treated women and children as the spoils of war. Interviews conducted with women and girls who managed to flee ISIS captivity between November 2014 and January 2015 shed light on killings, widespread and systematic enslavement, including selling of women, rape, and sexual slavery, forced transfer of women and children and inhuman and degrading treatment.⁽²²⁾

According to the Report of the United Nations Secretary General in March 2015, there has been a systematic rise in sexual violence against girls and women in Iraq, especially among minority groups and Yezidis aged between 8 and 35. Women were sold at different prices according to their age. A pattern of sexual violence, slavery, abduction and trafficking of women carried out by ISIS has also been recorded in Iraq.⁽²³⁾ The situation among Palestinian refugees does not deviate significantly from the above-mentioned body of research. According to UNRWA, a family survey conducted for a sample of 2,590 families living in a Palestine refugee camp in the Hashemite Kingdom of Jordan revealed that the average incidence of wife abuse over a lifetime is 44.7 per cent.⁽²⁴⁾ In addition, the situation posed by the occupation places women and girls at higher risks of sexual and gender-based violence and other rights violations.⁽²⁵⁾ Furthermore, the protracted situation of Palestine women living in exile, including in camps in some countries, creates additional vulnerabilities and needs, including in relation to addressing sexual and gender-based violence. It should also be noted that the Palestinian women, present in some areas (known as area C), where Palestine has no control of, are subjected to economic exploitation, lack of protection and minimal protection safeguards, especially those working in Israeli settlements.

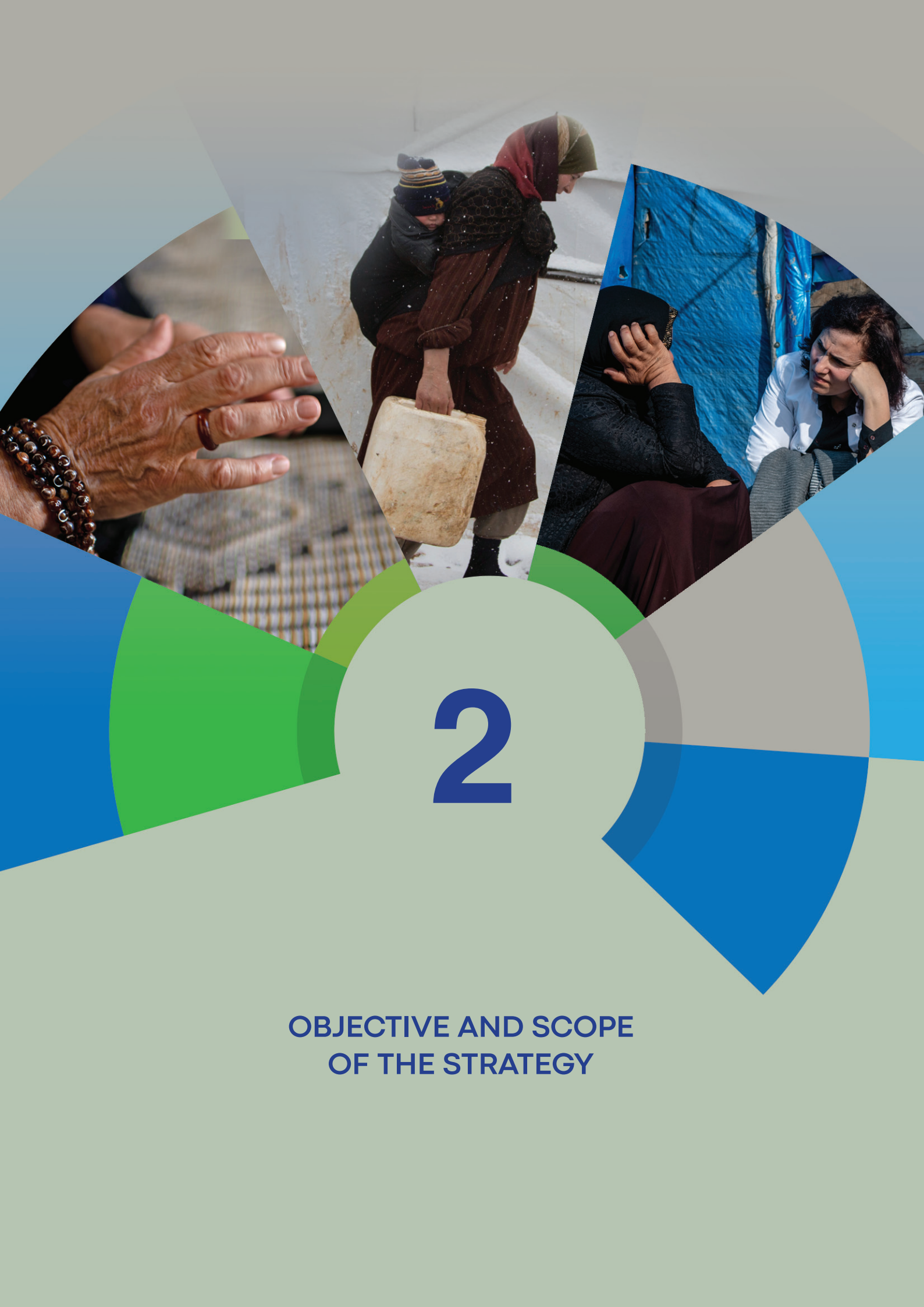
(21) Sexual and Gender based Violence Prevention and Response in Refugee Situations in the Middle East and North Africa, UNHCR, 2015.

(22) Report of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups, March 2015.

(23) Conflict Related Sexual Violence, Report of the Secretary General, March 2015.

(24) Working with Gender Based Violence Survivors, Reference Training Manual for Frontline Staff, UNRWA, 2012.

(25) Regional Strategy: Protection of Arab Women's Peace and Security, 2012, available at: <http://www.lasportal.org/ar/sectors/dep/Documents/Regional%20Strategy%20Protection%20of%20Arab%20Women%20Peace%20and%20Security.pdf>



2

OBJECTIVE AND SCOPE OF THE STRATEGY

OBJECTIVE AND SCOPE OF THE STRATEGY

Some Arab States continue to face multiple and complex crises and displacement situations linked to the ongoing war in Syria, continuing threats of terrorism, and the long-term crises in Iraq, Libya, Palestine and Yemen that disproportionately poses a burden on women and children. The war in Syria alone has driven more than 6.5 million people to flee their homes and displace within Syria, while more than 5.5 million have been forced to seek asylum in neighboring countries. Around 51% of all Syrian refugees in neighboring countries are women and girls, who suffer from gender inequality and poverty, as well as sexual and gender-based violence and other forms of violence, including sexual exploitation and abuse, as well as harmful traditional practices and human trafficking, at a time when access to services, education and livelihoods opportunities is difficult. Refugees including older women, female heads of household, women and girls with disabilities are at heightened risk of sexual and gender-based violence. As previously mentioned, during violent conflict and displacement, social structures are disrupted, which force women to flee to new and unfamiliar places. Women who head their households, in exile, face a particularly difficult challenge in terms of livelihoods challenges and increased risks of sexual exploitation and abuse.

▼ Vision

The strategy adheres to the principle of national sovereignty in determining the nature of their dealings with refugees within the provisions of the 1951 United Nations Refugee Convention and its annexed protocol and other international instruments, in addition to adherence to societal approaches and the principle of internal prevention by national institutions regarding complaints submitted by refugees, and that refugees are subject to the national laws applied in the countries of asylum.

This strategy seeks, by 2030, to provide a guiding Arab framework that supports Member States efforts to protect refugees from sexual and gender-based violence by strengthening prevention, protection, and response systems for sexual and gender-based violence. This Strategy seeks to provide a safe environment that provides security, and psycho-social, as well as health protection for refugees, especially women and girls, and empowering them, while preserving their dignity in the face of sexual and gender-based violence according to international standards. This framework also includes the adoption, review and implementation of legislation and policies in line with national legislation and international instruments. It also includes prevention through the identification (where necessary) and the provision of multiple services that place survivors at the center, keeping the provision culturally acceptable and financially available.

Another important component of the strategy is to strengthen prevention efforts that are based on strong interaction with all spectrums of refugees and affected communities to bring about positive changes in societal values while supporting and encouraging the participation of women and girls in decision-making and identifying community entities capable of contributing to the adoption of a survivor-centered approach to address issues of sexual and gender-based violence that may arise within these societies.

▼ Mission

The Arab Strategy for the Prevention and Response to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls, outlines the strategic priorities adopted by the Member States of the League of Arab States to protect refugees against all forms of violence. These priorities include adopting and implementing necessary laws and policies, violence prevention and the multidisciplinary services that national governments and civil society organizations must provide. This strategy also builds on existing laws, policies and services in the region and provides basic recommendations to strengthen response and prevention systems to provide the best possible protection for refugees from violence, in line with international laws and standards.



3

OVERVIEW OF THE VARIOUS FORMS OF VIOLENCE

OVERVIEW OF THE VARIOUS FORMS OF VIOLENCE

What are the different forms of violence, particularly sexual and gender-based violence?

Agreeing on definitions and concepts is key to the formulation of a clear conceptual framework. There has been an agreement on the definition of gender-based violence, which is based on Articles (1) and (2) of the UN General Assembly Declaration on the Elimination of Violence against Women in 1993:

“Gender-Based Violence (GBV) is an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.” ⁽²⁶⁾

The term ‘GBV’ is most commonly used to accentuate how systemic inequality between males and females—which exists in every society in the world – is an underlying cause of most forms of violence perpetrated against women and girls. The United Nations Declaration on the Elimination of Violence against Women (DEVAW, 1993) defines violence against women as “any act of Gender-Based Violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including the threat of such acts...” DEVAW emphasizes that the violence is “a manifestation of historically unequal power relations between men and women, which have led to the domination over and discrimination against women by men and to the prevention of the full advancement of women. Violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men”.

Gender discrimination is both a cause of many forms of violence against women and girls and a contributing factor to the widespread acceptance of such violence and the silence that keeps it invisible, thus leading to the impunity of the perpetrators and the reluctance of survivors/victims to speak out and seek support.⁽²⁷⁾

The term ‘Gender-Based Violence’ is also increasingly used to refer to the gendered dimensions of certain forms of violence against men and boys - particularly some forms of sexual violence committed with the explicit purpose of reinforcing gender inequitable norms based on the concepts of masculinity and femininity (e.g. sexual violence committed in armed conflict aimed at emasculating or feminizing the enemy). Such forms of violence against males is based on socially constructed ideas of what it means to be a man and the exercise of male power. It is used by men (and in rare cases by women) to cause harm to other males. This form of violence

(26) Guidelines for Integrating Gender Based Violence Interventions in Humanitarian Action, reducing risk, promoting resilience and aiding recovery, Inter-agency Standing Committee, 2015.

(27) Ibid.

goes often unreported due to issues of stigma for the survivor/victim - in this case associated with norms of masculinity. Fear of reprisals also leads to underreporting of sexual assault of males. It is important to note that a number of legislative frameworks in many countries do not explicitly recognize sexual violence against men, and sometimes tend to criminalize victims of such violence.⁽²⁸⁾

(28) Ibid.



4

**CAUSES AND CONSEQUENCES OF ALL FORMS OF
VIOLENCE AGAINST WOMEN AND GIRLS, ESPECIALLY
SEXUAL AND GENDER-BASED VIOLENCE**

CAUSES AND CONSEQUENCES OF ALL FORMS OF VIOLENCE AGAINST WOMEN AND GIRLS, ESPECIALLY SEXUAL AND GENDER-BASED VIOLENCE

Identifying root causes of sexual and gender-based violence is key to understanding the phenomenon and designing programs that effectively prevent and respond to the multiple forms of this type of violence. The gender outlook of a society, which includes attitudes and practices of this discrimination against women, often assign the woman a subordinate role to the man. Many societies tend to undervalue the social and economic value of women and their work in comparison to men. Societal acceptance of the roles of the woman and the man based on the patriarchal system also leads to multidimensional injustice for the woman and the girl.

Acts of violence including sexual and gender-based violence, whether perpetuated by an individual or a group, usually reflect an attempt by the perpetrators to maintain the power, privileges and control they have over others. Factors that determine gender roles and identities are the sex of the individual, his/her age, socio-economic status and ethnicity among others. The power dynamics within a society that define the relationships between members of the same sex or of different sexes reflect the different levels of authority and power that an individual enjoys and subsequently the privileges that person enjoys vis-a-vis other subordinate members of a society. The disregard for or lack of awareness about human rights, gender equity, democracy and non-violent means of resolving problems help perpetuate these inequalities.⁽²⁹⁾ While gender inequality and discrimination are the root causes of sexual and gender-based violence, various other factors determine the type and extent of violence in each setting. It is important to understand these factors in order to design effective strategies to prevent and respond to this type of violence. These factors include the following:⁽³⁰⁾

- **Individual risks:** At the individual level, the following criteria render a person at a higher risk of exposure to sexual and gender-based violence including: loss of security, dependence on others, physical and mental disabilities, lack of alternatives to cope with changes in socio-economic status, alcohol and drug addiction, trauma and stress resulting from conflict, flight, displacement, disrupted roles within family and community, lack of knowledge of individual rights enshrined under national and international law.
- **Social norms and culture:** Could perpetuate the multiple forms of violence against women and girls including sexual and gender-based violence, if these values condone cultural and traditional beliefs and discriminatory practices that tend to blame victims/survivors or interpret religious texts in a way that legitimizes harmful practices.

(29) Ibid.

(30) Ibid.

- **Legal frameworks and practices in host country and/or country of origin:** May help perpetuate different forms of violence, including sexual and gender-based violence, if they contain discriminatory provisions, legitimize or diminish sexual and gender-based violence, or if legislative gaps reflect the lack of legal protection of the rights of women and children. Also, if the legislative framework does not provide for adequate and appropriate laws against sexual and gender-based violence, or if there is a lack of confidence in law enforcement authorities or in the application of customary and traditional laws and practices that perpetuate gender discrimination. Lack of awareness and awareness-raising campaigns that criminalize and condemn sexual and gender-based violence may perpetuate practices, as well as discriminatory practices in the administration of the judicial and law enforcement systems. Another critical factor within the legislative and policy framework is underreporting of cases and lack of confidence in the administration of the judicial system. This lack of confidence results from a general view of the Authority as lacking the will to refer all reported cases to the judiciary, or because of a lack of convictions relative to the total number of reported cases. Underreporting can result from a lack of access to police and courts, lack of law enforcement personnel and judges trained in cases of sexual and gender-based violence, lack of law enforcement officers, lack of administrative resources and tools in local courts and security personnel. Finally, inadequate laws or practices and inconsistent implementation.
- **Wars and armed conflicts:** It may lead to the persistence of the phenomenon as a result of the collapse of social structures and the collapse of family unity, in addition to the loss of security in general and increasing economic and social vulnerability and loss of livelihoods, and the exercise of some political power and control over others, as well as ethnic differences and social and economic discrimination among others. The emergence of terrorism in the Arab region, as well as the rise of extremist currents - such as Da'esh - are among the most significant phenomena that have exacerbated the refugee crisis, forced displacement and the resulting violations and violence in all its forms.
- **Refugee Crises:** These in turn increases the vulnerability to sexual and gender-based violence as a result of the collapse of community and family support structures, the nature of displacement areas, the social structure and formation of the camps (increased density, multi-family housing and community shelters), and the form of services, facilities and the nature of the leadership of the camps, which may be male. In addition to discriminatory decisions against women, lack of food and fuel, and income opportunities, may expose potential victims to relocations to remote areas, lack of police protection, and security patrols, as well as absence of registration of individuals and identity cards, and sometimes tension by the local population, especially if there is a feeling that the refugees enjoy comparative advantages.⁽³¹⁾

(31) Ibid.

Consequences of violence against women and girls, particularly sexual and gender-based violence

Various forms of violence, including sexual and gender-based violence, can result in severe health and psycho-social problems, and can sometimes lead to death even in the absence of physical abuse; they may also result in long-term psychological and physical symptoms. A proper understanding of the potential consequences of sexual and gender-based violence helps actors develop appropriate strategies to respond to potential impacts and prevent further harm. The consequences of sexual and gender-based violence vary and may extend to different sectors.

The **Health** consequences of this type of violence can be grave and potentially dangerous to life. Fatal consequences include homicide, suicide, maternal and neonatal mortality, as well as deaths from HIV/AIDS. Non-fatal results include severe physical symptoms such as injuries, trauma, diseases and inflammation. Chronic consequences of this type of violence include disability, physical complaints, chronic pain, digestive problems, eating and sleep disorders, alcoholism and drug abuse. This type of violence has repercussions on the reproductive system such as abortion, unwanted pregnancy, sexually transmitted infections, including HIV/AIDS, menstrual disorders, pregnancy complications, gynecological and other potential sexual disorders.

On the other hand, there are also severe **psycho-social** consequences that survivors/victims of sexual and gender-based violence could suffer from such as post-traumatic stress, depression, anxiety, fear, anger, shame, insecurity, self-hate, self-blame, mental illness, suicidal thoughts or behavior.

Social consequences of the violence could include the tendency to blame the survivor/victim, the loss by the survivor/victim of his or her role or functions in society (such as earning income or child care), in addition to the associated social stigma, rejection and isolation, as well as increased gender discrimination.

Legal/Judicial consequences include the following:

- If national laws do not provide adequate safeguards against sexual and gender-based violence, or if practices in the judicial and police enforcement bodies are discriminatory, this kind of violence can be perpetrated with impunity.
- Community attitudes of blaming the survivor/victim are often reflected in the courts. Many sexual and gender-based violence crimes are dismissed, or guilty perpetrators are given light sentences. In some countries, the punishment extended to perpetrators constitutes another violation of the survivor's rights and freedoms, such as in cases of forced marriage to the perpetrator. The emotional damage to survivors is compounded by the implication that the perpetrator is not criminalized.

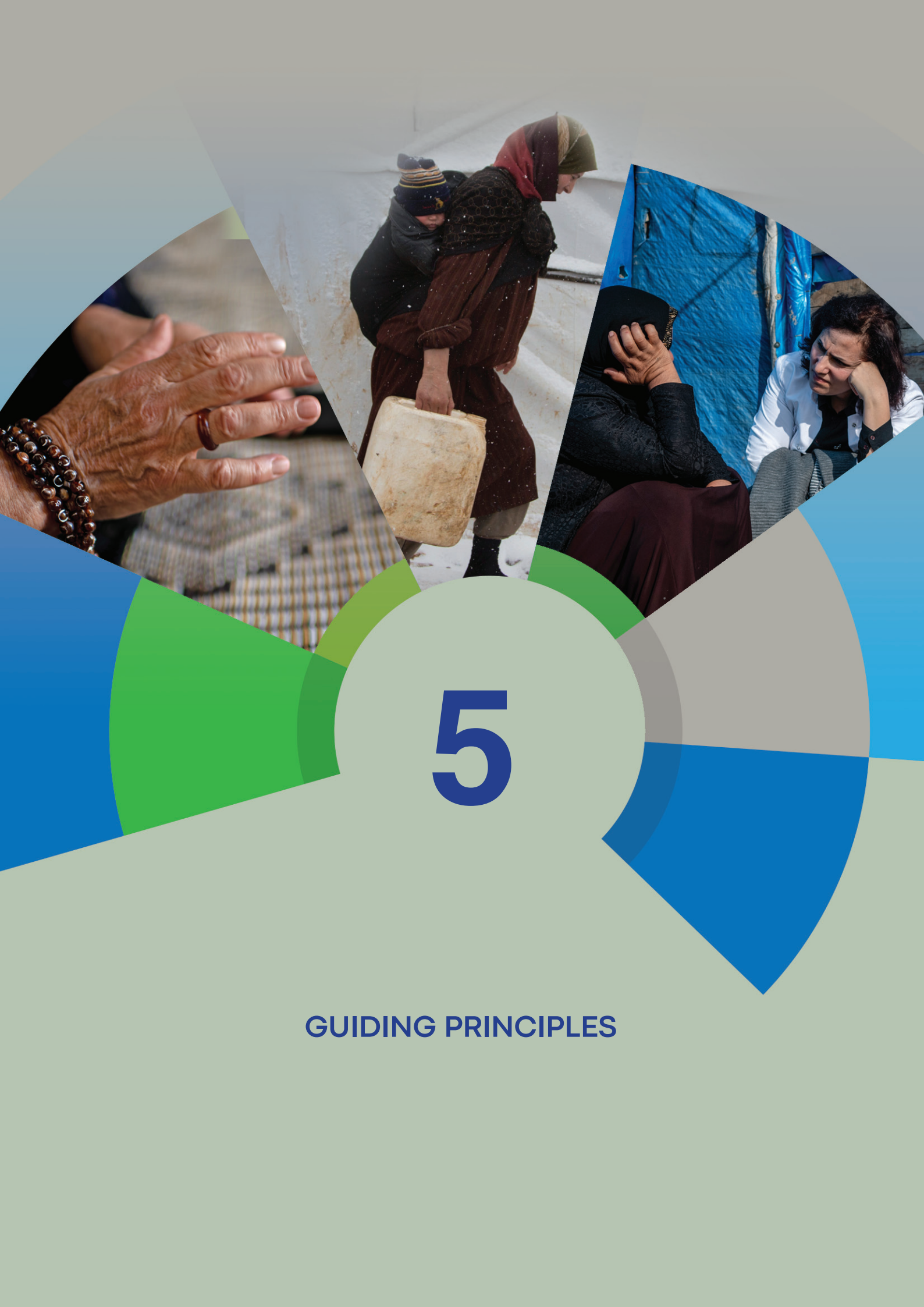
Safety/Security consequences of sexual and gender-based violence lead to the survivor of violence being insecure, threatened, afraid, unprotected and at risk of further violence, thus creating a perpetual cycle of violence. Actors who deal with incidents of human trafficking such as law enforcement officials could be at risk of reprisals. Delayed assistance due to the insensitivity of police or security workers to the survivor's/victim's needs for immediate care, dignity and respect could lead to further harm and may result in trauma.⁽³²⁾

(32) Ibid.

All forms of violence, particularly sexual and gender-based violence at the different stages of asylum

Refugees and forcibly displaced persons, as mentioned above, are more vulnerable to various forms of sexual and gender-based violence. They can be subject to any of those forms throughout the different phases of their asylum due to the absence of state or community or family-based protective structures. The escalation of armed conflict and the proliferation of armed groups is another significant risk factor for forms of violence in refugees' countries of origin.

Refugees may therefore be subjected to various types of violence during the conflict, prior to their flight, during the displacement journey, upon arrival within the country of asylum and during resettlement or reintegration as well. These attitudes increase the risk of sexual and gender-based violence, especially considering the collapse of state security structures, where there is an increased risk of various forms of violence (such as exploitation and sexual abuse (SEA), human trafficking, harmful traditional practices, etc.) by those in power and those who can prevent refugees from crossing borders or checkpoints. They may also become more vulnerable as a result of their need for in-kind and cash assistance or other support.



5

GUIDING PRINCIPLES

GUIDING PRINCIPLES

5.1 Guiding Principles for Programming ⁽³³⁾

The following are principles that guide programming for prevention and response to the various forms of violence, including sexual and gender-based violence, undertaken by actors in the field. Respect of these principles ensures that interventions in that area promote a survivor/victim-centered approach and “Do-No-Harm” by avoiding unintended consequences.

- **Gender Equality:** Developing and implementing programs and interventions aimed at promoting gender equality so that women, men, girls and boys have equal access to opportunities and services and enjoyment of their rights. According to the Inter-Agency Standing Committee on Gender Equality Policy Statement “Gender equality should be taken into consideration at all program levels, from contingency planning prior to the onset of an emergency, to all stages of humanitarian response from the immediate response to early recovery and to reconstruction and finally, transition. This enables us to meet the needs and priorities of the population in a more targeted manner, based on how underlying gender norms, discrimination and inequalities contribute to the different effects of the crisis on women, girls, boys and men; ensure that the needs and vulnerabilities of all groups affected by the crisis are taken into account, and help develop more appropriate programs to ensure that women, girls, boys and men have equal opportunities.”⁽³⁴⁾
- **Equity:** Adopting a non-discriminatory approach to the protection of refugees, irrespective of their nationality, religion, social or other status and place of residence.
- **Complementarity:** Working in complementarity with governments and international organizations, civil society and other actors in order to maximize resources.
- **Immediate Response:** Prioritization of providing an immediate response to the urgent needs of sexual and gender-based violence survivors/victims, including medical needs, as well as ensuring that violence prevention and response are established from the onset of any emergency. There is also a need to prioritize the provision of immediate responses that will improve access to accountability and justice, including through the preservation of evidence and the timely recording of survivor or witness statements.
- **Inclusivity:** Involving women, girls, men and boys, persons with disabilities and others with specific backgrounds.

(33) Regional Approach to address Sexual and Gender based Violence in the Syria and Iraq Refugee Situations, UNHCR, 2015.

(34) (IASC Gender Equality Policy Statement 2008).

- **Do No Harm:** Adopt programs and procedures in a way that does not expose victims/ survivors to further harm unintentionally.
- **Social cohesion:** Designing and implementing programs and interventions for the prevention and response to sexual and gender-based violence in a way in which social cohesion among refugee and impacted communities is promoted.
- **Best interests of the child:** In case of child survivors, their best interests are taken as a primary consideration in all matters affecting their well-being and their future.

5.2 Guiding Principles for Caring for Survivors of all forms of violence, including sexual and gender-based violence

When providing care for survivors of sexual and gender-based violence, the following principles ensure respect for the rights of the survivors and protects them from further harm.

- **Confidentiality:** Adhering to confidentiality guidelines when all relevant actors work with survivors of violence, to protect survivors and their families, witnesses, and information sources. This means; sharing only the necessary information, as requested and as consented by the survivor, with those actors involved in providing assistance. Caution should also be exercised when identifying perpetrators as this may lead to the identification of a survivor, for example in cases of domestic violence. While caution is important, all efforts must be exerted to hold perpetrators accountable. Information about survivors should never be shared if it includes the individual's name. Information concerning the survivor should only be shared with third parties after seeking and obtaining the survivor's (or their parents, in the case of children) explicit consent in writing.⁽³⁵⁾
- **Safety and Security:** All actors must prioritize the safety of the survivor/victim, family, witnesses and service providers at all times, and work to give them safety and psychological and social security.⁽³⁶⁾
- **Ensure the safety of the victim/survivor and their families at all times:** Noting that the survivor may be frightened and need assurance of their individual safety, it is of utmost importance to ensure in all cases, that she or he is not at risk of further harm by the perpetrator or by other members of the community. This might require requesting assistance from other authorities such as camp security, police, or other law enforcement authorities, field officers, or others. Workers should also be provided to assist victims/survivors such as family, friends, community assistance workers, gender-based violence workers and health care workers.⁽³⁷⁾
- **Non-discrimination:** Every adult or child, regardless of his or her sex, should be accorded equal care and support. All survivors/victims of violence should receive equal and non-discriminatory treatment, regardless of their race, religion or nationality,⁽³⁸⁾ or their health status, especially those with contagious or communicable diseases.

(35) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

(36) Regional Approach to address Sexual and Gender based Violence in the Syria and Iraq Refugee Situations, UNHCR, 2015.

(37) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

(38) Ibid.

5.3 Approaches to Prevention and Response to all forms of violence including sexual and gender-based violence

The following are key approaches to the prevention and response to sexual and gender-based violence:

- **Survivor-centered approach:** Respecting the interest and wishes of the survivor and prioritizing the rights, dignity, wishes, choices, needs and safety of survivors in the design and implementation of prevention and response interventions.⁽³⁹⁾ This approach is based on a set of principles and skills designed to guide professionals—regardless of their role—in their engagement with persons who have experienced sexual violence or other forms of gender-based violence. The survivor-centered approach aims to create a supportive environment in which a survivor's rights are respected and in which survivors are treated with dignity and respect. The approach helps to promote a survivor's recovery and his or her ability to identify and express needs and wishes, as well as to reinforce his or her capacity to make decisions about possible interventions.⁽⁴⁰⁾
- **Rights-based approach:** Promoting the direct involvement of refugee women, girls, men and boys in decisions relating to their own protection, and their full enjoyment of human rights, including rights to be protected against sexual and gender-based violence. This requires that culturally appropriate and affordable services are available and accessible to all survivors of sexual and gender-based violence.⁽⁴¹⁾

A human rights-based approach seeks to analyze the root causes of problems and to redress discriminatory practices that impede humanitarian interventions. The human rights-based approach:

- » Is based on international human rights and humanitarian law standards.
- » Integrates these norms, standards and principles into plans, policies and processes of humanitarian interventions.
- » Is a comprehensive and multidisciplinary approach.
- » Involves many stakeholders (state and non-state).
- » Must be aimed at empowering survivors/victims and their communities.

Humanitarian interventions workers, as well as States (if they can act), are considered as «stakeholders» and are committed to encouraging, empowering and assisting «rights holders» to claim these rights.⁽⁴²⁾

- **Community-based approach:** This approach involves engagement with the family and community-based protection networks to understand gender power relations and dynamics better to prevent and respond to sexual and gender-based violence.⁽⁴³⁾ This approach also recognizes the pivotal role of the refugee community in all programs addressing this type of violence and aims to enhance interaction with community members as partners in protection

(39) Ibid.

(40) Handbook for Coordinating Gender Based Violence Interventions in Humanitarian Settings, Global Protection Cluster GBV Prevention and Response, 2010.

(41) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

(42) Handbook for Coordinating Gender Based Violence Interventions in Humanitarian Settings, Global Protection Cluster GBV Prevention and Response, 2010.

(43) Regional Approach to address Sexual and Gender based Violence in the Syria and Iraq Refugee Situations, UNHCR, 2015.

and positive social change. Given the importance of involving concerned communities in their decision-making, it is of utmost importance to conduct research to obtain an understanding of gender power relations and other power dynamics at play within the concerned community as well. The approach also entails ensuring the equal participation by women and men, girls and boys in planning, implementing, monitoring and evaluating programs. A wide range in the concerned community should participate in all stages of programming for prevention and response to sexual and gender-based violence.⁽⁴⁴⁾ The community-based approach strives to ensure that those affected by a crisis will be better protected, that their capacity to identify, develop and sustain solutions will be strengthened and that humanitarian resources will be used more effectively.⁽⁴⁵⁾

- **Multi-sectoral approach:** No single agency can adequately address all aspects of sexual and gender-based violence prevention and response. The multidisciplinary model is therefore aimed at the holistic coordination of the efforts of all organizations and bodies seeking to promote the participation of the persons concerned and coordination and cooperation between the various sectors, including the health, psychosocial, judicial and security sectors.⁽⁴⁶⁾ Involvement of all sectors (community services, health, protection and security) is pivotal if programs targeting sexual and gender-based violence are to succeed. All actors (governments, NGOs, UNHCR) should coordinate and cooperate.⁽⁴⁷⁾

(44) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

(45) Handbook for Coordinating Gender Based Violence Interventions in Humanitarian Settings, Global Protection Cluster GBV Prevention and Response, 2010.

(46) Ibid.

(47) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.



6

STRATEGIC OBJECTIVES

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6.1 Objective One: Refugee women, girls, men and boys with different backgrounds have access to quality national systems for the prevention of and response to violence, including sexual and gender-based violence

Given the increased risks of the various forms of sexual and gender-based violence that refugee women, girls, men and boys encounter throughout various stages of displacement, and the fact that they are often deprived from protection mechanisms and support structures within their communities, it is of utmost importance to provide long-term protection through the strengthening of national systems for the prevention of and response to sexual and gender-based violence. It should be noted that the risks of sexual and gender-based violence exist at every stage of forced displacement, border crossings and after arrival in countries of asylum. A comprehensive approach to long-term protection needs includes reviewing national legislation to ensure that gaps and constraints in providing protection to survivors of sexual and gender-based violence are addressed, as well as mechanisms for coordination in light of the multisectoral nature of the response to sexual and gender-based violence as well as human and financial capacity-building, improving the process of information collection and information management systems. This approach also entails ensuring non-discriminatory access of refugees to quality, acceptable and affordable services.

GOOD PRACTICES



In Egypt, where the Penal Code has been amended to provide a definition of sexual harassment and to increase the penalties for those found guilty of perpetrating sexual harassment in public spaces, efforts are now focused on encouraging more effective enforcement of the law. Efforts include the government's establishment of a hotline and dedicated police units that respond to sexual and gender-based violence. Additionally, the Government of Egypt is working with partners to develop a national strategy to address sexual and gender-based violence.



Several governments, including in Algeria and Tunisia, have introduced national strategies to combat gender-based violence. In this context, the Algerian Republic has included Law No. 15-19 of 30 December 2015, amending the Penal Code, which criminalizes violence of all kinds: sexual, marital, verbal and economic, harassment in the workplace and in public places.



The Moroccan legislator issued Law No. 13.103 on combating violence against women, which defined violence against women in its various forms as follows:

- Violence against women: Every material or moral act or omission based on discrimination based on sex that results in physical, sexual, or economic harm to a woman.
- Physical violence: Any act or omission that affects, or may prejudice, the physical integrity of a woman, regardless of the perpetrator or the place where it was committed.
- Sexual violence: Every word, act or exploitation that violates the sanctity of a woman's body for sexual or commercial purposes, regardless of the method used.
- Psychological violence: Any verbal assault, coercion, threat, neglect or deprivation, whether it is for the purpose of harming the dignity, freedom and reassurance of women or with the aim of intimidating her.
- Economic violence: Every act or abstention from an act of an economic or financial nature that harms, or is likely to harm, the socio-economic rights of women.



Yemen, through its Women's National Committee, participated in the preparation of an Arab Strategy for the Protection of Women against Violence for 2011-2020.



In the Tunisian Republic, some priorities were adopted to ensure the alignment of the legislative frameworks and the International Standards, including: the draft Basic Law on the Elimination of Violence against Women, which stipulates one year in prison for anyone who intentionally harasses a woman in a public place/financial warning for anyone who deliberately discriminates in remuneration; while providing for the revision of some chapters of the Criminal Code to be compensated by new texts, including article 226; imprisonment for 2 years and a financial penalty of 500 dinars per person for sexual harassment; and the new article 227 bis states that anyone who performs a sexual activity with a consenting female above 16 and under 18 is punishable by 6 years of imprisonment.



In Saudi Arabia, a system of protection against abuse was established by Royal Decree No. 52/m dated 15/11/1434 Hijri based on the Cabinet Decision No. 332 dated 19/10/1434 Hijri. The National Strategic Plan for the Prevention and Response of Domestic Violence in Saudi Society has been finalized and is awaiting the approval of the Council of Ministers. The Kingdom also issued a system to combat sexual harassment with the Royal Decree No. (96/M) dated 16/09/1439 Hijri. It also issued a child protection system by Royal Decree No. (14/M) on 03/02/1439AH, and the circular issued by His Excellency Minister of Justice No. 13/T/ 7969 dated 26/04/1441 Hijri for all courts and those authorized to marry not to enter into marriage contracts for those who are not yet 18 years old, according to what was stated in the executive regulations of the child protection system in the Kingdom. In Saudi Arabia, similar protection efforts are coordinated through the Family Council in the Kingdom.



In Jordan, a specialized branch of the police, the Family Protection Department, has been established to respond to domestic violence, and a number of government agencies and NGOs, including the Ministry of Social Development and the National Commission for Women, have established the “Candle Network Against Sexual and Gender-based Violence”. Jordan’s National Council for Family Affairs is the main national partner for the development of procedures and policies to address SGBV, including case management standards, while the main entity providing direct case management is the Family Protection Department.



In February 2015, the Republic of Sudan amended the Criminal Code by adding a dedicated article on sexual harassment that includes a definition of this crime and specifies the corresponding penalties. The Republic of Sudan has also established the Violence Against Women and Children Unit by a decision of the cabinet in November 2005, which is a coordination mechanism between state agencies to combat violence against women and children. This unit is concerned with developing general policies, strategies, implementation plans and action programs for combating violence against women and children, as well as following up the implementation of plans, policies and programs approved at the national level, in addition to setting national standards and guidelines for the concept of violence against women and children. The unit specializes in the periodic review of legislation related to violence against women, proposing what increases its effectiveness and issuing the necessary recommendations for its amendment. In this regard, the Republic of Sudan has summarized the Standard Procedures document for addressing and responding to gender-based violence, in addition to summarizing the Standard Procedures Document for Addressing Gender-Based Violence in Refugee Status, and approved the National Plan for the Implementation of Resolution No. 1325 on Women, Peace and Security. In the context of the legal reform process, the Republic of the Sudan drew up a draft gender-based violence law, for consultation prior to its approval by the Ministry of Justice.



In the Sultanate of Oman, the Penal Code promulgated by Royal Decree 7/2018 has guaranteed addressing all forms of violence, including sexual violence against women. The name and terms of reference for the administration of juvenile cases have been modified to the Department of Public Prosecution for Family and Child Cases. This department is concerned with investigating, disposing, filing and initiating cases before the courts and implementing judgments in crimes, including family violence crimes mentioned in the Penal Code or any other law in the form of physical, sexual, psychological or financial abuse committed between members of the same family, and family crimes mentioned in the Penal Code.



In the State of Qatar, Law No. (15) of 2011 was issued regarding combating human trafficking, especially against women and children. The country has also acceded to some relevant international conventions, including: the Convention on the Elimination of All Forms of Racial Discrimination of 1979, the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Human Trafficking Crimes, Especially Women and Children, and the International Conventions issued by the International Labor Organization that prohibit Discrimination on any basis, including on the basis of sex. On the institutional level, the State of Qatar is rich in effective institutional frameworks that ensure the rights of special groups (children, women, the elderly, and persons with disabilities). With regard to issues related to combating stereotypical images of women and their roles within the state and society, and issues of violence in all its forms (sexual, verbal, psychological, and others), they occupied an important place in the work and activities of these frameworks, perhaps the most important of which are: Family Affairs Department at the Ministry of Administrative Development, Labor and Social Affairs, the National Committee to Combat Human Trafficking, the National Committee on Women and Children, Persons with Disabilities and the Elderly, the Protection and Social Rehabilitation Center of the Qatar Foundation for Social Work, which, through the Qatari Aman House, provides protection, care, rehabilitation and treatment for children and women victims of abuse within the family against different forms of abuse (physical violence, psychological violence, neglect, sexual violence, family breakdown, and deprivation of education).

6.1.1. National laws are in compliance with international standards

Although both females and males can be at risk, women and girls are at a higher risk of sexual and gender-based violence. There are specific risks that encounter women and girls, particularly in relation to national legislative frameworks. These include judicial systems that do not fully address harmful traditional practices or domestic violence or restrict women's rights to justice, safety, marriage, divorce, child custody and housing. Traditional justice systems that do not align with international standards; national registration systems that do not provide asylum seeking women with individual documentation; legal systems which discriminate against non-citizens, including asylum-seekers, refugees and stateless persons; including girls⁽⁴⁸⁾. Legislative gaps in a number of countries in the Arab region include, for example, the dropping of charges of rape and sexual harassment if the perpetrator agrees to marry the victim. The gaps are also represented in the reduction of charges for crimes against women in the name of «honor» or to allow child marriages. Monitoring and addressing legislative gaps to ensure that they comply with international standards is a necessary step to strengthen prevention frameworks and to ensure protection, support and justice for victims/survivors as well.

In order to achieve sustainable sexual and gender-based violence prevention and response, there is a need to amend national legal frameworks and bring them into greater harmony with international standards. Governments should address protection gaps in national laws related to sexual and gender-based violence, and to promote better implementation of the international standards that are widely embraced in the Arab region as per the International and Regional Legal Conventions. This requires mapping of existing legislative frameworks and services to address sexual and gender-based violence to identify and address gaps and constraints within legislation, policies and practices.

▼ To ensure that the national legal framework is in compliance with international standards, Member States should focus on the following key priorities:

- Availing protection to refugee women and girls without discrimination through legal provisions providing protection against sexual and gender-based violence.
- Open a dialogue about legal provisions that were introduced to combat violence against women but might have some negative implications or unintended consequences when applied (such as mandatory reporting).
- The relevant laws should define the minimum legal age of marriage at 18 for both genders.
- In addition, efforts are needed to spot the situation of underage marriages informally or without attempting to legally register marriages, as they may continue even after the adoption of appropriate laws prohibiting child marriage.
- Ensure that laws and policies, which provide prevention and protection from sexual and gender-based violence, are included in the standard operational procedures established to respond to refugee conditions.
- Work on removing legal provisions that stipulate the dropping of criminal charges or other penalties if a rapist marries the victim.
- Remove legal provisions that call for reduction of the sentence in the case of crimes committed in the name of "honour".
- Work to develop a clear definition of sexual violence in the law to ensure that it covers all

(48) Handbook for the protection of women and girls, UNHCR, 2008.

forms of violence committed in accordance with international standards.

- Ensure a clear definition of sexual violence and rape that covers all situations of forcible sexual conduct.
- In countries where several laws are drafted according to religious affiliation, draft laws and present them before the Parliament and review their conformity with international standards.
- Ensure non-discriminatory access to legal aid services, taking into account the resources available to some Arab countries, for all survivors of sexual and gender-based violence including female refugees and survivors of human trafficking.
- Develop national plans of action on combating human trafficking that include responses to sexual and gender-based violence, affecting trafficked women and girls.
- Ensure that victims of human trafficking are not detained because of unlawful acts, depending on the severity of the acts committed, as a result of their exposure to human trafficking, and also monitor victims/survivors and provide support to those in need of protection and assistance instead of punishing them.
- Adopt legal provisions that criminalize FGM/C in countries that have not done so and establish prevention programs to ban this practice and raise awareness of the physical and psychological health risks associated with FGM/C and other adverse consequences.
- Develop policies to address all forms of violence, especially sexual and gender-based violence during crises including for refugees, displaced persons, asylum seekers, stateless persons and returnees.

6.1.2. Coordination and partnership

During crises, there are many actors on the ground trying to address the risks emerging as a result of these crises. These include in addition to the national governments, UN agencies, regional organizations, international NGOs, the national business community, local NGOs, among others.

▼ The entities responsible for implementing the strategy mainly include the following agencies:

- The agencies concerned with emergency and civil defense,
- The agencies concerned with immigration, passports, birth registration and identification documents,
- Security agencies responsible for identifying crimes of sexual violence, human trafficking and other related crimes in refugee shelters,
- Bodies for the administration of justice (public prosecution and judiciary),
- The competent health services,
- Local communities (municipal councils),
- Centers and institutions concerned with the psychological and social rehabilitation of victims of sexual violence.

▼ The partners include local, regional and international organizations, including:

- The United Nations High Commissioner for Refugees and other relevant UN organizations,
- Accredited non-international organizations (the International Committee of the Red Cross, Médecins Sans Frontières, and others),
- Arab organizations concerned with human rights,
- Arab organizations with a humanitarian orientation,

- National Red Crescent Societies,
- National community organizations (concerned with women, children, the elderly, people with disabilities, and those with a charitable and humanitarian character)
- Audio-visual, written and electronic media,
- Cultural elites and opinion leaders,
- National business community (companies), and the accredited national bodies that supervise volunteer work.

It is therefore of utmost importance to work on strengthening coordination mechanisms to avoid duplication of efforts, to ensure coordination rather than competition and to rationalize the use of resources. Coordination is about putting in place multi-sectoral, inter-agency action mechanism to address sexual and gender-based violence in line with the national legislations – moving from theory to practice. The goal of coordination is to provide accessible, prompt, confidential and appropriate services to survivors/victims according to a basic set of guiding principles and to put in place mechanisms to prevent GBV.⁽⁴⁹⁾

▼ **Coordination efforts should be based on the following guiding principles:**⁽⁵⁰⁾

- Taking into account the needs of refugees, displaced persons, returnees and stateless persons and prioritizing those needs over that of humanitarian workers.
- Respecting all partners in the coordination process by setting up a regular procedure for coordination, including: allocating sufficient human and financial resources to facilitate the coordination process; having a specific and accessible meeting time and place; maintaining ground rules and clear objectives; using time wisely; and being action- and operations oriented.
- Avoiding duplication of efforts/supporting coordination and unification of efforts and exerting efforts to minimize competition among humanitarian workers.
- Establishing allies and minimizing discord.
- Documenting research and decisions and distributing them among participants to promote transparency whenever possible.
- Making rational and appropriate use of local resources.
- Monitoring performance and impact of coordination efforts, especially on SGBV response programs.
- Planning carefully and setting clear guidelines about roles and responsibilities.

The more comprehensive the coordination mechanism is, the stronger and more effective it will be. In addition to national governments, it should include different UN agencies, representatives of other sectors (such as health, education, child protection etc.), in addition to concerned persons (refugees, displaced persons, returnees and stateless persons), civil society including local non-governmental organizations (NGOs) and community development organizations (CDAs) and other donors. The participation of each of those groups enriches the coordination mechanism, while benefiting all of those participants in various ways. (see Annex I)

(49) Handbook for Coordinating Gender based Violence Interventions in Humanitarian Settings, Global Protection Cluster, GBV Prevention and Response, July 2010.

(50) These guiding principles were developed based on a cluster system within an IDP setting. However, they could easily be adapted to a refugee setting.

It is therefore of utmost importance to take the following priorities into consideration, to ensure a strong coordination system is in place:

- Establish and strengthen the national coordination mechanisms for the prevention and response to all forms of violence against women and girls including sexual and gender-based violence and ensure response to the refugee situation is integrated in this mechanism.
- Ensure the participation of concerned governmental organizations and local civil society organizations, along with UN Agencies and International Non-Governmental Organizations in the response to the refugee situation.
- Support the concerned governmental organizations in playing an effective role in coordinating the response to the refugee situations by providing capacity building programs and needed tools (SOPs, guidelines, monitoring mechanisms etc.).
- Ensure systematic information sharing between the national coordination mechanism and sub-national/ local coordination bodies and strengthen the reporting of local bodies to the national coordination mechanism.
- Develop information systems for coordination.
- Use coordination mechanisms to mobilize resources, call for and advocate for policy change, open dialogue on key issues and gaps, develop educational and informational materials, communicate with the media to highlight injustice and educate the public, carry out assessments, collect data and monitor, in addition to building the capacity of all partners in the fight against sexual and gender-based violence.

6.1.3. Human and Financial Capacity (tools and training)

The financial and human capacity is part and parcel of a preventive and protective system from sexual and gender-based violence. Therefore, in line with national priorities, and as possible, it needs to be constantly developed and assessed to ensure survivors/victims of this form of violence receive appropriate quality services. Given the importance of adopting a multi-sectoral approach to the prevention of and response to sexual and gender-based violence, efforts to build human and financial capacity need to also focus on the medical/health response, the psycho-social response, which includes emotional support, case management, and rehabilitation as well as social reintegration, in addition to other sectors such as safety and security, legal/judicial response and protection.

Building the financial and human capacity for better sexual and gender-based violence prevention and response requires efforts to strengthen the existing national system through the allocation by governments of financial resources across the various ministries dealing with this issue and building the capacity of actors across all sectors responding to this form of violence. This also requires additional resources allocated to respond to large-scale refugee influx and to strengthen specialized services and skills to respond to refugee situations and to deal with the repercussions of sexual and gender-based violence that refugee women, girls, men and boys may experience in situations of displacement and asylum.

▼ **It is therefore of great importance to consider the following priorities, when addressing the issue of financial and human capacity:**

Regarding financial capacity:

- Use coordination mechanisms to ensure reliable and sustainable funding from the International Community (Donors, Inter-Governmental Organizations, International NGOs).
- Allocate national funding across the sectors involved in the response to sexual and gender-based violence such as protection, health, psycho-social services, legal services, shelter and camp security, camp infra-structure.
- Ensure international organizations' contribution to additional funding to sexual and gender-based violence prevention and response in refugee situations and allocate funds to financing specialized services in areas where an influx of refugees is taking place.

▼ **Regarding Human Capacity:**

- Introduce all service providers and field workers to guidelines for the care of survivors and victims of sexual and gender-based violence, such as respect, confidentiality, safety and security of survivors, as well as non-discrimination, the principle of Do-No-Harm and the principle of assessing and prioritizing the best interest of the child. As well as training them on how to apply these guidelines.
- Build the capacity of service providers (governmental and non-governmental) on identifying the repercussions of sexual and gender-based violence whether medical health, mental health, sexual and reproductive health, as well as social consequences of this form of violence.
- Build the capacity of service providers on understanding the health, safety, psychosocial and legal/judicial needs that the survivor/victim of sexual and gender-based violence may have.
- Build the capacity of case workers on identifying survivors of sexual and gender-based violence, case management and referral to survivor/victim-centered services.
- Build the capacity of health workers on the clinical management of rape.
- Build the capacity of health workers on the documentation of injuries, collection of forensic evidence, treatment of injuries, examination for sexually transmitted infections and preventive care, evaluation for risk of pregnancy and needed prevention.
- Build the capacity of law enforcement officials on dealing with survivors/victims of sexual and gender-based violence in a gender-sensitive, non-judgmental manner, based on the survivor care principles mentioned above, including prioritizing the safety and security of the survivor/victim.
- Build the capacity of judges on dealing with cases of sexual and gender-based violence in a gender-sensitive manner.
- Build the capacity of protection actors on the national legal framework for dealing with sexual and gender-based violence for proper referral to appropriate services.
- Develop guidelines, SOPs and establish referral pathways to help protection actors and case workers in conducting case management and referral in line with guiding principles for caring for survivors/victims of sexual and gender-based violence.

6.1.4. Knowledge management and data collection

Knowledge management and data collection is key to any system. For an efficient prevention and response system to sexual and gender-based violence, it needs to be fed with data constantly and regularly. Research and assessments need to be conducted and knowledge and good practices need to be shared between the various agencies working in the field. Data collection and analysis is critical to the effectiveness of targeted service delivery, advocacy to ensure follow-up and evaluation of these phenomena in order to amend policies and programs and to ensure greater accountability and control. A number of studies have been conducted recently indicating increased prevalence of domestic violence, child marriage and in some cases survival sex among Syrian refugees.⁽⁵¹⁾

On the other hand, there are several key challenges facing data collection and management on sexual and gender-based violence, mainly: lack of a national data collection and management system, as well as standardized classification of types of sexual and gender-based violence. This classification varies from one agency to another and even from one case worker to another. This variation is the result of a range of factors, some of which include inconsistent classification terminology between different service providers, and legal definitions across different contexts, overlapping definitions and in some cases individual interpretation. This leads to a major challenge, namely that data on sexual and gender-based violence cannot be systematically collected across field offices or agencies, negatively affecting the accuracy of sexual and gender-based violence data and the effectiveness of inter-agency information sharing and coordination.⁽⁵²⁾

▼ **Therefore, for an efficient knowledge management and data collection system to avail data for policy makers and guide humanitarian interventions, it is imperative for states to take the following priorities into consideration:**

- Develop and strengthen national data collection tools and systems to support the systematic collection and management of data.
- Develop interagency information-sharing protocols to ensure safe and ethical data management, based on the confidentiality and respect for the wish of the survivor/victim.
- Build the capacity of data-collection agencies on analyzing data on sexual and gender-based violence issues, their trends and issue policy briefs to inform decision-makers.
- Partner with research institutions and academia to develop and apply research methodologies for documenting and analyzing all forms of sexual and gender-based violence in asylum and displacement contexts and to identify emerging issues concerning this form of violence.
- Ensure that any national research contain modules on all forms of violence including sexual and gender-based violence in asylum context.
- Ensure that all data collection agencies apply the principles of confidentiality, informed consent and respect for the wishes of the survivors/victims to all data collected in all research initiatives concerning sexual and gender-based violence.⁽⁵³⁾
- Develop and strengthen violence classification tools to ensure standardized definitions, which allows comparable statistics.

(51) Women Alone, the fight for survival by Syria's Refugee Women, UNHCR, 2014, Gender-Based Violence and Child Protection among Syrian Refugees in Jordan, with a Focus on Early Marriage, UN Women, 2013.

(52) GBV classification tool, at: <http://www.gbvims.com/gbvims-tools/classification-tool>

(53) Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies. At: http://www.who.int/gender/documents/OMS_Ethics&Safety10Aug07.pdf, WHO. 2007.

6.1.5. Advocacy and Support

Strengthening national sexual and gender-based violence prevention and response systems is largely dependent on addressing legislative and policy gaps and impediments, improving services and allocating the appropriate financial and human resources and ensuring effective and consistent implementation of protection laws and policies. Advocacy and support are key activities to ensure that those deficiencies are highlighted and accordingly addressed.

Often, advocacy is misunderstood as synonymous with behavior change communication (BCC)/ information, education, communication (IEC) and/or community mobilization. Although these activities are targeted toward promoting change and involve developing messages tailored to a specific audience, advocacy stands apart from these approaches because the ultimate goal of advocacy is policy change. The advocacy process is complete when a decision-maker takes a prescribed policy action. While raising awareness of the general public may be an important step in this process, it is not the ultimate goal.⁽⁵⁴⁾ The need to advocate for addressing legislative gaps, policies, procedures and practices is imperative to ensure the non-discriminatory access of refugee women, girls, men and boys to services provided to survivors/victims of sexual and gender-based violence.

Advocacy could be done at community, county, national or international levels. At the **community level**, advocacy addresses affected communities, with focus on the issues of concern e.g. sexual and gender-based violence prevention and response, including the direct services provided to survivors/victims. It is about convincing local decision-makers, such as humanitarian organizations or local leaders to support the prevention efforts and to adopt a holistic response to sexual and gender-based violence. Local leaders could be managers of refugee or forcibly displaced persons camps, community leaders, religious leaders, International Organizations or coordination groups, local government leaders, local law enforcement, judicial leaders and local civil-society leaders. At the **national/sub-national levels**, advocacy addresses issues such as allocating resources and changing perceptions with the objective of establishing or strengthening sexual and gender-based violence prevention and response systems. This level of advocacy targets local or national-level government officials, as well as staff in humanitarian coordination groups or UN bodies providing regional or national support, as well as international and local NGOs. At the **international level**, advocacy attempts to influence policies and the allocation of financial and human resources for the emergency by targeting international donors, regional coordination bodies, as well as international coalitions and NGOs, highlighting the immediate needs for interventions to address sexual and gender-based violence.⁽⁵⁵⁾

▼ **It is important for Member States to consider the following priorities, to ensure advocacy efforts serve to change concepts, impact laws, policies and practices at local, national and regional levels and thus support efforts to strengthen the capacity of sexual and gender-based violence prevention and response systems in refugee situations:**

- Design advocacy strategies and messages to address the highlighted issues at the local, national and international levels.
- Establish partnerships with international and local organizations working on refugee response to identify emerging sexual and gender-based violence issues, as well as legal gaps and

(54) Handbook for Coordinating Gender based Violence Interventions in Humanitarian Settings, Global Protection Cluster, GBV Prevention and Response, July 2010.

(55) Ibid.

negative practices and concepts that hamper the effective sexual and gender-based violence prevention and response in refugee situations.

- Work closely with coordination groups for sexual and gender-based violence prevention and response and international donors to highlight issues that require the mobilization of human and financial resources at national and international levels.
- Ensure proper research, studies and data collection is conducted regularly to highlight gaps and challenges and avail needed data to draft advocacy messages.

6.2 Objective Two: Refugee women, girls, men and boys with different backgrounds live in an environment with reduced forms of violence, including sexual and gender-based violence

For refugees with different backgrounds to live in a protective environment that is free from the different forms of sexual and gender-based violence, it is important to adopt a number of strategies that ensure that all interventions are more sustainable, ensure the participation of the concerned communities and families in all phases of planning and implementation, while ensuring that all programs adopted in refugee communities are sustainable and efficient. The engagement of men and boys as well as children and youth are also effective strategies to address negative social norms through augmenting knowledge and changing negative perceptions and attitudes towards sexual and gender-based violence, and to ensure that sexual and gender-based violence prevention and response activities reach all sectors and members of the community. Other strategies include the empowerment of women through life skills programs and livelihood as well as raising awareness and availing knowledge.

6.2.1. Community and family-based prevention strategies

To understand the importance of community and family-based prevention strategies, it is important to agree on a number of definitions.

A community, as described in the definition section, is a group of people with common cultural or religious values. A community-based approach, on the other hand, is a way of working in partnership with women, men, boys and girls and other persons of concern with specific needs, and strongly engage them in all stages of any intervention or program cycle. This approach recognizes the capacities, skills and resources of persons of concern, builds on these to deliver protection and solutions, and supports the community members to set and achieve goals. The approach requires an understanding of the political context, the host communities, gender roles, community dynamics, and protection risks, concerns and priorities. This approach can support communities in their efforts to prevent social problems and to deal directly with those that do arise, instead of relying exclusively on external actors to intervene and assume these responsibilities. On the other hand, it supports persons of concern in re-establishing positive and protective cultural patterns and support structures, thus helping them regain their dignity and self-esteem and to empower all the actors to work together to support the different members of the community in exercising and enjoying their human rights.⁽⁵⁶⁾

Through putting the capacities, rights and dignities of persons of concern at the center of programming for sexual and gender-based violence efforts, and the community-based approach promotes more effective and sustainable outcomes by identifying the multiple risks of sexual and gender-based violence through consultation and strengthening local resources and capacity. It is of utmost importance to best understand communities in order to avoid unintentional harm that can be done to persons or communities in concern. Engaging communities in their own protection also prepares them for return to their homes or other durable solutions.

Moreover, it is essential that the community-based approach is implemented with an Age, Gender and Diversity (AGD) perspective, in order to ensure gender equality, non-discrimination and

(56) Ibid.

the inclusion of women, men, girls and boys of all ages and diverse backgrounds.⁽⁵⁷⁾ Working from an AGD perspective also implies including all persons of concern with specific needs (for example, older persons, persons with disabilities, persons belonging to ethnic, religious or linguistic minorities, and indigenous peoples).⁽⁵⁸⁾ This results in a more balanced analysis of risks, genders, power dynamics and ensures a more representative design of sexual and gender-based violence prevention and response programs. On the other hand, a social diversity perspective also ensures that refugee women play a leadership role and thus have a say in all decisions taken that affect their lives and communities. Gender balance in the community's leadership structure will ensure that the needs of women, men, girls and boys are addressed, and that males and females will enjoy access to resources and benefits and that they have equal control over them. The provision of diverse age and gender group discussions ensures free discussions that could reveal important information about sexual and gender-based violence within a given community. In communities, where the culture of the refugee community is resistant to allowing women and children to participate in the same meetings with men, it is important to ensure that the views of women and children are taken into consideration in decisions that are taken by men.⁽⁵⁹⁾

▼ **The adoption of a rights-based approach through the engagement of communities ensures a sustained sexual and gender-based violence prevention and response. A community-based approach includes community engagement with each of the following program elements:**

- A preliminary and consistent analysis of the current situation.
- Agreement on priorities.
- Design and implementation of interventions or responses.
- Monitoring of implementation and adjustment of interventions as needed.
- Evaluating results and reporting.⁽⁶⁰⁾

A community-based approach as a rights-based approach is founded on the principles of participation and empowering individuals and communities to promote change and enable the community members to exercise their rights and meet their duties. This approach identifies rights-holders (women, girls, boys and men of concern) and responsibility-bearers (mainly the State and its various organs) and seeks to strengthen the capacities of rights-holders to claim their rights and of duty-bearers to satisfy those claims. This approach requires that all relevant policies, programs and activities be based on international legal standards, and that leaders of the community consider their roles as both rights-holders and responsibility-bearers. It is important to analyze, with the participation of all actors, the obstacles to exercising these responsibilities and ways to overcome them.⁽⁶¹⁾

(57) See <http://www.unhcr.org/protection/women/4e7757449/unhcr-age-gender-diversity-policy-working-people-communities-equality-protection.html>

(58) Understanding Community based Protection, UNHCR, 2013.

(59) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, 2003.

(60) Understanding Community based Protection, UNHCR, 2013.

(61) A Community Based Approach in UNHCR Operations, 2008.

▼ **The community-based approach aspires to:**

- Strengthen refugees' capacities for initiative and partnership, resulting in a sense of ownership of all the implementation phases of the program.
- Reinforce the feelings of dignity, self-esteem of refugees and other persons of concern.
- Achieve the highest degree of socio-economic empowerment.
- Increase economic efficiency and sustainability of all interventions.⁽⁶²⁾

▼ **To ensure that a community-based approach is adopted to guarantee more efficient and sustainable interventions are designed to address issues of sexual and gender-based violence within refugee communities, States are encouraged to adopt the following priorities:**

- Assess the situation and composition of power dynamics in the concerned communities, community knowledge, trends and practices on sexual and gender-based violence, including domestic violence, child marriage, as well as identify sources of risks, key community resources that could be mobilized to provide protection to women, girls, men and boys against sexual and gender-based violence.
- Build knowledge and understanding of relations between men and women and patterns of sexual and gender-based violence within the refugee community through awareness campaigns, targeting all members of the population whether men, women or children from all ethnic and religious groups.
- Involve men in peer counselling groups and awareness raising to help influence attitudes towards survivors, develop community-based security systems that both respond to and prevent sexual and gender-based violence, and can help other men understand how such violence negatively affects all members of the community.⁽⁶³⁾
- Coordinate within the refugee community and with other actors to promote prevention and response activities, through maintaining and strengthening existing social support networks.
- Advocate to involve refugees in deciding what services should be provided in a culturally sensitive manner, at what location, by whom, and in what language(s).
- Government, civil society and UN organizations support refugee and host communities' efforts to protect women, girls, men and boys from sexual and gender-based violence.
- Strengthen the capacities of communities and community protection workers to address cases of sexual and gender-based violence, access to services, legal framework and providing protection mechanisms for at risk groups and survivors of sexual and gender-based violence.
- Support the role of women as decision-makers and community leaders to encourage all survivors from both genders to come forward and seek assistance.
- Engage the community in addressing negative attitudes towards the survivors of sexual and gender-based violence, ensuring the safety of the survivors and their families while adopting a zero-tolerance approach with the perpetrators.

(62) Executive Committee, 2001, Reinforcing a Community Development Approach.

(63) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, 2003.

6.2.2. Engaging men and boys

Working with men and boys to address sexual and gender-based violence issues has emerged as a global strategy to address this form of violence. The international commitments on working with men were expedited in the past decade and the strategy was highlighted by series of important International Conferences and Program of Actions:

1994 International Conference on Population and Development:

This affirmed the need to “promote gender equality in all spheres of life, including family and community life, and to encourage and enable men to take responsibility for their sexual and reproductive behavior and their social, family and occupational roles alongside women.” (Cairo Programme of Action; 21st Special Session of the General Assembly on Population and Development).

Programme of Action of the World Summit on Social Development (1995) and its review held in 2000 also addressed the role of men and paid particular attention to men’s roles and responsibilities with regards to sharing family, household and occupational responsibilities with women. (Programme of Action of the World Summit for Social Development; 24th Special Session of the General Assembly on Further Initiatives for Social Development).

The Twenty-Sixth Special Session of the General Assembly on HIV/AIDS (2001) also addressed heightened men’s roles and responsibilities related to reducing the spread and impact of HIV/AIDS, especially the need to engage men in challenging the gender inequalities driving the epidemic. The same session also recognized the need to challenge gender stereotypes and attitudes and gender inequalities in relation to HIV/AIDS through the active involvement of men and boys (Declaration of Commitment on HIV/AIDS).

The Beijing Platform for Action (1995) restated the principle of shared responsibility; and reaffirmed that women’s concerns could only be addressed “in partnership with men”. At the 48th Session of the UN CSW agreed conclusions were adopted, calling on Governments, entities of the United Nations system and other stakeholders to encourage the active involvement of men and boys in eliminating harmful gender stereotypes, preventing and treating HIV/AIDS, adopting safe and responsible sexual practices, and preventing violence. UN CSW also encouraged the promotion of the reconciliation of work and family responsibilities, as well as accelerated gender equality in education.

The 53rd Session of the UN CSW, held in March 2009. Through the agreed results, this session recognized the abilities of men and boys in bringing about change in attitudes, relationship and access to resources and decision making, as well as ensuring that men and boys are actively involved in policies and programs that aim to involve the equal sharing of responsibilities; as well as the design and implementation of programs to promote the active involvement of men and boys in eliminating gender stereotypes, gender inequality, gender-based violence and abuse.⁽⁶⁴⁾

The engagement of men and boys has emerged as a vital strategy for ending gender-based violence, including in refugee and post-conflict settings. UN Security Council Resolution 2242 (2015), related to Resolution 1325 (2000) on women, peace and security, states that men and boys should be partners in promoting women’s participation in the prevention and resolution of

(64) Working with men and boys: emerging strategies from Africa to address gender-based violence and HIV/Aids, Sonke Gender Justice Network, Men Engage Network, 2009.

armed conflict and in peacebuilding.

While prevention and response activities are essential, it is imperative to move beyond simply addressing each individual case of sexual and gender-based violence and start addressing the societal, cultural, economic, religious and political systems that either perpetuate or allow for sexual and gender-based violence to continue. This requires conceptual change, systems change and behavioral change. Given that men and boys constitute the greatest majority of perpetrators, behavioral change initiatives need to address them to effectively engage them in positively changing the actions and attitudes that put women and girls at risk.⁽⁶⁵⁾

It is important for men and boys to recognize that gender equality, social justice, and sexual and reproductive health are not just 'women's issues' and are essential to the health and wellbeing of both women and men. Gender inequality could be harmful for women as well as for men. A rights-based approach, rather than a needs-based one, is imperative for the long-term success of the strategy of engaging men in the struggle towards gender equality.⁽⁶⁶⁾

Changes in economies, social structures, and household composition, has resulted in a 'crisis of masculinity' in many parts of the world. 'Demasculinization' resulting from poverty and of economic and social hardships may be eroding men's traditional roles as providers and limiting the availability of alternative, pivotal roles for men in families and communities. Men may consequently seek affirmation of their masculinity in other ways – for example, through irresponsible sexual behavior or domestic violence. Simultaneous changes in women's roles reflected in increasing participation in the public arena and in paid work, as well as the increasing global recognition of women's human rights - are also factors challenging the traditional division of labor and traditional models of femininity. Since femininity and masculinity are interrelated and to some extent in opposition to one another, such changes in women's roles also challenge traditional concepts of masculinity.⁽⁶⁷⁾

Syrian refugee women in Jordan have already indicated an increase in physical and emotional abuse by their husbands, indicating that such behavior resulted from an increased level of pressure due to poor living conditions and the current crisis in Syria.⁽⁶⁸⁾ Similarly Iraqi refugees in Jordan reported an increase in domestic violence, due to the stress of living in cramped quarters compounded by the loss incurred due to displacement, among other factors.⁽⁶⁹⁾

It is important though to note that there are positive masculine norms and behaviors that need to be taken into account when adopting strategies to engage men and boys in ending sexual and gender-based violence. For example, the positive values related to men's positive gender roles should be identified and strengthened, which include men as peacemakers, men as caring fathers, men as nonviolent negotiators, men as supportive spouses who often sacrifice much of themselves in order to provide for their wives and children. Men are, in fact, as capable as women of being caring human beings and living in ways that are not damaging to other men, women and

(65) Engaging Men and Boys in Refugee Settings to address Sexual and Gender Based Violence, a report from a workshop held in Cape Town 2008, Sonke Gender Justice Network, UNHCR.

(66) Working with men and boys: emerging strategies from Africa to address gender-based violence and HIV/Aids, Sonke Gender Justice Network, Men Engage Network, 2009.

(67) Women and Men: Hand in Hand against Violence, Strategies and approaches to working with men and boys for ending violence against women; UN Trust Fund to End Violence against Women, Oxfam, Kafa.

(68) UNHCR, Participatory Assessment 2012.

(69) Iraqi Refugee Women and Youth in Jordan: Reproductive Health Findings, Women's Commission for Refugee Women and Children, 2007.

children as is demonstrated by men around the world every day.⁽⁷⁰⁾

Many strategies are adopted to engage men and boys in addressing sexual and gender-based violence, which range from using entry points of interest to the male audience and the strategic timing to present sensitive issues, a strategy that was applied in addressing different audiences such as law enforcement officials. Another strategy that has proven its effectiveness was moving from awareness raising to the male audience to action by linking training sessions to services and encouraging the audience to take on new initiatives.⁽⁷¹⁾

The ecological model, which explains the many levels of identifying an individual's ideas and attitudes, helps to find ideas about the different levels at which strategies can be adopted to engage men and boys. At the **individual level** (knowledge and skills), strategies should be designed to help men and boys to understand how gender and social norms influence their partners and families and develop the skills necessary to carry out healthier and more equitable behaviors. At the **peer and family level** (creating supporting structures), strategies should be designed to educate peers and family members about the benefits of more gender-equitable behaviors and relationships and how to support each other to promote gender equality. At **the social and institutional level** strategies should include educating health and education workers and other service providers about the importance of addressing gender norms with men and boys in clinics, schools and other health service settings. At the **community level**, strategies should include introducing community members and groups to the most positive and equitable behaviors for men and women. At **organizations' level**, strategies should include adopting policies, procedures and organizational practices that support efforts to increase male engagement. Finally, at the **policy and legislative level**, strategies should include developing laws and policies that sanction gender inequality and reinforce positive male engagement.⁽⁷²⁾ Men can play a key role in strengthening the transformation to a culture that does not condone violence against women.⁽⁷³⁾

Given all the causes outlined above, that range from concepts of masculinity, femininity, social values and power relations, it is imperative to engage men and boys to challenge those deep-rooted perceptions, change negative social norms that condone sexual and gender-based violence and engage in behavioral change initiatives to address sexual and gender-based violence.

▼ **Hence, it is important for Member States to take the following priorities into consideration:**

- Support programs that aim to change existing perceptions on masculinity and femininity among refugees that reinforce unequal power relations and condone violence against women.
- Encourage the active involvement of refugee men and boys in eliminating negative gender stereotypes, gender inequality and sexual and gender-based violence within their communities.
- Design programs to address the structural and social determinants of gender inequality within refugee communities, first and foremost income inequalities and the unequal division of labor.
- Encourage programs that make visible the vulnerabilities of men and boys (aggressive

(70) Masculinities: Male Roles and Male Involvement in the Promotion of Gender Equality A Resource Packet Women's Commission for Refugee Women and Children, September 2005.

(71) Partnering with Men to End Gender Based Violence, Practices that Work from Eastern Europe and Central Asia, UNFPA.

(72) Engaging Men and Boys in Gender Equality and Health, A Global Toolkit for Action, UNFPA, Promundo, Men Engage, 2010.

(73) Women and Men: Hand in Hand against Violence, Strategies and approaches to working with men and boys for ending violence against women; UN Trust Fund to End Violence against Women, Oxfam, Kafa.

behavior, irresponsible or unsafe sexual behavior), thus encouraging them to take part in challenging harmful social norms.

- Engage the men in influential positions, male leaders, and decision makers as the advocates for gender equality, the empowerment of women and girls, and elimination of sexual and gender-based violence.
- Advocate for legislations that promote gender equality and positive male involvement.

6.2.3. Engaging children and youth

The parents and family dynamics strongly influence the development and lives of children and youth and serve together with other adults as role models. Social norms are a reflection of what kind of behavior is condoned and deemed acceptable by the families and societies. When children and youth witness any kind of domestic violence, their home which is ideally a place for safety and nurturing turns into an unsafe and unstable setting. Children may learn to replicate the aggressive and violent behavior they have witnessed in other settings, which is reflected for example in bullying at school, or later, through intimate partner violence. Various types of sexual and gender-based violence reinforce which position of power each sex has for both boys and girls, thus leading girls later to accept victimization to domestic violence. Hence, interventions that address sexual and gender-based violence need to target young male children and adolescents to build their understanding on gender inequalities and positively change their attitudes to acceptance of violence. Programs need to be designed and implemented to construct new and different norms, allowing boys and girls to perform non-traditional (non-conforming) gender roles and to interact through dialogue and mutual respect rather than violence.⁽⁷⁴⁾

In addition to the above-mentioned factors that perpetuate sexual and gender-based violence among children and youth in general, children and adolescent refugees (girls and boys) face particular sexual and gender-based violence risks. Refugee children and adolescents living in urban settings face multiplied risks in different context, at home (risks are present in shared lodgings and unsafe neighborhoods in urban settings), at school (verbal and physical violence by peers, teachers, and school administrators), risks related to the working environment and increased risks faced by adolescent girls.⁽⁷⁵⁾ These risks will be detailed further below.

The strategies addressing children and youth should be designed to combat negative social norms that condone gender-based violence before harmful gender stereotypes are too deeply entrenched in the minds of children and youth.⁽⁷⁶⁾

Some approaches include psychological support for children and adolescents experiencing violence against children and/or exposed to intimate partner violence. Other programs may include prevention of violence at school, through peer mediation and improved supervision of students both in and out of the classroom, as well as through working with parents and caregivers on parenting skills.⁽⁷⁷⁾

(74) Addressing the Intergenerational Transmission of Gender-Based Violence: Focus on Educational Settings, Care International, 2014.

(75) Mean Streets: Identifying and Responding to Urban Refugees' Risks of Gender-Based Violence; Children and Adolescents, Women's Refugee Commission, February 2016.

(76) Promoting gender equality to prevent violence against women, WHO, 2009.

(77) Addressing the Intergenerational Transmission of Gender-Based Violence: Focus on Educational Settings, Care International, 2014.

▼ **Given the increased risks and levels of sexual and gender-based violence that children and youth in general and refugee children and youth in particular are exposed to, the following priorities are recommended to address that issue:**

- Support school-based and after-school programs bringing together refugee and host community children to encourage integration, dialogue and retention of girls and boys in school.
- Introduce youth leadership programs to train children and adolescents on raising community awareness on issues of sexual and gender-based violence.
- Support refugee children and adolescents living on the street in some urban areas through guiding programs that provide life skills and psychosocial and security support.
- Introduce curricula that address sexual and reproductive health for children and adolescents.
- Support and strengthen parenting skills programs within refugee communities, as well as reduction of socio-economic vulnerability of families.
- Advocate for a legal and policy framework designed to provide protection for children from sexual and gender-based violence.
- Ensure access of children and youth to registration and documentation, including birth registration of the newly-born.

6.2.4. Empowering women and girls

Although men and boys can also be targets of sexual and gender-based violence, women and girls are disproportionately subjected to this violation of their basic human rights. In most cultures, women have a secondary role in relation to men and are often economically dependent on men. Therefore, these unequal power relations leave women at greater risk of physical and psychological abuse. In the event of such abuse, women have few options to redress or obtain economic sufficiency.⁽⁷⁸⁾ Refugee women are often subject to more risks of disempowerment and sexual and gender-based violence. However, the displacement and return may present both a challenge and an opportunity, as outlined below.

Forced displacement could be a disempowering experience for women, who are traditionally responsible for children, older people and domestic work. During displacement, women could be overburdened with all these duties and more dependent on their male relatives for the provision of their basic needs. They may be excluded from decision making in matters that relate to their lives and thus deprived from having their needs and the special risks they are subject to being taken into consideration. Due to socio-cultural norms and the absence of protection structures, whether community based or governmental, cases of domestic violence may go undetected and unreported.⁽⁷⁹⁾

The socio-cultural and economic vulnerabilities make it difficult for refugee women and girls in particular to escape the violent environment and relationships, especially for fear of retaliation, being left without a provider, or social stigma, or other forms of abuse if they dare to report incidents of sexual and gender-based violence against them. Refugee women and girls are even more at risk of domestic violence due to the precarious conditions they live in and due to economic hardships and changing gender roles within the family. Their economic and social dependence

(78) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, 2003.

(79) UNHCR Handbook for the protection of women and girls, 2008.

prevents them from leaving the abusive relationships or dealing with those relationships.

At the same time, it should be noted that situations of forced displacement could also provide important empowerment opportunities for women and girls. The changes in roles of men and women brought by displacement, could enable women to actively challenge traditional gender roles, which may prevent their effective participation in the political, economic and social spheres. Through effective organization, refugee women could claim their right to participate in the different aspects of the camp or the urban life and in their own communities upon their return. Opportunities available to refugee women could be expanded through their inclusion in camp management, economic life, peace negotiations and return and reintegration processes. These greater roles would give them more control over their lives.⁽⁸⁰⁾

It is important to note that empowerment is not an act that is done to women, but rather a participatory process through which women are engaged in reflection, inquiry and action. The concept of empowerment refers to the activities that range from individual self-assertion, to collective resistance, protest and mobilization to challenge predominant power relations. Putting an end to sexual and gender-based violence within refugee communities cannot be accomplished solely through efforts or programs to sensitize service providers, change social norms, engage men and boys and engaging refugee communities at large. The empowerment of women through education, vocational training for possible employment or other income generating activities is imperative to complete the cycle to stop sexual and gender-based violence in refugee communities.

Livelihood programs were proven effective in increasing women's economic and social power. Such programs proved successful when education sessions and skills-building workshops were incorporated to help change gender norms, improve communication in relationships and empower women in general. Livelihood programs can be combined with training and awareness raising sessions on HIV prevention, gender norms, cultural beliefs, communication and intimate partner violence, while encouraging wider community participation and engaging men and boys. The livelihood provision programs aim to improve women's employment opportunities and increase their decision-making power within the household.⁽⁸¹⁾ On the other hand, life skills and income generation activities aim to minimize women's vulnerability and their exposure to exploitation by promoting socio-economic empowerment. They also serve to promote psycho-social integration and further the healing process for survivors/victims of sexual and gender-based violence.⁽⁸²⁾

▼ **Given the importance of empowering women and girls to ensure their economic independence and increase their capacity to challenge their dependence due to their gender and avoid or survive sexual and gender-based violence, it is of utmost importance to take the following priorities into consideration:**

- Review legislation to remove gender-discriminatory articles as well as provisions that minimize the penalties or excuse sexual and gender-based violence.
- Conduct participatory assessments of the relations between men and women and power dynamics within refugee communities, including consultations with women and designing programs to address gender inequality and promote women's empowerment.

(80) Ibid.

(81) Promoting gender equality to prevent violence against women, WHO, 2009.

(82) Community Safety Initiative Gender-Based Violence Program ARC International GBV in Conflict-Affected Settings, ARC International 2005.

- Adopt livelihood and vocational training programs for refugees targeting survivors of sexual and gender-based violence and refugee women to enable them to start income generating activities and ensure access of survivors/victims to psycho-social counselling through these programs.
- Encourage the micro-finance organizations to target economically vulnerable refugee women and provide them with entrepreneurial skills training, provision of soft loans and required materials to start up a small business.
- Introduce life skills trainings and awareness raising sessions for refugee women on leadership, decision-making, communications and other relevant skills.
- Support civil society organizations that provide vocational scholarships for vulnerable women that combine the attendance of vocational training with the provision of stipends for food, childcare and other basic needs and encourage conditional services that aim to eliminate drop out from schools and consequently child labor and child marriage.
- Ensure access and retention of girls at schools, as well as provide tutoring classes for refugee girls at higher risk of dropping out and in-kind assistance in the form of school supplies.
- Limit minor/child marriage, which leads to dropping-out of school, prevents children from education opportunities and thus, affects and decreases/weakens the economic participation opportunities for girls.
- Ensure the participation of refugee women in decision-making regarding their lives within their community.

6.2.5. Awareness raising and knowledge creation

One of the most important aspects for guaranteeing an environment free from sexual and gender-based violence for refugee women, girls, men and boys is through tackling socio-cultural norms that condone violence, raising awareness about gender stereotypes, misconceptions and explaining the detrimental consequences of the negative social norms. Cultural and social norms have a significant influence on shaping individual behavior, which might include violence. Norms can censure violence and hence provide protection against it, but they can also condone and tolerate it. As indicated above, social tolerance of violent behavior is likely learned in childhood, through the use of physical violence or witnessing scenes of domestic violence, violent scenes in the media or in other settings.

Certain cultural and social norms can legitimize and reinforce the use of violence. If traditional beliefs give men the right to discipline women through physical force, women become more vulnerable to partner violence. On the other hand, the prevalence of the belief that violence—including sexual violence—is a private matter, prevents survivors from reporting it and makes any attempt to intervene more difficult.⁽⁸³⁾

Therefore, programs that tackle changing perceptions towards sexual and gender-based violence to be effective, they need to create opportunities for women and girls, men and boys to challenge traditional gender norms. These programs need to be based on a rights-based approach, which builds the capacity of those concerned to play an active role in addressing sexual and gender-based violence through empowering them to make sustainable long-term change. Programs need also be inclusive by targeting more marginalized women and girls such as those having

(83) Violence Prevention the evidence: changing cultural and social norms that support violence, WHO, 2009.

disabilities and dispelling misconceptions.

The programs need to ensure that they do no further harm to those concerned such as risks of referring the reported cases of sexual violence to poor services or subjecting those who report, to stigma and marginalization by family and community. Last but not least, any programs to address negative social norms and raise awareness of those concerned need to be context-specific and based on an analysis and understanding of the various aspects such as power dynamics, economic resources, employment and education opportunities to capitalize on all those aspects to promote positive change.⁽⁸⁴⁾

For societal change to occur, there is a need to change social expectations through raising awareness, shifting individual attitudes and concepts, challenging existing norms that accept violence and inequality through addressing harmful traditional practices, such as child marriage, FGM/C, among others. The changes in individual attitudes need to be complemented with the creation of public debate around the norms and providing alternative positive ones to ensure the old norms do not recur. It is important to publicize the changes occurring at the community level through engagement with religious and natural leaders, but also through working with young girls and boys, and at a broader level using mass media. Finally, it is also important to reinforce new positive behaviors and norms.⁽⁸⁵⁾

▼ **For the creation of a safer environment for refugee women, girls, men and boys free from sexual and gender-based violence, there is a need to address negative social norms and engage in social and behavioral change programs. It is therefore recommended that member States adopt the following priorities:**

- Conduct in partnership with concerned international and local actors' participatory assessments to diagnose the combination of individual, economic, social and structural factors that sustain sexual and gender-based violence within the refugee communities, while taking into consideration the experiences and needs of vulnerable groups.
- Create a database that includes all actors involved to understand which groups have interests that are tied with upholding the negative social norms around sexual and gender-based violence within refugee communities, who are impacted by those norms and who work to minimize the risks of changing social norms.
- Conduct in cooperation with relevant local and international organizations risk assessments within the target refugee communities to assess the risks of changing the social norms and the possible consequences for women and girls, as well as for men and boys.
- Work closely with religious leaders on facilitating change by sending messages on religious discourse related to the negative social norms prevailing within refugee communities.
- Provide training to teachers within refugee receiving schools to prevent and respond to school related sexual and gender-based violence through interactive teaching practices that promote a safe learning environment for all students without discrimination and increase teachers' knowledge on this form of violence and other discriminatory gender norms.
- Partner with local women's rights organizations to ensure sustainability of all interventions that change negative societal beliefs.

(84) Shifting social norms to tackle violence against women and girls, DFID guidance notes, January 2016.

(85) Ibid.

- Ensure that negative-community-belief-change-programs are accompanied by efforts to strengthen existing services to respond to the potential increase in reporting of incidents of violence within refugee communities.
- Develop awareness raising strategies, Information, Education and Communication (IEC) materials with key messages to targeted audiences and conduct awareness raising interventions aimed at making positive socio-cultural changes to prevent this form of violence.
- Work closely with telecommunication companies, marketing agencies and mass media to support governmental efforts to reach a wider audience.
- Organize awareness campaigns to promote a culture of non-violence, zero-tolerance for all forms of abuse and exploitation, and support for the rights, inclusion and dignity of refugees.

6.3 Objective Three: Refugee women, girls, men and boys with different backgrounds have access to quality multi-sectoral services

Strengthening of national systems for the prevention and response to sexual and gender-based violence is considered a long-term approach to addressing these cases of violence among the population as a whole and providing the same protection without the slightest discrimination against refugees. But at the same time, it is of great importance to ensure good quality services are available in the short term for refugee women, girls, men and boys. Hence, an effective approach to meeting the needs of refugee survivors of sexual and gender-based violence is to ensure capacity-building to conduct case management and establishing referral pathways, as well as the availability of survivor-centered multidisciplinary services to all refugees in an acceptable and affordable manner (such as: psycho-social, health, safety and security, legal aid, education and livelihood services).

6.3.1. Available, accessible, acceptable, affordable and quality services are in place

The quality of the services provided for survivors of sexual and gender-based violence is a key standard for measuring the effectiveness and efficiency of the national sexual and gender-based violence prevention and response system. Strengthening the quality of these services will ensure that refugee women, girls, men and boys access the prevention and response services required to protect them during their flight, upon their arrival to the host country, or during their stay in countries of asylum. There are a number of inter-related standards that are key to guarantee the access of refugee survivors of sexual and gender-based violence from both sexes to those vital services.

- The first standard is the **availability** of services, which refers to all forms of prevention and response services and whether these are provided by the government or by civil society organizations. The availability of multi-sectoral services refers to financial and human investments made to ensure that quality services from all relevant sectors are available in the country.
- The second standard is **accessibility**, which refers to the extent to which preventive and protective services of sexual and gender-based violence are available on a full and non-discriminatory basis for all refugee women, girls, men and boys, as well as to persons with specific needs such as children, persons with disabilities, the elderly, among other vulnerable groups. This standard also refers to the removal of obstacles that might obstruct accessibility in the form of procedures, social stigma, legal obstacles, language barriers, prohibitive fees; and whether specific groups of refugees face procedural hurdles that prevent their access to those multi-sectoral services.
- The third important standard is **affordability**, which translates into free or low-cost services to all survivors of sexual and gender-based violence within the concerned countries without any discrimination. It also refers to whether there are hidden fees that make these services prohibitively expensive for some or many refugee families. Ensuring the non-existence of additional expenses that are imposed on the refugee survivors of sexual and gender-based violence to access preventive and protective services.
- The fourth standard relates to the **acceptability** of the services, the degree to which refugee communities know and accept the various services provided to survivors of sexual and gender-based violence. The extent to which services are acceptable to communities involves various factors. It relates generally to the prevailing social norms and community attitudes towards

sexual and gender-based violence, the safety and security of the survivors, the attitude among service providers in the various sectors. Acceptability is also related to whether enough efforts have been made to ensure that the refugee communities know about the existing preventive services and the relevant laws and policies.

- Finally, **appropriateness** or **quality** is another key standard, which refers to the extent to which the various multi-sectoral services offered to refugee survivors of sexual and gender-based violence are in line with international standards including principles of dealing with refugees such as respect, confidentiality, non-discrimination, among others. Quality also refers to the extent to which service providers have the necessary skills to provide high quality services and the necessary knowledge and skills to provide services to refugee survivors/victims of sexual and gender-based violence, as well as the availability of regular systematic training opportunities for all actors within the relevant sectors which include health, education, legal, law enforcement, psycho-social and livelihood service providers among others. It should be noted that having high quality services that meet the needs and wishes of survivors/victims will also contribute to these services enjoying greater acceptance and utilisation by communities and survivors/victims.

▼ **Given the importance of meeting the above standards to ensure refugee survivors/victims of sexual and gender-based violence have access to services, it is recommended that the Member States adopt the following priorities:**

- Ensure that national legislations afford non-discriminatory access of refugees to prevention and response services for sexual and gender-based violence.
- Raise awareness and adopt strategies to change social norms and attitudes towards sexual and gender-based violence within refugee communities to remove the social stigma of accessing the services.
- Inform refugee communities about existing services, how to access them and the importance of seeking services in a timely manner, particularly, medical care.
- Remove procedural barriers facing refugees or other vulnerable groups to access services for survivors of sexual and gender-based violence.
- Build the capacity of service providers within the respective sectors (including law enforcement and the judiciary) to deal with cases of sexual and gender-based violence in a manner that respects cultural and gender dimensions, while respecting all the guiding principles for caring for survivors/victims.
- Allocate financial and human resources to the relevant sectors to ensure the availability and quality of the services.

6.3.2. Case management and safe and confidential referrals to multi-sectoral specialized services

Case management is the most important step towards the protection of refugee survivors/victims of sexual and gender-based violence or of at-risk groups and providing multi-sectoral services that involve both the social workers and survivors of this form of violence. Case Management encompasses assessing the case, putting together a case plan, implementing this plan, while coordinating with various sectors, monitoring the case, evaluating the existing resources, options and services available to meet all the needs of the survivor in the most effective way. Case management in the context of sexual and gender-based violence aims at empowering the survivor/victim by making the available choices known to him/her on how to deal with incidents of violence, assisting him/her in reaching an informed decision and addressing their situation. It is the most effective approach for survivors/victims who need referral to multi-sectoral services that include health, psychological, safety and legal services. It is of course dependent on the availability of quality and victim/survivor-centered services, and is also predicated on strong coordination mechanisms to ensure the referral pathways are effective.⁽⁸⁶⁾

▼ **It is important to note that case management should ensure that survivors/victims of sexual and gender-based violence from both sexes, whether adults or children, are involved in all aspects of planning and service delivery. Hence, basic principles of an effective case management include:**

- Ensure that the survivors/victims of violence whether adults or children are the primary actors and decision-makers in the case management.
- Empower the survivor/victim and ensure his/her involvement in all phases of the case management.
- Respect the wishes, the rights, the dignity, needs, choices and decisions, as well as, recognize the capacities of the survivor/victim.
- Provide emotional support to the survivor through caring, listening and establishing a relationship of trust with the survivor/victim through adopting a positive attitude towards them.
- Provide fully transparent information to the survivor to make space for informed decisions and consent to be referred to other services.
- Ensure confidentiality, given its critical role in the protection of the safety and security of the survivor/victim and his/her family.
- Ensure non-discrimination based on any ground such as age, sex, background, race, or circumstances of incidents.
- For case managers to be able to perform those functions effectively, they need to have the skills in line with those principles, they also need to obtain full understanding of their roles and responsibilities and possess the ability to handle difficult situations and show sensitivity towards cultural specificities.
- The steps of case management are identification, initial assessment, initial response and intervention (case planning and implementation, follow-up and review (case conference) and finally, closure).⁽⁸⁷⁾
- To ensure the implementation of a systematic case management of cases of sexual and gender-based violence survivors/victims among refugees, it is important to avail case managers of tools, guidelines and above all Standard Operating Procedures.

(86) Inter-agency Standard Operating Procedures for SGBV prevention and response in Lebanon, 2016.

(87) Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Child Protection in Jordan, 2013.

6.3.3. Standard Operating Procedures and Referral Pathways

The development of SOPs is a process that needs to involve all relevant actors in a specific setting. It also involves collaboration, dialogue between concerned organizations, as well as between service providers from various relevant sectors. It also involves the participation of the community, and thus increases the understanding of all actors of how to prevent and respond to all forms of sexual and gender-based violence. It is very important to develop SOPs as quickly as possible in the early stages of an emergency to ensure that basic services of survivors'/victims' care, and prevention are put in place immediately. The development of SOPs is a dynamic process that could be revised as more actors become active and more services become available. It is preferred that the development of SOPs should at least include representatives from: health, psychosocial support, safety/security, and legal/judicial and protection services (UN agencies, national and international NGOs, Civil Organizations as well as community leaders from women, men, girls and boys). Ideally, representatives from other sectors should also participate in at least some of the discussions for SOP development. These include education, food and nutrition, camp/shelter management or site planning, and water/sanitation sectors.⁽⁸⁸⁾

It is also key to ensure that SOPs need to be tailored to the situation of the concerned populations, whether Internally Displaced Persons, Refugees or Returnees living in camps, settlements, rural or urban areas. Each setting entails different actors, services and dynamics, which means that all key actors within a setting must be involved in the process of SOP establishment and development.

The SOPs should describe basic procedures for prevention and response, clear responsibilities, as well as the roles of each of the actors/service providers involved in the prevention and response, ensuring that the main actors representing health, psycho-social support, legal/judicial and security sectors are covered. Together with other guidelines and good practices related to violence prevention and response, SOPs serve as community-based tool to ensure an effective and acceptable approach to address sexual and gender-based violence. SOPs should also provide basic information on the available services, the method of access and how partners coordinate to ensure a quality and comprehensive care is provided to survivors/victims of this form of violence.⁽⁸⁹⁾

▼ **To ensure that appropriate and effective case management is conducted as the primary service for survivors/victims of sexual and gender-based violence and that all relevant tools and guidelines are available, it is recommended that Member States adopt the following priorities:**

- Build capacities of the workers in all forms of violence, including sexual and gender-based violence prevention and response in the different sectors on the survivors/ victims' care guiding principles including respect, safety and security, confidentiality, non-discrimination and a non-prejudice attitude.
- Train case managers on communications skills for working with the survivors of sexual and gender-based violence, including special skills for dealing with child victims.
- Ensure that case workers are trained on specific national laws, regulations and procedures related to different sexual and gender-based violence issues.

(88) Gender-based Violence Resource Tools supporting implementation of the Guidelines for GBV Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies IASC 2005.

(89) Ibid.

- Build the national case workers capacity on sexual and gender-based violence case management including referral to different multi-sectoral services.
- Establish referral mechanisms and unified standards through the development of SOPs that include referral procedures, prioritization tables, roles and responsibilities of various sectors and clarify relevant national laws and procedures and train all relevant actors on them.
- Ensure that specific sub-national SOPs are also in place and are tailored to specific refugee situations in different communities through conducting specific concerned community assessments.

6.3.4. Psycho-social and Mental Health services

Survivors of sexual and gender-based violence often suffer psychologically from the incidents they have been subjected to. Not all survivors/victims have the same psycho-social support needs following the sexual and gender-based violence incidents. Even though psychological support or counselling is not required by all survivors of this form of violence, it is imperative to ensure the access of all survivors/victims to such services. Psycho-social support is based on trust, since survivors often must disclose some sensitive issues, which puts social workers under the obligation to preserve the confidentiality of the case they are handling.⁽⁹⁰⁾

Psycho-social support should be comprehensive and should be provided at many levels depending on the severity of the case. In some cases, survivors, who maintain their mental health and psycho-social well-being, they may primarily need to receive help from their direct family or surrounding community. Psycho-social support may include supportive parenting programs, some formal and non-formal educational activities, livelihood activities and social networks, such as women's groups, youth groups or any peer support groups. The psycho-social support may also include non-specialized support such as individual, family or group interventions by trained social workers, and is often called "psychological first aid". Survivors who suffer from mental health issues may require specialized assistance, which include psychological or psychiatric support that comes from specialized psychological health providers.⁽⁹¹⁾ Psycho-social support for survivors of sexual and gender-based violence should target the survivors, their families and communities. Interventions to provide psycho-social support for survivors of sexual and gender-based violence would thus include the following inter-related activities⁽⁹²⁾:

- Psychosocial support to assist with recovery includes psychological first aid, individual and group counseling sessions.
- Support provided for social re-integration of the survivor/victim, includes the provision of vocational training opportunities, recreational activities, women's empowerment initiatives, literacy training, school reintegration and child-friendly spaces.
- Mental health services: Survivors/victims who require specialized mental health services should be referred to the available specialized service providers according to each context.

(90) Inter-agency Standard Operating Procedures for SGBV prevention and response in Lebanon, 2016.

(91) Ibid.

(92) Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Child Protection in Jordan, 2013.

It is important to note that psycho-social interventions need to be adapted to meet the needs of child survivors/victims and other vulnerable groups such as persons with special needs. This requires special skills on the part of case managers and providers of psycho-social support.

▼ **To ensure that quality psycho-social support services are available for refugee survivors/victims of sexual and gender-based violence, it is recommended that Member States adopt the following priorities:**

- Build the capacity of psycho-social services providers on the identification of the severity of the psychological problems faced by survivors of violence and their referral to the appropriate services.
- Build the capacity of service providers, families and community members on the provision of psychological first aid.
- Build the capacity of case workers on the existing services, whether non-specialized such as community-based support groups, or specialized mental and psychological services to be able to refer survivors/victims to the appropriate services.
- Inform violence survivors of all existing sectoral services and how to access them.
- Train service providers on guiding principles for caring for survivors/victims of sexual and gender-based violence.
- Train service providers in different public health forums (such as Public Health Centers and Mother and Child health services) on providing support to violence survivors/victims and ensure psycho-social and mental health services are integrated into those services.
- Build the capacity of health and other sector personnel on using evidence informed guidelines for psychosocial and mental support (e.g. Mental Health Gap Action Program, Humanitarian Intervention Guidelines and Routine Intervention Guidelines).
- Support the development of community-based psycho-social support programs in refugee communities in collaboration with community members, community groups, local NGOs and concerned agencies.
- Support the implementation of parenting programs to enable families to provide support to survivors/victims of violence and to other family members if necessary.

6.3.5. Health Services

Health services are among the key services that need to be available to refugee survivors/victims of sexual and gender-based violence. As indicated above, the health consequences of this form of violence could be very serious and pose a potential threat to life. Fatal outcomes include homicide, suicide, maternal mortality, infant mortality and AIDS-related mortality. Non-fatal outcomes, on the other hand, include acute physical outcomes such as injury, shock, some diseases or infections. Chronic physical outcomes include disability, somatic complaints, chronic pain, gastrointestinal problems, eating and sleep disorders, alcohol or drug abuse. There are also repercussions on the reproductive system such as miscarriage, unwanted pregnancy, sexually transmitted infections including HIV, menstrual disorders, pregnancy complications, gynecological disorders, as well as possible sexual disorders. Violence against women and girls throughout their lives (e.g. Female Genital Mutilation/Cut (FGM/C), intimate partner violence, acid attacks, rape, denial of resources) contributes to serious health problems. Those experiencing violence encounter more illness and

injury, which translates in higher health care costs compared to those who have not experienced violence. Survivors visit health facilities more frequently (when they have access) without necessarily revealing the root cause of their health problem, yet the violence they experience is significant in shaping their physical and psychological status and social well-being.⁽⁹³⁾

The provision of health care should be based on the respect of human rights of the survivors/victims of sexual and gender-based violence.

▼ **The following are basic human rights that should be accorded to victims of rape and other forms of violence.**

Right to health: Survivors/victims of rape and other forms of sexual abuse have a right to receive high quality health services, including reproductive health care to manage the physical and psychological consequences of the abuse, including prevention and management of unwanted pregnancy and sexually transmitted infections (STIs), including HIV/AIDS. It is critical that health services do not in any way subject rape survivors/victims to further harm through stigmatization, victim-blaming or other negative attitudes towards survivors.

Right to human dignity: Persons who have been subject to rape should be treated with the dignity and respect they are owed. In the context of health services, this means, providing access to medical care, ensuring patients' privacy and the confidentiality of their medical information, informing patients and obtaining their consent prior to any medical intervention, and providing a safe clinical environment.

Right to non-discrimination: Laws, policies, and practices related to access to services should not discriminate against a person who has been raped on any grounds, including race, sex, color, national or social origin, or other status.

Right to self-determination: All decisions about receiving health care and treatment (for example, birth control and abortion, if permitted by the law) are personal and can only be made by the survivors/victims themselves. It is essential that the survivors receive appropriate information to allow them to make informed decisions. They also have the right to know existing national laws, including mandatory reporting by health service providers, which could impact their decision to seek health services, which is an issue that deserves to be highlighted and requires further support and advocacy. Survivors also have the right to decide by whom they want to be accompanied when they receive information, are examined or obtain other services. These choices must be respected by the health care provider.

Right to information: Information must be provided for each patient individually. For example, if rape results in pregnancy, the health service provider must discuss all options legally available with the survivor (for example: abortion, keeping the child, adoption/foster care). All available options must be presented regardless of the beliefs adopted by the service provider so that the survivor is able to make an informed decision that is most in line with her needs and desires.

Right to privacy: Conditions should be created to ensure privacy for people who have been sexually abused. Other than an individual accompanying the survivor upon her request, screening and treatment are only attended by people essential to medical care and/or who are aware of the case.

(93) DFID Guidance Note: Rationale and Approach, Addressing Violence against Women and Girls in Health Programming, 2015.

Right to confidentiality: All medical and health status information related to survivors should be kept confidential and private, without even informing the survivor's family. Health staff may disclose information about the health of the survivor only to people who need to be involved in the medical examination and treatment, or with the express informed consent of the survivor.⁽⁹⁴⁾

In cases of sexual and gender-based violence, health care plays a vital role, since health services are the first services that survivors of this form of violence resort to. Hence, health services present an opportunity for the identification of all forms of sexual and gender-based violence such as domestic violence and for the provision of a safe environment that respects the human rights as indicated above. The health system can help significantly through the provision of secondary and tertiary prevention services⁽⁹⁵⁾, through the integration of the response to sexual and gender-based violence into health services to enable the survivors to access basic treatment, as well as care and support. It is critical, therefore, to build the capacity of health service professionals and institutions to recognize and understand various forms of sexual and gender-based violence, help identify and refer survivors to other needed services, and treat survivors and individuals at risk with sensitivity, full respect of their dignity and confidentiality at all times.

Failure to train health service providers in identifying cases of violence can result in misdiagnosis of survivors and therefore inadequate treatment, such as failure to provide emergency contraception, STI treatment and/or post-exposure prophylaxis (PEP) for HIV after experiencing sexual violence.⁽⁹⁶⁾ This failure could also happen when the survivors/victims of rape do not report, seek help and receive services immediately after the incident of violence, as the rape survivors need to receive PEP within 72 hours to prevent infection with HIV and emergency contraception within 120 hours to prevent unwanted pregnancy.

There are a lot of challenges that might impede a quality human rights-based service provision. These challenges include gender inequalities in different spheres of life, including the lack of decision-making power by women and girls, especially around Sexual and Reproductive Health (SRH) issues, as well as the lack of knowledge about existing services, which impacts their ability to access quality health services. On the other hand, the lack of training among health service providers also might lead, in addition to low quality services, to discriminatory attitudes.

Another challenge is the difficulty to fulfill the needs of the marginalized and vulnerable groups indicated above, which might have a more urgent need to access health services, being more vulnerable to sexual and gender-based violence. Legal, social and economic barriers might impede further their access to appropriate health services.

(94) Clinical Management of Rape Survivors, Developing Protocols for use with refugees and internally displaced persons, WHO, UNHCR 2004.

(95) Primary prevention - Any programs, interventions or strategies aimed at stopping violence before it occurs.
Secondary prevention - Any strategy aimed at minimizing the harm that occurs once a violent event is taking place and immediate post-violence intervention aimed at preventing re-victimization. Examples include interventions to reduce the duration of interpersonal violence events or damage inflicted, or the early identification by health professionals of child abuse and subsequent interventions to prevent further abuse.

Tertiary prevention - All efforts aimed at treating and rehabilitating victims and perpetrators and facilitating their re-adaptation to society. Contrary to secondary prevention activities, which are usually in the short-term after the event, tertiary prevention activities are usually long-term.

Health promotion - is the process of enabling people to increase control over, and to improve, their health. It moves beyond a focus on individual behavior towards a wide range of social and environmental interventions.

(96) Ibid.

▼ **Given the importance of health care as the most sought service by survivors of sexual and gender-based violence and the significant challenges in access of refugees and other vulnerable groups in particular, it is recommended that Member States adopt the following priorities:**

- Organize campaigns to address negative community perceptions towards the various forms of sexual and gender-based violence and towards more vulnerable groups (women with disabilities and adolescents, etc.).
- Build the capacity of service providers in the health care and traditional care sectors on the key principles for caring for survivors and provision of confidential, appropriate and non-judgmental services through systematic and regular training.
- Provide regular training to health workers on identification of sexual and gender-based violence cases, prevention of STIs/HIV and unwanted pregnancies, treatment of injuries and the collection of forensic evidence.
- Integrate preventive and responsive health services targeting violence survivors/victims into regular health service platforms. This can be strengthened by providing health services without discrimination to refugees and asylum-seekers, including immunizations, reproductive health and free medical examinations at public health centres.
- Establish mobile health services to reach refugees and asylum-seekers in more remote locations, including within refugee camps where they exist, as well as within urban, peri-urban and rural areas where access to established health services may be more limited.
- Support community health workers and volunteers, traditional birth attendants, traditional healers, as well as NGOs and community-based organizations (CBOs) in their efforts to change negative social perceptions and gender norms.
- Cooperate with community actors to reach marginalized groups such as women with disabilities, older persons, who lack mobility to access the services, among other groups.
- Ensure appropriate measures are taken to remove barriers to refugee access to health services for survivors of sexual and gender-based violence, such as language barriers, social stigma associated with cultural perceptions, as well as lack of necessary documentation barriers.
- Ensure refugee women, girls, men and boys have access to information about the services available for survivors of violence against children and sexual and gender-based violence and the importance of receiving health services immediately after the incident happens.
- Orient refugee male and female youth and adolescents about existing SRH services.
- Ensure that identification and support mechanisms for refugee survivors of sexual and gender-based violence are established inside health units and hospitals that are providing services to refugees.
- Integrate mental health services for refugee survivors of sexual and gender-based violence into national mental health services to avoid increased protection risks.
- Prepare health units and other and supply them with necessary equipment, resources, and medicines to deal with rape cases, including post-exposure prophylaxis kit (PEP) for rape survivors.
- Develop culturally acceptable national protocols on clinical management of rape cases and other forms of sexual violence, in line with the International Protocols developed by the World Health Organization as well as the national legislation.
- Incorporate response to sexual and gender-based violence into professional practice by

including response services in the training curricula of health professionals.

- Establish combined services centres within the primary health care units in refugee communities to provide integrated services that include referral to other health facilities and other sectoral services (such as police, psycho-social and legal support).

6.3.6. Safety and Security

In situations which result in displacement, law and order might break down, so do social support and safety systems. This puts refugees, particularly, women and girls, at greater risk of sexual and gender-based violence. States as well as other humanitarian actors have the obligation to prevent, investigate, and punish violence crimes and provide protection and support to survivors. When formal protection systems are weakened, informal community-based protection mechanisms can play a key role in ensuring the safety and security of potential victims and at-risk groups, particularly women and girls. Security actors have a responsibility to identify the potential sexual and gender-based violence risks and vulnerabilities of concerned communities. The security sector includes entities that play a role in ensuring the security of the concerned populations, such as police, armed forces, peacekeepers and the respective ministries.

Generally speaking, the security and safety concerns within a refugee community are an issue that needs to be addressed by several responsible authorities, including camp security personnel, community watch groups and national law enforcement authorities, among others. Security personnel must be trained to perform their roles and responsibilities, which include the prevention and response to cases of sexual and gender-based violence, the survivors' care guiding principles, human rights and women's rights, as well as codes of conduct. Legal/judicial actors are also concerned with the safety and security of refugees against this form of violence. They can include protection actors; legal aid or legal assistance providers such as lawyers, public attorneys, judges, and officers of the court; and traditional justice actors such as elders or community leaders. When considering any security and safety interventions, it is imperative to identify and engage these actors and acquaint them with their roles and responsibilities.⁽⁹⁷⁾

In addition to the physical safety and security of at-risk groups, safety and security are also a priority when identifying cases and case management among refugees in a given country. The assessment of the safety and security is actually an integral part of the sexual and gender-based violence case management. A case manager needs to support the survivors in choosing the most appropriate and safe measures, while engaging in a security risk assessment of all available options, whether the specific abuse has taken place within or outside the family.

An informed consent by the survivor/victim is a prerequisite to any referral to further services. It is important to note that the level of risk a victim or survivor of sexual and gender-based violence is exposed to might change over time, which requires the regular assessment and monitoring of each case to ensure the timely identification of any changes and the adoption of appropriate procedures. The introduction of hotlines is an important service in cases of high risk, which concerns violence survivors/victims of sexual and gender-based violence or refugee women and girls, men and boys who are at immediate risk of violence. These cases include forced marriage, survival sex, human trafficking, sexual exploitation or others. Appropriate services could include referral to mid-way houses and safe shelters (a last resort decision after exhausting other

(97) Gender-based Violence Resource Tools supporting implementation of the Guidelines for GBV Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies IASC 2005.

options), while ensuring that such services are granted based on a thorough case management that includes planning, implementation and a clear exit plan and case closure, as well as referral to legal services, registration in basic support programs or resettlement options.⁽⁹⁸⁾

Vulnerabilities of concerned groups particularly women and girls, as well as potential risks of sexual and gender-based violence in camp settings include site and shelter selection, the safety and privacy within the camp, the presence/absence of safe shelters within the camps, the existence/absence of women, adolescent and children safe spaces, the existence of potential risks of sexual harassment on the way to school, water, fuel or food distribution sites.⁽⁹⁹⁾

▼ **Given the above-mentioned safety risks and sexual and gender-based violence risks for refugee women, girls, men and boys during displacement, it is recommended that Member States adopt the following priorities:**

Participation and Leadership:

- Ensure that camp and community leadership structures include female refugees.
- Enact laws to ensure the safety of survivors of violence, in the form of safe shelters, that also take into account the gender differences of survivors.
- Ensure the participation of women and other at-risk groups in community-based camp governance structures and in community-based decisions within rural or urban refugee communities.
- Mainstream prevention and mitigation strategies of sexual and gender-based violence across all sectors by implementing the minimum standards for each sector outlined in GBV Guidelines in line with 2015 IASC GBV Guiding Principles, in government line ministries, such as ministries of Planning, Labor, Social Affairs, Interior, Education, etc.
- Conduct consultations including Focus Group Discussions (FGD) and Key Informant Interviews (KII) with affected populations (taking into consideration age, gender, diversity) on their safety and security concerns, and proposed solutions.

Physical Safety in and around sites:

- Prioritize violence risk reduction activities in site planning and set-up.
- Mainstream gender analysis and responsiveness in all sectors including shelter, WASH and infrastructure.
- Ensure the participation of affected refugee population including women, girls and other at-risk groups in the site and shelter selection.
- Ensure the privacy, by installing partitions in shelters with extended family or where few families are sharing one shelter.
- Ensure that camps are well lit, particularly in areas at high risk of sexual and gender-based violence.
- Establish safe shelters to provide immediate protection for survivors of sexual and gender-based violence in areas with a high concentration of refugees.
- Conduct safety audits in cooperation with concerned organizations to identify sexual and

(98) Inter-agency Standard Operating Procedures for SGBV prevention and response in Lebanon.

(99) Gender-based Violence Resource Tools supporting implementation of the Guidelines for GBV Interventions in Humanitarian Settings: Focusing on Prevention of and Response to Sexual Violence in Emergencies IASC 2005.

gender-based violence issues and areas of heightened dangers.

Services, tools and mechanisms:

- Ensure that law enforcement actors put in place mechanisms to mitigate violence risks (e.g. through security patrols) and protect survivors from the risk of further violence.
- Support coordination mechanisms with other sectors to mitigate violence risks (e.g. in relation to safety and site planning, ensuring access to firewood or other domestic energy sources, construction of adequate numbers of appropriately located sex-segregated latrines and bathing facilities, ensuring safe routes to collect water, etc.).
- Support the establishment of specialized units within the police with expertise on sexual and gender-based violence prevention and response including ensuring the presence of female police officers.
- Support the role of law enforcement officials to prevent and respond to sexual and gender-based violence and regularly engage in site visits and make observations to promote the well-being of women, girls and other at-risk groups.
- Ensure that all acting organizations (UN, international and local NGOs) sign, fully understand and comply with codes of conduct on protection from sexual exploitation and abuse (PSEA).
- Establish confidential complaints procedures for individuals to report concerns regarding possible sexual exploitation and abuse by those in positions of power, including humanitarian actors or other officials.
- Develop information sharing standards and protocols to ensure the confidentiality of sexual and gender-based violence cases, their families and the broader community.

Capacity Building:

- Build capacity of security actors including law enforcement officials and prosecutors to prevent and respond to sexual and gender-based violence; as well as on guiding principles for care for survivors and on dealing with cases of violence in a gender and culturally sensitive manner.
- Integrate sexual and gender-based violence prevention and response into training curricula for security actors, including police academies.

Community-based mechanisms:

- Work with communities to identify security risks that may increase the affected population's vulnerability to violence through community mapping exercises.
- Engage affected communities and humanitarian actors in the development and implementation of safety audits and for follow-up on recommendations.
- Engage affected communities to establish and lead community-based protection mechanisms, including community safety and security planning.
- In the transition phase, advocate for active participation of women in security sector reform processes.

6.3.7. Legal Aid

Legal aid is a crucial component of the multi-sectoral response to sexual and gender-based violence. It helps the survivors to achieve their rights, while at the same time challenging norms that might condone impunity for perpetrators. Legal services to survivors of this form of violence serve several functions, including the punishment to perpetrators, while deterring others who might be engaged in violence or those who might engage in future in similar acts. It also serves to protect and rehabilitate survivors, while affording protection to potential victims or at-risk groups. Legal services could also include civil law issues, such as divorce and custody proceedings based on the best interests of the children.

Legal systems are comprised of various components, including the laws, policies, administrative law and customary law as the first component. Another component is how the law is enforced and implemented in practice by the relevant institutions (such as the police, courts and administrative agencies). The third component is the culture of law and its normative value, which refers to what those who administer the law think about it and what messages the law sends.⁽¹⁰⁰⁾ These are facets that need to be considered when designing any multi-sectoral response to violence that includes a legal assistance component.

Violence survivors/victims sometimes face challenges in having access to justice in normal situations. The challenges that survivors face in accessing justice include: a lack of trust in the system, a lack of awareness of the existing laws and a lack of knowledge of rights, possible impunity for perpetrators, as well as possible re-victimization of the survivors by the system, causing further harm. Survivors could also meet with substantial economic and socio-cultural challenges and might face social pressures to prevent them from reporting incidents of sexual and gender-based violence and accessing legal services. Systematic challenges also include the absence of a strong legal framework to protect victims of violence and the weak implementation mechanisms and tools. All those challenges are amplified in refugee situations. Legal services constitute a crucial component of a survivor-centered approach and safe and non-stigmatizing multi-sectoral approach to violence. These services need to be offered by skilled personnel pro bono or at affordable prices.⁽¹⁰¹⁾

Legal services include providing legal counseling, assistance, and representation for adults and children, when the survivor of violence seeks to press charges against the perpetrator or in cases related to personal status (e.g. custody law issues, divorce, alimony, etc.), which includes the provision of information about existing measures that can prevent further harm by the alleged perpetrator and ensure protection of the survivor's rights. Efforts must be made to familiarize survivors with court procedures, and any issues pertaining to national justice mechanisms, including foreseen timelines. This includes informing the survivor about available support if legal proceedings are initiated, as well as acquainting the survivors with the pros and cons of all existing legal options. The response should also seek to shed light on the shortcomings of the existing traditional justice solutions that deviate from international legal standards, especially those that are not survivor-centered, confidential and supportive of accountability for perpetrators.⁽¹⁰²⁾ Key steps to enhance accountability for perpetrators include: promoting the full and effective implementation

(100) Gender-Based Violence Legal Aid: A Participatory Toolkit ARC International GBV in Conflict-Affected Settings, 2005.

(101) Minimum Standards for the Prevention and Response to Gender Based Violence in Emergencies, UNFPA.

(102) Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Child Protection in Jordan, 2013.

of current laws that criminalize sexual violence; strengthening national legal frameworks to cover all forms of sexual violence; and removing possible obstacles to reporting incidents of violence, abuse or exploitation by establishing a survivor-centered approach that prioritizes the safety, needs and decisions of survivors.

▼ **In view of the importance of providing legal assistance to survivors/victims of all forms of violence especially sexual and gender-based violence, it is recommended that states adopt the following priorities:**

- Review legislations to identify and address gaps in providing protection to survivors/victims of violence and gender discriminatory gaps that might impact decisions on divorce and custody.
- Support the recruitment of female police officers and other personnel or police units who are specially trained to respond to sexual and gender-based violence.
- Promote the availability of local legal aid organizations, and ensure they are staffed by personnel trained on the guiding principles for working with sexual and gender-based violence survivors, which can effectively work with and promote the rights of survivors.
- Sensitize actors in the judicial system (judges and prosecutors) on their obligation to investigate a complaint and deal with survivors of violence in a gender and culturally sensitive manner.
- Support the development of SOPs and referral mechanisms and protocols to respond to violence cases using a refugee survivor-centered approach.
- Review policies that do not support the adoption of survivor-centered and multi-sectoral model of care for survivors (e.g. in cases where mandatory reporting to the police precedes referral to other services).
- Ensure policies are in place to avail vulnerable groups such as refugee women or trafficked women of legal services and can identify what specialized services the survivors may require.
- Raise the awareness of the communities on existing legal and policy frameworks that protect affected populations from sexual and gender-based violence and ensure survivors'/ victims' access to legal aid.
- Establish monitoring systems for the application of human rights when dealing with sexual and gender-based violence cases within the justice system.

6.3.8. Educational Services

Refugee girls and boys have the right to access education. Depriving a child from education, especially in asylum context could expose him/ her to multiple forms of sexual and gender-based violence such as child marriage, domestic violence, sexual exploitation and abuse. On the other hand, schools and health facilities represent important places through which refugee children and adolescents at risk of multiple forms of sexual and gender-based violence can be identified and referred to the appropriate services, including health services for survivors of sexual violence and other forms of violence directed against them. Despite the importance of education, there are still many challenges related to the accessibility of these services to refugee children. International statistics indicate that enrolment of refugee children to education is limited, especially of refugee girls, and particularly at the secondary education level.

Globally, primary school's enrolment rate for refugees reaches 76%, and decreases to reach 36%

in secondary schools. The situation of Syrian refugee children is a case in point. Around 50% of Syrian refugee children are out of school with the highest rates of out of school children in Lebanon and Iraq (69% and 39% respectively).⁽¹⁰³⁾ Girls are more vulnerable to the risk of non-school enrolment, for instance, in the Horn of Africa, the proportion of refugee girls enrolled in schools is half of enrolled boys' proportion. In addition to access problems, schools could be a platform for perpetuating negative social norms that condone sexual and gender-based violence and present risks to refugee girls and boys (particularly girls) of being subjected to sexual harassment on the way to school or at school, this can also be a significant cause for them to drop out.

▼ **Challenges to ensuring that refugee girls and boys enjoy a safe education include:**

- High levels of violence against children in schools and on their way from their homes to school, which quite often lead to increased drop-out rates.
- Policies that allow corporal punishment at school.
- The dearth of data on sexual and gender-based violence in schools due mainly to under-reporting of certain forms of violence, particularly by marginalized groups (which include refugees).
- Social norms which discourage the reporting of violence against women and girls and sometimes condone sexual and gender-based violence.
- Gender inequality norms which discriminate against women and girls in the home, the community and the school and thus limit their ability to act against violence, which translates in the lack of reporting.
- The lack of social and health services that address the short and long-term consequences of the various forms of violence particularly in forced displacement settings.
- The lack of coordination between all the relevant sectors which include education, social, health, legal services as well as law enforcement to combat SGBV in schools.
- The lack of knowledge and awareness among pupils and teachers about this form of violence, how to report, protect or prevent cases of sexual and gender-based violence.

In view of the mentioned challenges, it is imperative to ensure that education is safe and supportive by developing policies and procedures to prevent and respond to violence in schools, ensuring that reporting and referral mechanisms for cases of violence in school contexts are in place, providing on-going training programs for school staff on safe, peaceful schools and how to prevent and respond to violence, allocating age appropriate classrooms and establishing life skills for children on conflict resolution, self-protection and non-violence. Education can also provide protection to the most vulnerable children within the refugee communities, such as the separated children, girls at risk, and children with disability, by ensuring that they access the educational services and that education is adapted to their needs.

▼ **It is recommended that Member States adopt the following priorities to ensure that refugee girls and boys have access to an educational environment that is free from all forms of violence especially sexual and gender-based violence:**

- Encourage educational policies that promote gender equality in the overall educational system,

(103) All in school, MENA out of school children initiative, Syria Crisis Education Factsheet, UNICEF.

for example mainstreaming gender perspectives and tools in teacher and counsellor training programs.

- Set special strategies to promote refugee girls' enrolment in education, including ensuring a balance between male and female teachers in schools receiving refugees.
- Establish links between the national sexual and gender-based violence prevention and response and education systems through mechanisms to monitor cases of violence and referral to appropriate services.
- Promote the development and implementation of school policies on how to address violence in schools (identification mechanisms, referral pathways, complaint mechanisms).
- Promote and organize activities and programmes inside schools and after school that bring refugee and host community children and adolescents together to promote integration.
- Combat discriminatory practices by students such as "bullying", violence and racism, through peace education and life skills programmes, and implementation of mechanisms to hold students and education staff accountable for violence.
- Organize life-skills and leadership programs for pupils in refugee receiving schools to promote challenging social norms that condone gender inequality and sexual and gender-based violence.
- Build capacities of teachers at schools receiving refugees to enhance their abilities to deal with refugee girls and boys and to adopt interactive approaches and use gender-sensitive pedagogics in the classroom, while raising their awareness of gender stereotypes in the education process.
- Engage parents and families in school programs that promote a safer learning environment to avoid a disconnect between the school environment and the community.
- Train teachers to provide safe environments to girls and boys, and to monitor cases of children and adolescents at risk, such as risks of domestic violence, child marriage, or other forms of sexual and gender-based violence.
- Coordinate with law enforcement authorities to improve safety at schools, on the way to and from schools, including improving infrastructure such as means of transportation, separate latrines and improved lighting.

6.3.9. Livelihood Services

The lack of economic opportunities in asylum settings has a dire effect on refugees. In the absence of access to income generating opportunities and insufficient rations, refugee women and girls may resort to negative survival strategies, which might include transactional sex in exchange for resources or protection. Such strategies may also include traveling to insecure areas to access informal markets.⁽¹⁰⁴⁾ Male unemployment could also result in frustration and anger and together with a cultural acceptance of the use of violence by men, this could lead to increased levels of domestic violence.

The provision of economic opportunities needs to be undertaken in a balanced and culturally sensitive way, since the economic opportunities to women and girls solely may increase the risk of sexual and gender-based violence within and outside the household, due to changing gender

(104) Examining the link between Gender Based Violence and Livelihood in displacement settings Women's Refugee Commission, School of International and Public Affairs, Columbia University, 2011.

roles and power dynamics within the family. Women and girls who get opportunities to work outside the home might be forced to work in areas with little protective services, either because they as refugees lack status in the host country or because of inadequate judicial services. The provision of economic opportunities should therefore entail economic empowerment, which involves not only providing access to resources but the ability to control those resources. Tension within the household between access to resources (like women having access to income generating opportunities) and control over resources (deciding how the income should be allocated), might cause domestic violence. Asylum settings tend to favor opportunities for females, which disrupts the gendered roles of men as providers and women as care takers of the household. Thus, programs that target only women may contribute to sexual and gender-based violence within the families where men do not have income generating opportunities.⁽¹⁰⁵⁾ It is also important to note that women generally have the burden of caring for the family and the household (reproductive role), in addition to their participation in community activities (community role) and the additional income generating role (productive role). Livelihood programs for refugee women should also take that triple role into consideration. A behavioral change component should stress the importance of male participation in household chores and caring for children to ease the burden on refugee women and girls.

Therefore, livelihood programs need to be gender sensitive involving men, women and adolescent boys and girls to prevent and respond to sexual and gender-based violence. The lack of viable economic opportunities for men and male adolescents may not only contribute to domestic violence, but might force men and boys to opt for negative survival strategies and subsequent social stigma. Particularly, in cases of male survivors of sexual and gender-based violence, the physical and psychological harm, as well as the social stigma experienced by them might prevent them from working and providing for themselves and their families. Any livelihood programs should therefore also support male survivors to earn an income.⁽¹⁰⁶⁾

▼ **For livelihood interventions to cause no further harm to the recipients, they need to be predicated on a number of approaches to make them relevant to sexual and gender-based violence prevention and response:**

- **Promoting community participation:** particularly in refugee settings, where state institutions and services may be absent, the full engagement of the community and other related stakeholders should be central to all interventions. The full participation of men and other members of society helps to reduce the pressures resulting from controlling resources, while the participation of all family members (even in small roles) helps reduce tension within the family. Interventions should also target members of host communities in order to reduce tension between refugees and host communities. It is worth noting that specific interventions should not solely target survivors of violence to avoid increased social stigma and ostracizing those persons further.
- **Protecting and promoting human rights and gender equality:** the human rights-based approach translates into principles of human dignity and accountability with the goal of ensuring the full enjoyment of all rights under domestic and international law by all persons without discrimination of any kind. Transparency in delivering services and ensuring that information on means of gaining access to economic opportunities is available for all including

(105) Ibid.

(106) Minimum Standards for the Prevention and Response to Gender Based Violence in Emergencies, UNFPA.

women, men, boys and girls is key to this approach. The development of laws, policies and initiatives that provide refugees with access safe, legal and decent employment can contribute significantly to preventing sexual violence, abuse and exploitation linked to poverty and economic desperation.

- **Respecting local cultures and refraining from stereotypes and discrimination:** this respect translates considering existing power relations within a community when determining activities. This will ensure that targeting specific groups within those communities would not increase their vulnerability to violence due to changes in those power relations. However, it is important to note that any interventions should not perpetuate existing gender inequalities but should rather attempt to challenge cultural norms that limit the choices available to less powerful individuals or groups within those communities, including women and girls.
- **Understanding the local context, while building on the strength of community members:** context specificity is very important, noting that people adopt different livelihood strategies. Interventions would be more effective if they are appropriate to the specific context and build on existing local efforts. Assessing and understanding livelihood dynamics within a community is therefore crucial to the success of any intervention.⁽¹⁰⁷⁾

▼ **To be able to introduce livelihood interventions without causing further harm to the recipients within the refugee communities, it is recommended that Member States adopt the following priorities:**

- Conduct context specific assessments within refugee communities to understand power relations, dynamics on access to and control over resources, women's triple role (reproductive, economic, and family care) prevalent social norms, gender perceptions and attitudes towards gender sensitive livelihood programs.
- Tailor livelihood programs with the full engagement of refugee as well as host communities to ensure effective and sustainable interventions that do not lead to increased levels of tensions and sexual and gender-based violence.
- Support local actors in designing livelihood programs that are inclusive of both women and men and that include a component on changing negative social norms towards gender equality and sexual and gender-based violence, as well as negative social norms towards male involvement in household and family care activities.
- Create awareness among refugee and host communities on gender equality, benefit of equal opportunities for men and women, gender roles, human rights, causes and contributing factors of sexual and gender-based violence.
- Ensure the implementation of minimum standards for mainstreaming all forms of violence especially sexual and gender-based violence prevention and response in livelihood sector as outlined in 2015 IASC GBV Guidelines.
- Build the capacity of actors on providing non-judgmental services in a manner that respects human rights and gender equality.

(107) Guidance note, Gender-Based Violence and Livelihood Interventions: Focus on populations of humanitarian concern in the context of HIV, FAO, Project Dimitra.



SPECIFIC AREAS OF CONCERN AND REFUGEES WITH DISABILITIES



SPECIFIC AREAS OF CONCERN AND REFUGEES WITH DISABILITIES

The strategies for prevention of and response to the various forms of violence outlined above need to be implemented to address the causes of and factors contributing to the risks and vulnerabilities that refugee women, girls, men and boys are confronting throughout their asylum journey. A number of issues of concern stand out as the most common risks facing refugees in the region. These include domestic violence, child marriage, survival sex as a negative coping strategy, sexual exploitation and abuse, human trafficking, sexual and gender-based violence in detention, as well as the risks facing persons with disabilities, male victims/ survivors of sexual and gender-based violence as well as refugee children.

7.1 Domestic Violence

As per IRC study report on Syria situation “Are we listening?” of 2014, domestic violence is one of top three types of violence facing refugee women and indirectly affecting refugee children in the region, along with sexual violence and child marriage. Domestic violence is defined as any act, or threat of an act that causes physical, sexual, emotional or economic harm in an intimate relationship. Physical violence includes beating, slapping, burning or suffocation, while sexual violence includes forced sexual activity, refusal to perform safe sex or forcing someone to perform sexual activities against their will. On the other hand, emotional violence includes threatening, scaring, yelling, isolating as well as humiliation. Economic violence refers to acts to prevent a person from work, taking all her earnings, monopolizing control over household resources, or not allowing her to participate in decision making about the earned income. Domestic violence happens between people in an intimate relationship. It is predicated on gender inequality and the subordinate role of a woman in her relationship.⁽¹⁰⁸⁾ Domestic violence usually takes place because of deeply rooted perceptions that men have a higher status than women, and the belief that men are also entitled to use violence to enforce their will and resolve disputes. Social norms around gender inequality are often behind the perception that men have power over their wives. More often than not, men might feel justified in using physical and psychological violence over their wives or partners. Domestic violence is one of the most common forms of sexual and gender-based violence. It threatens the health, lives well-being of women and girls all over the world. Approximately one in three women all over the world experience violence during their lifetime, quite often at the hand of an intimate partner. Domestic violence can escalate and become lethal in certain situations, leading to homicide if left unmonitored and uninterrupted. Domestic violence has its negative impact on children too.⁽¹⁰⁹⁾

(108) Rethinking Domestic Violence, A Training Process for Community Activists, Raising voices 2004, Dipak Naker & Lori Michau.

(109) Are we listening, IRC, 2004.

Women refugees in the region are reported to be suffering from increased levels of domestic violence. As indicated above, according to UNHCR, an estimated 40 to 70 per cent of homicides of women are committed by intimate partners, often in the context of an abusive relationship.⁽¹¹⁰⁾ It is estimated that 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives. However, some national studies show that up to 70 per cent of women have experienced physical and/or sexual violence from an intimate partner in their lifetime.⁽¹¹¹⁾ Women who have experienced physical and sexual abuse by their partners are twice as likely to experience miscarriage, and the risk to their depression also doubles. Moreover, in some areas their risk of immunodeficiency disease increases by one and a half times, compared to women who have not experienced violence from a partner.⁽¹¹²⁾

Refugee women and girls suffer even more due to a host of reasons. According to UNRWA, a family survey conducted for a sample of 2,590 families living in a Palestine refugee camp in the Hashemite Kingdom of Jordan revealed that the average incidence of wife beating over a lifetime is 44.7 per cent.⁽¹¹³⁾ According to a study by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) on the situation of Syrian refugees in the Kurdistan region of Iraq, many Syrian women refugees were victims of domestic violence already before arriving in Kurdistan region of Iraq (KRI). Pressures confronting refugees such as the uncertainty associated with their flight, stress about housing, security, inadequate food, among other challenges they are facing, have aggravated the already tense domestic life, thus leading to increased violence within the home.⁽¹¹⁴⁾

In view of the above, increased levels of domestic violence among refugees in the region could be attributed to increased stress levels due to the detrimental living conditions, male unemployment, changing gender roles, in addition to social norms that do not censure violence against women among refugee and host communities, as well as broadly speaking gender inequality. A score of interventions are needed at the individual, community and society levels to address the increasing phenomenon of domestic violence among refugees in the region.

▼ **To be able to confront this rising level of domestic violence, states are recommended to adopt the following priorities:**

- Review legislation and policies that tolerate gender inequality and adopting measures to criminalize domestic violence towards refugee and displaced women and holding perpetrators accountable.
- Ensure case management, referral pathways to multi-sectoral services for survivors of domestic violence as well as children who are witness to domestic violence are in place.

(110) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

(111) World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine, South African Medical Research Council (2013). Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence.

(112) Ibid.

(113) Working with Gender Based Violence Survivors, Reference Training Manual for Frontline Staff, UNRWA, 2012.

(114) We just keep silent, Gender based Violence among Syrian Refugees in the Kurdistan Region of Iraq, UN Women, 2014.

- Strengthen coordinated multi-sectoral services, including health, psycho-social, livelihood, safety and security/shelter and legal services at national and regional levels.
- Organize awareness raising campaigns to sensitize refugee communities about gender equality and the negative implications of domestic violence (health, psychological and emotional repercussions), as well as tackling the issue of social stigma against women who report domestic violence.
- Engage community leaders (including religious leaders) in changing negative social norms around gender inequality and the use of violence against women.
- Support international and local NGOs to introduce women empowerment programs that include vocational training, life skills, and address negative social norms.
- Support livelihood programs that address both refugee women and men and that have components on changing social norms around sexual and gender-based violence.

7.2 Child Marriage

Child marriage is one form of gender-based violence. Many children, predominantly girls in the Arab region are vulnerable to child marriage, which perpetuates the risks of dropping out of school, domestic violence, limited opportunities and abject poverty. Adolescent girls are more vulnerable to health complications or death during pregnancy and childbirth than girls in their twenties. The risk of death while giving birth is five times higher for girls under 15 years of age than for adult women.⁽¹¹⁵⁾ On the other hand, girls who have continued their education rather than married before they reached 18, are more likely to lead healthier lives and enjoy more economic security. They are more likely to prioritize the education of their own children, thus putting an end to a perpetual cycle of violence and poverty. On the other hand, girls who marry before they turn 18 years old are less likely to remain in school and more likely to experience domestic violence.⁽¹¹⁶⁾

Child marriage is an issue facing refugee populations in the Arab region. However, it has become more pronounced within the context of the Syrian refugee crisis as a negative coping mechanism in response to hardships associated with the conflict, displacement, poverty, as well as the fear of sexual violence. Domestic violence experienced at home, as indicated above, has also been a reason for some adolescent girls to enter into child marriages as a means of escaping an abusive home environment.

▼ Child marriages increase during emergencies for two main reasons:

- Increased poverty – leading not just to an increase in child marriage, but also to girls getting married at a younger age, as families struggle to survive.
- Perceived threats to the ‘honour’ of the girl child – child marriage can be seen by communities as a means to protect girls during conflict, and is therefore a reaction to perceived increases in sexual violence.⁽¹¹⁷⁾ This practice disproportionality affects girls and is also rooted in pre-existing gender inequalities⁽¹¹⁸⁾.

According to UN Women, rates of child marriage among surveyed Syrian refugees in Jordan were as high as 51.3% among female and 13% among male refugees thus bringing the average

(115) Interagency guidance Note, Prevention of and Response to Child Marriage in Kurdistan Region of Iraq.

(116) Protection of Refugee Children in the Middle East and North Africa, UNHCR, 2014.

(117) To protect her Honour, Child Marriage in Emergencies, 2015, Care International.

(118) UN General Assembly Resolution on Child, Early and Force Marriage.

of those who had ever been married before they reached the age of 18 to 33.2 per cent.⁽¹¹⁹⁾ It is important to note that child marriage is practiced in some of the host communities. According to UNICEF, the percentage of women 20–24 years old who were married before the age of 18 reached up to 2.5 per cent in Algeria, 5 per cent in Djibouti, 16.6 per cent in Egypt, 6 per cent in Lebanon, 16 per cent in Morocco, 32.9 per cent in Sudan, 13 per cent in Syria and 43.6 per cent in Yemen.⁽¹²⁰⁾

According to UNICEF, in 2012, child marriage rate among Syrian refugees in Jordan was 18 per cent of total marriages. In 2013, the rate reached 25 per cent, increasing to 32 per cent in early beginning of 2014, whereas the child marriage rate in Syria before the crisis was 13 per cent of total marriages. In some of the Kurdish areas in Iraq, child marriage has been cited by 24.06 per cent of the key informants as one of the most common forms of gender-based violence.⁽¹²¹⁾

In Lebanon, 18 per cent of surveyed female youth aged 15 to 18 years were married and, in Jordan, the proportion of registered marriages involving Syrian children rose from 18 to 25 per cent between 2012 and 2013. Of these, 48 per cent involved marriages between Syrian girls and husbands who were 10 or more years older than them.⁽¹²²⁾

According to CRC's comments on the periodical reports for Member States, legislative frameworks often lack provisions that protect children, particularly girls, from this practice. The relevant laws should define the minimum legal age of marriage at 18 for both genders. The legal recognition of marriages below this age should only be granted in exceptional circumstances and after a thorough and appropriate assessment that the marriage is consented to by both parties and is in the best interests of the child or children concerned. Laws should also set a minimum age below which marriages are never legally recognized, irrespective of the circumstances.

Where an appropriate assessment has been made that it is in the best interests of the child or children concerned for the marriage to be legally recognized, efforts should be made to ensure such marriages are registered and documented. The failure to do so can lead to the deprivation of girl concerned and any future children from enjoying a range of key rights and protections,⁽¹²³⁾ including the right to protection services, alimony, inheritance, property, legal remarriage, the right to register the births of children and to maintain child custody.

Therefore, there is a need for host countries to adopt a holistic approach that combines raising the awareness of families and communities on the harmful effects and alternatives to child marriage, strengthening implementation of a protective legal framework and strengthening national protection systems to prevent and respond to the needs of children at risk of child marriage and child spouses.

▼ **It is therefore recommended that Member States adopt the following strategies to address the issue of child marriage:**

- Review national legislation on child marriage to ensure they are in line with international standards, which includes raising the age of marriage to 18.
- Support the national child protection systems to address the issue of child marriage through

(119) Gender-Based Violence and Child Protection among Syrian Refugees in Jordan with a focus on Child marriage, Inter-agency Assessment, UN Women, 2013.

(120) http://www.childinfo.org/statistical_tables.html

(121) Interagency Child Protection Assessment, Erbil, Suleymaneyah and Duhok governorates, 2014.

(122) Protection of Refugee Children in the Middle East and North Africa, UNHCR, 2014.

(123) Too Young to Wed, the Growing Problem of Child Marriage among Syrian Girls in Jordan, 2014.

the implementation of existing legal frameworks that limit or restrict child marriage.

- Strengthen procedural safeguards and providing guidance to the judicial system to better implement the best interests of the child principle when reviewing applications regarding child marriage where this is allowed under the existing national legal framework.
- Hold accountable actors who perform or arrange child marriages outside the existing legal frameworks including those performed informally or marriages for the purposes of sexual or economic exploitation.
- Encourage and support refugee girls to enrol and stay in schools, as education is one of the factors leading to delaying age of marriage.
- Cooperate with the civil society organizations to develop formal and non-formal education, social and economic programs to benefit girls who dropped-out of education to reduce the likelihood of child marriage.
- Scale up income-generating opportunities and cash assistance programs for vulnerable families of refugee girls to prevent them from resorting to child marriage as a negative coping mechanism to deal with their deteriorating economic circumstances.
- Provide economic opportunities for girls upon their graduation from schools for the purpose of finding alternatives for them to child marriage and empower them economically and socially to obtain better income-generating opportunities.
- Support children who are already married to access case management, psychosocial support and appropriate services (education, reproductive health, legal, among others).
- Work on raising awareness within refugee and host communities on alternatives to child marriage, the existing legal frameworks on child marriage as well as to the harmful effects of child marriage; this is achieved through community and religious leaders, girls and boys, fathers and mothers and supporting refugees advocating against child marriage.

7.3 Other Negative Coping Strategies

Refugees who arrive in host countries and reside in camps or in rural or urban settings are quite often faced with challenges that threaten their livelihoods. Refugee families try to resort to a multitude of coping strategies to ensure their livelihood in asylum setting. According to a study on coping strategies adopted by Syrian refugees in Lebanon, refugees adopted several livelihood strategies, first among which was finding work. Work is usually considered a positive coping strategy that can allow a refugee to earn an income. However, in many cases refugees are working for very low wages and enjoy very little job security. Another coping strategy is resorting to aid. According to the study female-headed households typically rely more on aid and are more likely to send their children to work. Borrowing money or purchasing goods on credit is another coping strategy to address insufficient income, exposing refugees to the risks of usurious repayment conditions. Sharing resources with extended family and fellow refugees, as well as receiving remittances from families or friends abroad are among the coping strategies.⁽¹²⁴⁾

Some respondents also indicated that some women have resorted to survival sex as a source of income, thus being exposed to exploitation as well as greater risks of other forms of violence and rights violations.

(124) Self- Protection and Coping Strategies of Refugees from Syria and Host Communities in Lebanon, a study conducted by Merits Partnership in collaboration with Oxfam, July 2015.

Many studies on refugee livelihoods, however, referred to negative coping strategies. These become more frequent when other, more positive options are limited. Refugees tend to sell vital assets such as domestic items, clothing, part of their food rations, among others. Some, on the other hand, reduce their intake of food and sell off their food rations, or resort to other high-risk coping strategies. Extreme coping strategies may also include selling sexual services to generate income. Refugees adopt these strategies as their only means of survival in protracted crises, either through prostitution or through attitudes in which the refugee obtains goods and gifts from one sexual partner. Refugees cited these strategies as being the result of poverty and the absence of alternative options for income-generating strategies.⁽¹²⁵⁾

Studies conducted by UNHCR in other refugee settings in different regions of the world indicated that according to “anecdotal evidence” customers of refugee prostitutes were staff of NGOs and other organizations, which constitute an unacceptable abuse of power. Again, this was attributed to poverty and the absence of acceptable livelihood strategies.⁽¹²⁶⁾

▼ **Despite the dearth of data and the anecdotal evidence, the following strategies are recommended to prevent negative coping mechanisms among refugees:**

- Establish community-based mechanisms to identify potential risk groups to survival sex such as women refugees arriving alone, child heads of households, male survivors/victims of sexual and gender-based violence, UASC, adolescents particularly girls and support them with livelihood programs.
- Support livelihood programs for refugee men and women to ensure appropriate work opportunities to protect them from exploitative work conditions that might subject women and girl refugees to sexual harassment and exploitation.
- Encourage the participation of refugee women in the design and implementation of livelihood programs to ensure their needs are taken into consideration.
- Ensure that all humanitarian organizations working in the refugee response have rigorous recruitment processes and codes of conduct to guarantee that all acting staff are vetted for ethical and moral standards as well as a clean professional history.
- Ensure that PSEA information and awareness as well as safe and confidential complaints mechanisms are accessible to refugees.
- Ensure that adolescent girl refugees have access to formal, non-formal and informal educational opportunities.
- Ensure the refugees at risk of or engaging survival sex are sensitized on the health consequences of survival sex, including STD/HIV and unwanted pregnancies and are aware of and have access to case management and specialized services.
- Integrate with programming and advocacy to deter situations of child labor, which vastly increase the risks of children being subject to situations of sexual exploitation.

(125) Refugee livelihood a review of the evidence, UNHCR, 2006.

(126) A beneficiary-based evaluation of UNHCR's programme in Guinea, West Africa, UNHCR 2001; Refugee livelihood, a case of the Gambia, UNHCR 2004.

7.4 Sexual Exploitation and Abuse (SEA)

According to the Secretary General Special Bulletin “the term sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Similarly, the term sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions”.⁽¹²⁷⁾ The issue of sexual exploitation and abuse is of extreme importance when addressing issues of concern to the refugee situation in the region. Given the fact that sexual exploitation and abuse feeds on differential power positions and that refugees are usually in a situation of having less power vis-à-vis a lot of actors in a refugee situation, their vulnerability to potential sexual exploitation and abuse increases dramatically with the emergency situations.

According to the IASC GBV guidelines, women and girls in emergency situations are vulnerable to all forms of sexual violence, including sexual exploitation, by all persons in positions of power, including humanitarian workers and peacekeepers. Preventing sexual violence includes preventing/stopping sexual exploitation and abuse perpetrated by humanitarian and peacekeeping personnel.⁽¹²⁸⁾ The Accountability Framework set by IASC in 2011 acknowledges that preventing SEA is considered integral to all operations, and one of the key objectives is to “systematically communicate with affected populations using relevant feedback and communication mechanisms” throughout all phases of the program cycle.⁽¹²⁹⁾

Given the serious implications of the abuse of authority by humanitarian aid workers, the UN Secretary General has issued a bulletin on the special measures to address sexual exploitation and abuse. The bulletin provides a set of standards for the protection of the most vulnerable, particularly women and children. These standards reiterate the general obligations under United Nations Staff Regulations:⁽¹³⁰⁾

- “(a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal;
- (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence;
- (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance;
- (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged;
- (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether within the United Nations system, he or she must report such concerns via established reporting mechanisms;

(127) Secretary-General's Bulletin, Special measures for protection from sexual exploitation and sexual abuse, 2003.

(128) Guidelines for Gender based Violence Interventions in Humanitarian Settings, Focusing on Prevention of and Response to Sexual Violence in Emergencies, IASC, 2005.

(129) Protection against Sexual Exploitation and Abuse, Inter-agency Cooperation in community-based complaint mechanisms, Global Standard Operating Procedures, May 2016.

(130) Secretary-General's Bulletin, Special measures for protection from sexual exploitation and sexual abuse, 2003.

- (f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.”

As SEA is usually perpetrated by persons who have power over refugee women, girls, men and boys, there is a great need to ensure that those in positions of power are deterred from engaging in such behaviour through efficient recruitment policies, the establishment of effective complaint mechanisms, with the objective of ensuring accountability and making the relevant organizations unattractive for abusive personnel. This includes humanitarian organizations, UN organizations, law enforcement and military personnel, and others who hold positions of authority or power in relation to refugees.

Organizations working within a humanitarian context need to adopt some key safeguards to ensure that their staff does not engage in sexual exploitative or abusive behaviour towards refugees particularly women, girls and children in general. These include designating trained and knowledgeable personnel that is responsible for the recruitment of employees and consultants. Reference checks should be conducted to ensure candidates for recruitment do not have a criminal history or have not been involved in any sexual abuse or exploitation, or other forms of violence, including sexual and gender-based violence. Organizations should put in place an information sharing mechanism about employees whose service has been terminated due to engagement in SEA. Organizations should also ensure the recruitment of more women employees at all levels, including leadership positions and should address obstacles to the recruitment of women.⁽¹³¹⁾

▼ **To ensure that all organizations working in a refugee response situation in a given country adhere to a code of conduct and that respective staff does not engage in any acts of SEA, Member States are recommended to adopt the following strategies:**

- Ensure that all humanitarian organizations have a code of conduct on sexual exploitation and abuse and that all staff members are informed of the code of conduct, sign it and know the implications of breaching it.
- Establish an interagency coordination mechanism (task force and/or working group) at national and local levels, with clear ToRs, SOPs, focal points system.
- Integrate PSEA to existing case management, referral pathways and multi-sectoral services to avoid discrimination, stigma against survivors and respect confidentiality.
- Ensure that safe, confidential, transparent and accessible community-based complaint mechanisms are in place to protect potential victims from SEA by humanitarian actors, peace-keeping forces, law enforcement and military personnel.
- Sensitize the community members on the established community based PSEA complaint mechanism and available services.
- Ensure that all acting humanitarian organizations have rigorous recruitment policies that include reference checks and information sharing among the various organizations of terminated staff members that had been involved in SEA or other forms of violence.
- Support training programs for PSEA focal points, senior management on PSEA and human resources personnel on safe recruitment policies.

(131) Guidelines for Gender based Violence Interventions in Humanitarian Settings, Focusing on Prevention of and Response to Sexual Violence in Emergencies, IASC, 2005.

- Support recruitment policies within humanitarian organizations and police departments that ensure a gender balance in recruitment even at leadership positions.
- Conduct awareness raising campaigns to change social norms around women's employment and engage with community leaders on the importance of recruiting women.
- Support initiatives to establish day-care facilities for local working mothers.

7.5 Trafficking in Persons

Trafficking in persons is among the key risks facing refugees as they seek safety. Vulnerable groups like refugee women and children, particularly unaccompanied and separated children (UASC), are at greater risk of becoming victims of human trafficking for forced prostitution or sexual exploitation due to various reasons, including their vulnerability to individuals and groups offering them safe passage into other countries. The forcible, coercive, exploitative or deceptive recruitment of women and children for those purposes is a form of sexual and gender-based violence.

The international legal framework has shed light on the predicament of victims of human trafficking. The UN General Assembly has issued a protocol to prevent, suppress and punish human trafficking against persons, especially women and children, supplementing the UN Convention against Transnational Organized Crime (the Palermo Protocol), the purpose of which is to:

- (a) prevent and combat human trafficking in persons, paying particular attention to women and children;
- (b) protect and assist the victims of such human trafficking, with full respect to their human rights,
- (c) promote cooperation among States Parties in order to meet those objectives. ⁽¹³²⁾

▼ The Palermo Protocol defines human trafficking by three essential and interlinked sets of elements:

- **The act:** recruitment, transportation, transfer, harbouring or receipt of persons;
- **The means:** by threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability, or of giving or receiving of payments or benefits to achieve the consent of a person having control over the victim;
- **The purpose:** exploitation of the victim, including, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁽¹³³⁾

According to Article 3 of the Palermo Protocol where any of the means set forth in the definition are used, the consent of the victim to the intended exploitation is irrelevant. Where the victim is a child, the question of consent is more irrelevant as any recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation is a form of human trafficking regardless of the means used.

(132) <http://hrlibrary.umn.edu/arab/P1orgCRIME.html>

(133) Guidelines on International Protection: The application of Article 1A (2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked.

▼ **The Palermo Protocol also applies to refugees, particularly in Article 14, which states the following:**

- “Nothing in this Protocol shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement as contained therein.”⁽¹³⁴⁾
- Victims of human trafficking may experience persecution throughout their ordeal or face risks of persecution upon return to their country of origin. Refugees could be targeted by transnational or national gangs that prey on unaccompanied women and children who have fled their homes and forcibly or deceptively recruited for prostitution and sexual exploitation, some ending up in a situation of sexual slavery. In addition, they may face reprisals or re-trafficking upon their return to the territory from which they have fled. Should the victim cooperate with authorities in the country of asylum or of origin, he/she might risk being harmed by the traffickers, particularly if they were running international human trafficking networks. The victim may also face ostracism from her family or local community or by the authorities upon her return to the country of origin. Community ostracism is likely to take place in the cases of persons trafficked into prostitution.⁽¹³⁵⁾
- It is important to clarify the relationship between human trafficking and the need for international protection as a refugee. The prevalence of these protection risks upon return may therefore qualify a victim of human trafficking for recognition as a refugee, as defined by the 1951 Convention relating to the Status of Refugees.⁽¹³⁶⁾ Accordingly, provisions must be in place to identify possible victims of human trafficking, including among individuals in situations of mixed movements and irregular migration, and to ensure individuals who may be subject to human trafficking receive a full and appropriate determination of their possible needs for international protection as refugees.
- Conversely, refugees and asylum-seekers may be at risk of becoming victims of human trafficking, especially where they may resort to irregular transit or smuggling operations as their means of seeking safety. To address human trafficking among refugees or asylum seekers and ensure that particularly women and children are protected from the risks of human trafficking, there is a need to adopt a comprehensive approach that combines legislative review, implementation mechanisms, prevention through awareness raising among refugee communities of the various modalities of human trafficking and the associated risks. Response to human trafficking should also be part of the comprehensive approach, ensuring an identification mechanism for population at risk, as well as protection and assistance of human trafficking victims, capacity building for law enforcement and asylum granting authorities.⁽¹³⁷⁾

(134) Ibid.

(135) Ibid.

(136) UNHCR, Refugee Protection and Human Trafficking. Selected Legal Reference Materials, December 2008, available at: <http://www.refworld.org/docid/498705862.html>

(137) Human trafficking and refugee protection UNHCR’ Perspective, 2009.

▼ **To be able to prevent and respond to the trafficking of refugees, particularly women and children, Member States are recommended to adopt the following strategies:**

- Work on the accession to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- Ensure the legislative and policy framework for combating human trafficking provides protection and assistance to victims, punishment for perpetrators and national plans of action are in place and implemented, in line with international standards.
- Establish an interagency coordination mechanism at national and local levels with clear ToRs, SOPs and establish harmonized data collection and management system to ensure a coordinated prevention of and response to human trafficking in persons.
- Establish monitoring mechanisms and screening tools for identification of refugees at risk of human trafficking or persons who are already victims of trafficking as part of registration and refugee status determination processes, at reception centres and detention centres.
- Establish safeguards for the protection of boy and girl victims of human trafficking such as: formal best interest determination mechanisms; the adoption of child-specific protection measures, such as the appointment of guardians ad litem and alternative care provisions, gathering information on the possible complicity of the parents in the human trafficking of their children, tracing and family reunification and adopting specific safeguards in cases where the repatriation of UASC is contemplated.
- Introduce training programs for national authorities and organizations working with victims of human trafficking on the criteria for the recognition of refugee status to trafficking victims, and on the interpretation of the refugee definition in an age- and gender-sensitive manner.
- Include modules on International Refugee Law in national training programs on human trafficking for the relevant national authorities including police, prosecutors, and judges to ensure international protection needs are identified and addressed.
- Conduct participatory assessments of the protection needs of trafficking victims (with the participation of national asylum authorities) to ensure appropriate protection measures are adopted and referral mechanisms are in place.
- Coordinate with receiving countries to ensure resettlement places available for trafficking victims are increased.
- Conduct awareness raising campaigns to inform refugee communities about the various forms of human trafficking and the associated risks.
- Support livelihood programs targeting refugees at risk of human trafficking.
- Ensure case management and quality multi-sectoral services provided by governmental or non-governmental providers are in place including health, psycho-social, shelter, livelihood and legal services, among others.

7.6 Sexual and Gender-Based Violence in detention

Although seeking asylum is not considered an illegal act, asylum seekers and refugees already face the risk of detention in some countries experiencing armed conflict or under conditions of occupation. Detention carries with it not only deprivation of liberty but also other possible abuses of their human rights. States resort to immigration detention to monitor entries into their land and deter possible asylum seekers. States are more and more confronted with waves of mixed movement, which includes smuggling and trafficking in persons. It is important to note that even though refugees and asylum seekers account for a relatively small portion of the global movement of people, they increasingly move from one country or continent to another alongside other people whose reasons for moving are different and may not be protection related. More often than not, such movements are irregular, in the sense that they take place without the requisite documentation and may involve human smugglers and traffickers. The people who move in this manner often place their lives at risk, are obliged to travel in inhumane conditions and may be exposed to exploitation and abuse, a situation that raises understandable concern on the part of States.

States may resort to detention in an attempt to deport persons rapidly if they are found to have no grounds to stay. Given these risks, steps must be taken to establish entry systems that are able to identify new arrivals with international protection needs and which provide appropriate and differentiated solutions for them, side by side with such other solutions as need to be pursued for other groups involved in mixed movements. Governments have sometimes been unsuccessful in differentiating between the situation of persons in need of international protection and the broader category of irregular migrants. Consequently, asylum seekers are sometimes detained in criminal facilities, thus exposing them to harsh conditions in contravention of international standards. As the negative physical and psychological consequences of detention on refugees are well documented, the use of immigration detention in relation to asylum and migration is strongly discouraged.⁽¹³⁸⁾

Refugees and asylum seekers in some countries suffering from armed conflict or under conditions of occupation, due to the precariousness of their situation, may be exposed to sexual and gender-based violence inside places of detention, either by other prisoners, especially if they are held in prisons designated for criminals or in the event that they are not separated from prisoners held for crimes, or in the event that women and children are not separated from males and adults. To address this possible threat among others, UNHCR has issued Detention Guidelines to outline the necessary actions that governments must take to ensure the protection of refugees and asylum seekers in detention. Relevant to the issue of facing sexual and gender-based violence within detention facilities, Guideline 8 outlines the following standards:⁽¹³⁹⁾

▼ **“Conditions of detention must be humane and dignified; If detained, asylum-seekers are entitled to the following minimum conditions of detention:**

- Detention is only in places recognized as official places of detention, each according to its national context.
- Asylum-seekers should be treated with dignity and in accordance with international standards.
- Detention of asylum-seekers for immigration-related reasons should not be punitive in nature.”

(138) Detention under scrutiny, Alice Edwards, Detention, Alternatives to Detention and Deportation, September 2013.

(139) Detention Guidelines, Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012.

Guideline 9 highlights the particularly vulnerable groups of asylum seekers, namely victims of trauma or torture, children and women. The guidelines on the special treatment accorded to women, highlights the special measures to be taken should women detainees be subject to sexual and gender-based violence in detention.

“As a general rule, pregnant women and nursing mothers, who both have special needs, should not be detained. Alternative arrangements should also consider the particular needs of women, including safeguards against sexual and gender-based violence and exploitation. Alternatives to detention would need to be pursued in particular when separate facilities for women and/or families are not available. Where detention is unavoidable for women asylum-seekers, facilities and materials are required to meet women’s specific hygiene needs. The use of female guards and warders should be promoted. All staff assigned to work with women detainees should receive training relating to the gender-specific needs and human rights of women. Women asylum-seekers in detention who report abuse are to be provided immediate protection, support and counselling, and their claims must be investigated by competent and independent authorities, with full respect for the principle of confidentiality, including where women are detained together with their husbands/partners/other relatives. Protection measures should consider specifically the risks of retaliation. Women asylum-seekers in detention who have been subjected to sexual abuse need to receive appropriate medical advice and counselling, including where pregnancy results, and are to be provided with the requisite physical and mental health care, support and legal aid.”

The UN has clarified that placing children in immigration detention, including in response to their having sought asylum, is never in the best interests of the child.⁽¹⁴⁰⁾ Moreover, international law generally discourages the detention of children, with the Convention on the Rights of the Child clarifying in Article 37 that “[t]he arrest, detention or imprisonment of a child... shall be used only as a measure of last resort and for the shortest appropriate period of time”.

▼ **UNHCR’s Detention Guidelines also refer to the possibility of adopting alternative to detention mechanisms, particularly in the case of women and children, which is a safeguard against possible abuses within the detention facilities. Alternatives to detention could include the following measures:**

- Release with an obligation to register one’s place of residence with the relevant authorities and to notify them or to obtain their permission prior to changing that address;
- Release upon surrender of one’s passport and/or other documents;
- Registration, with or without identity cards (sometimes electronic) or other documents;
- Release with the provision of a designated case worker, legal referral and an intensive support framework (possibly combined with some of the following, more enforcement-oriented measures);
- Supervised release of separated children to local social services;
- Supervised release to (i) an individual, (ii) family member/s, or (iii) nongovernmental, religious or community organisations, with varying degrees of supervision agreed upon under contract

(140) Committee on the Right of the Child (CRC), Report of the 2012 Day of General Discussion: The Rights of All Children in the Context of International Migration, 2012, at para. 32, available at: http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/2012CRC_DGD-Childrens_Rights_InternationalMigration.pdf. See also Children and families should never be in immigration detention – UN experts, 18 December 2016: <http://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=21026&LangID=E#sthash.3ufwI0h1.dpuf>

with the authorities;

- Release on bail or bond, or after payment of a surety (often an element in release under (f));
- Measures having the effect of restricting an asylum-seeker's freedom of movement (that is, de facto restrictions) – for example, by the logistics of receiving basic needs assistance or by the terms of a work permit;
- Reporting requirements of varying frequencies, in person and/or by telephone or in writing, to (i) the police, (ii) immigration authorities, or (iii) a contracted agency (often an element combined with (f));
- Designated residence in (i) State-sponsored accommodation, (ii) contracted private accommodation, or (iii) open or semi-open centres or refugee camps;
- Designated residence to an administrative district or municipality, or exclusion from specified locations;⁽¹⁴¹⁾

▼ **For Member States to ensure that in cases where detention of refugees and asylum seekers is inevitable, they are not at risk of sexual and gender-based violence, the following strategies are recommended:**

- Ensure that detention and deprivation of liberty is in accordance with national law and that no arbitrary detention is allowed.
- Ensure that the legislative and policy framework does not allow for detention as a punishment for illegal entry or deterrent against seeking asylum, which is a human right recognised by the Universal Declaration of Human Rights (UDHR) among other international instruments.
- Avoid the detention of asylum-seeking and refugee children generally, and where they are detained, ensure that detention shall be used only as a measure of last resort and for the shortest appropriate period of time, while also ensuring that children are never detained in adult facilities.
- Review the legal framework to include alternatives for detention of refugees and asylum seekers and ensure implementation mechanisms are in place.
- Ensure rigorous mechanisms are in place to determine the best interest of refugee children in detention.
- Review detention policies to allow for family-based detention facilities.
- Ensure rigorous mechanisms are in place to separate refugee children from adults and female refugees from male inmates.
- Review recruitment policies to ensure a gender-balance in the recruitment of prison guards and other staff members.
- Build the capacity of female prison guards to deal with women and child detainees who might be suffering from trauma or who have been victims of sexual and gender-based violence.
- Ensure refugee detention facilities have confidential and transparent complaint mechanisms for possible victims of sexual and gender-based violence within the facilities.
- Ensure detention policies are reviewed to put in place referral pathways of sexual and gender-based violence survivors/victims to multi-sectoral services.

(141) Legal and Protection Policy Research Series, Alternatives to Detention of Asylum Seekers and Refugees, UNHCR, 2006.

7.7 Refugees with Disabilities

Among the refugee population in various contexts in the region, there are some groups that are particularly vulnerable to sexual and gender-based violence and that also constitute an invisible segment of the refugee population that is overlooked by governments and humanitarian actors and are thus, deprived from much needed prevention and response services. Among these groups are refugee persons with disabilities, particularly older women.

In refugee camps and communities, displaced persons of concern with disabilities are often invisible. Families tend to keep their kin who suffer disabilities isolated, urged by both the need to avoid stigma or to try to protect them. Isolated from the community, a woman with physical disabilities could be especially vulnerable to rape and intimate partner violence. However, due to her social and physical isolation, nobody would know about her ordeal and she would thus be unable to access appropriate support and services. Women and girls – and sometimes men and boys – with intellectual disabilities are especially at risk of sexual violence, abuse and exploitation. Individuals with speech-related disabilities may also be targeted for sexual and gender-based violence by perpetrators who believe that such individuals will be incapable of reporting the violence and abuse committed against them. Excluded from sexual and reproductive health education, and without protective peer networks in their communities, they are unaware of the risks that may threaten them and may not have learned how to protect themselves.⁽¹⁴²⁾

These significant risks that persons with disabilities are exposed to in refugee situations and the lack of access to services are realities that face this vulnerable group, notwithstanding the fact that they constitute a sizeable proportion of the refugee population in any context. In an assessment conducted by UNHCR on refugees with disabilities in the Kurdistan region of Iraq, findings revealed that across a number of assessed camps (9 per cent) of households included one household member with a disability. The majority of those persons (62 per cent) were males. Around 41 per cent of the persons with disabilities were reported to be children below the age of 18. The most common type of disability was physical (50 per cent), followed by mental disabilities (30 per cent), visual disabilities (10 per cent), auditory disabilities (7 per cent) and speech-related disabilities (30 per cent). Around 75 per cent of all households identified health care as their most pressing need, followed by medicines (14 per cent), cash (8 per cent) and assistance devices (3 per cent). The most remarkable finding was that around 93 per cent of respondents reported that persons with disabilities had not received any assistance from any organization.⁽¹⁴³⁾

The salience of addressing the vulnerabilities and needs of persons with disabilities in asylum context has triggered the issuance of conclusion No. 110 by the UNHCR Executive Committee on refugees with disabilities, which acknowledged the importance of mainstreaming the Age, Gender and Diversity Approach in identifying and responding to the needs of persons with disabilities, and recognized that their needs are often overlooked and that services may be inaccessible to them whether in the refugee context or upon repatriation. This Conclusion called upon States to take appropriate measures to protect and assist persons with disabilities and to protect refugees with disabilities against discrimination and to address their needs. The Conclusion urged States to ensure the swift and systematic identification and registration of refugees with disabilities and to

(142) Refugees with Disabilities at Highest Risk of Gender-based Violence, Sarah Costa, December 2015, <https://www.womensrefugeecommission.org/blog/2350-gender-disability-and-displacement-raising-the-risk-of-sexual-violence-and-exploitation>

(143) Kurdistan Region of Iraq Assessment Report; Syrian Refugees with Disabilities Living in Camps in Northern Iraq, UNHCR, Reach Initiative, 2014.

raise awareness on disability issues to foster respect for their rights and dignity.⁽¹⁴⁴⁾

States and humanitarian actors working in refugee situations have to understand the risks and needs of refugees and other persons with disabilities and address those needs through a comprehensive approach to ensure the prevention of sexual and gender-based violence against refugees with disabilities and to strengthen response to cases of violence against this vulnerable group while ensuring their access to appropriate services. All States should be encouraged to accede to the UN Convention on the Rights of Persons with Disabilities (CRPD) if they have not already done so. For States that are already parties to the CRPD, additional steps can be taken to ensure full compliance with the specific protections outlined in this key instrument. Additionally, there is a set of principles that should guide all actors working with refugees and displaced persons with disabilities:

- **Rights-based approach:** All humanitarian actions targeting persons with disabilities should be informed by the human rights principles enshrined in the Convention on the Rights of Persons with Disabilities (CRPD), which include non-discrimination, respect for inherent dignity, autonomy and independence of the individual, gender equality, respect for diversity and for the rights of women and children.
- **Inclusive Approach:** States and humanitarian actors should promote the full and effective participation and inclusion of displaced persons with disabilities in all community activities and address all barriers impeding their participation in decision-making.
- **Accessibility:** States and humanitarian actors should ensure that the physical environment including facilities and services are accessible to persons with disabilities.
- **Independent living:** Steps should be taken to ensure that refugees with disabilities can live as independently as possible and participate in all aspects of life.
- **Age, gender and diversity awareness:** measures should be taken to ensure the rights of refugee women, children and older persons with disabilities, who might be more discriminated against on the basis of their disability but also their age, gender and status and to ensure their full inclusion and participation in decision-making processes.⁽¹⁴⁵⁾

Given all the heightened risks facing refugees with disability including women, children and elderly people, highlighted above and the challenges they face in being identified and in accessing services, **it is recommended that Member States adopt the following strategies to ensure the prevention and protection of refugees with disabilities from risks of sexual and gender-based violence:**

▼ Capacity Building

- Provide training for protection officers whether governmental or non-governmental on the risks faced by people with disabilities, including people with mental disabilities and older people, and on appropriate communication methods (e.g., sign language and Braille).
- Provide orientation for all protection actors (governmental and non-governmental) on respect for the human rights of people with disabilities and ensure codes of conduct are in place.
- Provide training and awareness raising on the UN Convention on the Rights of Persons with

(144) Conclusion on refugees with disabilities and other persons with disabilities protected and assisted by UNHCR No. 110 (LXI) – 2010; Executive Committee 61st session. Contained in United Nations General Assembly document A/AC.96/1095.

(145) Disabilities among Refugees and Conflict-affected Populations: Resource Kit for Fieldworkers, Women's Commission for Refugee Women and Children, June 2008.

Disabilities (CRPD) and how it applies in displacement situations for people with disabilities and their families, community leaders and members of the community, teachers, health staff, community workers, humanitarian workers and local government officials.

- Build the capacity of service providers, including law enforcement officials and the judiciary on disability rights and the CRPD in relation to refugees and forcibly displaced persons to ensure positive attitudes of service providers towards the persons with disabilities.
- Build the capacity of legal service providers to be able to represent persons with disability in courts, and attestation for people with physical and mental impairments.

▼ Infrastructure

- Ensure that women with disabilities have adequate privacy in private and public settings, which includes latrines and bathing areas, health centers, etc. to protect their dignity and safety.
- Ensure that all services in refugee areas (health, education, shelter, community centers, etc.) are physically accessible to refugees with disabilities.

▼ Awareness raising

Organize awareness raising campaigns on the protection risks faced by refugees with disabilities, including women with mental disabilities, mothers of children with disabilities and the risks of sexual and gender-based violence that they might be exposed to.

▼ Community-based Mechanisms

- Support community initiatives to include women, children and other refugees with disabilities in all community-based protection mechanisms to identify and prevent sexual and gender-based violence, including domestic violence and abuse, physical abuse, human trafficking, neglect, discrimination and stigmatization of refugees with disabilities.
- Conduct joint initiatives with humanitarian actors to assess local capacities for responding to protection risks facing refugees with disabilities.
- Establish safe places in refugee camps and urban and rural communities, where people with disabilities, including older people, can meet and share information/children can play; ensure that safe places established in camps are accessible to people with disabilities.
- Support community initiatives to establish child protection committees, with the involvement of children and young people themselves that identify at-risk children, including children with disabilities, monitor risks, intervene where possible and refer cases to relevant protection staff or authorities as necessary.
- Promote the inclusion of children and young people with disabilities in children's and youth groups in the community.
- Encourage the establishment of peer support groups for parents and family members of children with disabilities; set up mother and child groups or parent support groups where parents can meet, and young children can play.

▼ Services and Mechanisms

- Put in place reporting mechanisms for people with disabilities, their families and neighbours to report protection risks/problems involving people with disabilities and set up coordinated response mechanisms.

- Extend family tracing services to include people with disabilities and reunite disabled people with their families or, where this is not possible, with extended or “foster” families.
- Ensure that people with disabilities have full and equal non-discriminatory access to survivor centred multi-sectoral services, including judicial and legal representation.

7.8 Protecting children from sexual and gender-based violence

Refugee children face specific forms of sexual and gender-based violence. These include harmful traditional practices such as child marriage, forced marriage, high rates of infanticide, female genital mutilation/cutting (FGM/C), human trafficking possibly for sexual exploitation, child prostitution and sexual violence within the family. Refugee children could also be subject to sexual exploitation and abuse, as well as violence perpetrated by persons known to the child or persons having unhindered access to the refugee child such as teachers, religion tutors, humanitarian workers and others in authority. Refugee children are at particular risk of sexual and gender-based violence in view of their high dependence on others, their limited ability to protect themselves and their limited power. Due to their limited experience of life, children are more easily exploited and coerced compared to adults.⁽¹⁴⁶⁾

Among refugee children, certain groups are more vulnerable to multiple forms of sexual and gender-based violence. One higher risk category includes **unaccompanied and separated refugee children (UASC)**. These children, who arrive to their destination without the company of their parents or only in the care of an extended family member or a neighbour are at greater risk of sexual exploitation, abuse, recruitment, trafficking and detention. This group of children may include child-headed households. Another group of at-risk children are **children in detention**, which also face risk of sexual abuse, particularly if they are not separated from adults. **Children associated with armed forces and groups (CAAFAG)** and UASC face risks of recruitment by State or non-State actors. Cases of sexual abuse of boys and girls frequently occur during their recruitment period and may affect efforts to reunite the family. Girls are sometimes left behind when formal layoffs begin. Adolescents, especially girls, are exposed to the risks of sexual abuse and exploitation and early marriage, as perpetrators perceive them as free from sexually transmitted diseases, which puts them at risk of infection with immunodeficiency disease and other sexually transmitted diseases, as well as many other diseases. Girls can also experience unwanted pregnancies as a result of rape. Programs on sexual and reproductive health are designed to target this group.

Refugee **children with disabilities** are also at high risk of sexual and gender-based violence. Being largely hidden by their families, they become invisible and are unable to access existing services. **Working children**, particularly girls working in domestic services and children working or living on the street face greater risks of sexual abuse and exploitation, given their vulnerability to their powerful employers and other adults in unsupervised settings. **Girl mothers** are often economically disempowered and thus, rendered extremely vulnerable to sexual exploitation. They might face social ostracism and discrimination and may be unable to access basic services. They are deprived of education and other socio-economic programs that could protect them from further exposure to various forms of violence. **Children born to survivors/victims of rape** are sometimes abandoned or mistreated and thus, exposed to the risk of abuse and exploitation. **Boy survivors/victims of sexual and gender-based violence** go often undetected and unreported due to social stigma (which will be discussed in more details later). This group is under more social

(146) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

pressure not to report or to access services for survivors/victims of sexual and gender-based violence. Finally, **child perpetrators of sexual and gender-based violence might themselves be victims of violence** and are entitled to help and support to help their rehabilitation, with a view to also ensuring that they do not continue to act as perpetrators.⁽¹⁴⁷⁾

There are a range of strategies to address the risks of sexual and gender-based violence that refugee children are confronted with. These might include awareness raising through Information, Education, Communication (IEC) campaigns on the issue of sexual and gender-based violence, public health campaigns about the transmission of STIs, addressing harmful traditional practices through a focus on health and development of children aspects, etc.

Engaging children and youth is vital for combating risks of sexual and gender-based violence, while also focusing on encouraging the participation of child victims and survivors/victims. Working with boys (as highlighted above) is also essential to raise their awareness on the equal rights of girls and to promote more positive attitudes towards women and girls in different settings. Strategies to address the exposure of refugee children to sexual and gender-based violence could also include ensuring access of all refugee children to education, while introducing flexible programs to address girl dropouts to reduce the risks of violence. Strategies should also include monitoring systems to assess persons with access to refugee children, the registration and documentation of every refugee child, removing barriers to services with a focus on the needs of UASC, family tracing and reunification, as well as inclusive planning, designing and implementing of interventions.

▼ **For Member States to ensure the protection of refugee children – with a focus on the most at-risk groups – from sexual and gender-based violence, the following strategies are recommended:**

- Review legislation to ensure it is in line with international standards including defining the age of the child at 18, setting the age of marriage at 18 for males and females, setting the age of criminal responsibility in line with international standards and avoiding the detention of refugee children, with detention approached as a recourse of last resort and for the shortest possible duration.
- Set up rigorous mechanisms for best interests' determination of the child and building the capacity of relevant actors (social workers and judges) on implementation, particularly in countries where child marriage can be approved at the discretion of the judiciary.
- Prioritize the registration of UASC and put in place rigorous identification, family tracing and reunification mechanisms, as well as community-based mechanisms to monitor and support lower risk cases.
- Ensure birth registration of all refugee children through flexible and affordable mechanisms to ensure they are officially registered and documented to protect them from the risks of sexual and gender-based violence.
- Establish inter-agency standard operating procedures (SOPs) for identification of children at risk of sexual and gender-based violence and referral pathways.
- Provide regular and systematic training to protection actors (governmental and non-governmental) on dealing with children at risk of sexual and gender-based violence, including identification of cases of child victims/survivors/victims of violence and those at risk and referral to appropriate child sensitive services.

(147) Ibid.

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- Support community initiatives to put in place child protection mechanisms that include identification and referral.
 - Engage children and adolescents, including sexual and gender-based violence survivors, in the design and implementation of community-based protection initiatives.
 - Engage men and boys in programs to prevent sexual violence against children.
 - Ensure that refugee receiving schools and health units have rigorous recruitment practices that include vetting all staff members for non-involvement in any sexual and gender-based violence crimes.
 - Train teachers and health providers in refugee communities on safely identifying child survivors of sexual and gender-based violence and referring their cases to appropriate services.
 - Encourage girls' enrolment in schools and ensure that non-formal and informal education options are available for refugee boys and girls to prevent practices such as child marriage, child labour (settings where children could be confronted with sexual and gender-based violence risks).
 - Support sexual and reproductive health programs of adolescent boys and girls to increase their awareness about reproductive issues and STIs.
 - Encourage the establishment of strong linkages between child protection, education and sexual and gender-based violence programs for effective protection and response to violence against children.



8

GENERAL RECOMMENDATIONS



GENERAL RECOMMENDATIONS

8.1 Working through legislative amendments to:

- Ratify relevant international conventions that ensure the prevention and protection of sexual and gender-based violence against women and girls in asylum context.
- Provide protection to refugee women and girls without discrimination through legislations that provide protection against all forms of violence, including sexual and gender-based violence.
- Promote gender equality in all areas of national legislation in line with regional and international standards, including the CEDAW, as a key effort to address root causes of sexual and gender-based violence.
- Ensure a clear definition of sexual violence and rape, as well as domestic violence in the law to ensure it covers all forms of intimate partner violence.
- Bring national legislation into compliance with regional and international standards and obligations in relation to criminalizing all forms of sexual and gender-based violence and establishing consistent and appropriate forms of accountability, including criminal sentences, for offenses.
- In light of the problem of child marriage, the relevant laws must specify the minimum age for marriage at 18 years for both sexes.
- Develop policies to address sexual and gender-based violence during crises, including refugees, forcibly displaced persons, asylum seekers, and stateless persons.
- In line with existing processes and mechanisms with which member states are already actively engaged, such as the UN Treaty Bodies and Universal Periodic Review (UPR) process, continue working to enhance effective implementation of relevant international instruments, including through examining possibilities for the withdrawal of respective reservations thereto, as appropriate.

8.2

Work by developing and strengthening human and financial capabilities to:

- Allocate national funding across all relevant sectors involved in the response to sexual and gender-based violence such as protection, health, psycho-social services, legal services, shelter, security, and infrastructure, including in relation to refugee camps.
- Prioritize and sustain funding to sexual and gender-based violence prevention and response in refugee situations and allocate funds to financing specialized services in areas where a large influx of refugees is taking place.
- Use national coordination mechanisms to mobilize donor funds for sexual and gender-based violence prevention and protection programs.
- Increase the amount of training on gender-based violence in humanitarian emergencies.
- Build the capacity of national protection systems, institutions and case workers on identifying survivors of sexual and gender-based violence, case management and referral to survivor-centred services.
- Build the capacity of health workers on the clinical management of rape cases and promote greater integration of sexual and gender-based violence prevention and response activities with the health sector.
- Build the capacity of health workers on the documentation of injuries, collection of forensic evidence, treatment of injuries, evaluation for sexually transmitted infections and preventive care, as well as evaluation for risk of pregnancy and prevention.
- Develop guidelines, Standard Operating Procedures (SOPs) and establish referral pathways to help protection actors and case workers in conducting case management and referral in line with guiding principles for caring for sexual and gender-based violence survivors/victims.
- When possible, include paragraphs for not causing harm and avoiding unintended repercussions, especially those that may expose survivors to more risks, in the national standard operating procedures for the prevention and response to sexual and gender-based violence.

8.3

Working through coordination mechanisms to:

- Establish and strengthen the national coordination mechanism for sexual and gender-based violence prevention and response and ensure response to the refugee situation is integrated in this mechanism.
- Supporting the national mechanisms in the Member States that have asylum and building their capacities in the areas of evaluation, follow-up, information management systems, psychological rehabilitation centres, and establishing community networks at the grassroots and local levels to protect women in areas of asylum.
- Ensure systematic and appropriate information sharing between the national coordination mechanism and local coordination bodies and strengthen the reporting of local bodies to the national coordination mechanism, while adhering to confidentiality principles and standards.
- Use coordination mechanisms to mobilize resources, advocate and mobilize support for policy change, open the door for dialogue on the most important issues and gaps, develop educational and information materials, communicate with the media to highlight these issues and educate the masses, conduct assessments, collect data and oversight, in addition to building the capacity of all partners in the area of combating sexual and gender-based violence.

8.4 Working to establish prevention strategies, through:

- Conduct assessments to understand the situation, composition of and power dynamics in the concerned communities, community knowledge, attitudes and practices on sexual and gender-based violence, including on domestic violence and child marriage in particular.
- Strengthen the basis for positive community engagement by identifying sources of risks, key community assets and resources that could be mobilized to provide protection to women, girls, men and boys against violence.
- Build knowledge and understanding of relations between men and women and sexual and gender-based violence within the refugee community through awareness campaigns, targeting all members of the population whether men, women, or children from all ethnic and religious groups.
- Coordinate within the refugee community and with other actors to promote effective prevention and response activities, including through maintaining and strengthening existing social support networks.
- Engage the community in addressing negative attitudes towards survivors of sexual and gender-based violence, ensuring their safety and the safety of their families and having zero tolerance for violence offenses.
- Support programs that aim to change existing perceptions of masculinity and femininity among refugees (men, women, boys and girls) that reinforce unequal power relations and condone violence against women, while supporting more positive and equitable views of the roles and contributions of women, girls, boys and men that are rooted in the recognition of their rights to equality, autonomy, safety and dignity.
- Engage the men who are leaders and decision makers as advocates for gender equality, the empowerment of women and girls, and elimination of sexual and gender-based violence.
- Integrate gender issues into higher education curricula to be part of civic education and social responsibility for university students, especially concerning the following - Combating Violence against Women.
- Undertake efforts to increase access to schools as safe learning environments for refugee boys and girls, noting that enrolment and retention in school is linked to improved protection outcomes for children and youth, including higher levels of literacy and socio-economic empowerment, and reduced risks of child marriage and child labour.
- Ensure access and retention of girls at schools, as well as, provide tutoring classes and support to vulnerable refugee girls at the risk of dropping out.
- Support school-based and after-school programs bringing together refugee and host community children and adolescents to encourage integration, dialogue and retention of refugee girls and boys in schools.
- Introduce curricula that address sexual and reproductive health for children and adolescents.
- Support and strengthen parenting skills programs within refugee communities, as well as initiatives to reduce the socio-economic vulnerability of families.
- Introduce livelihoods and vocational training programs for refugees targeting survivors/victims of sexual and gender-based violence to enable them to start income generating activities and ensure safe and easy access of survivors/victims to psycho-social counselling services through these programmes.
- Develop awareness raising strategies, IEC materials with key messages to targeted audiences and conduct awareness raising interventions aimed at making positive socio-cultural changes to prevent this form of violence.

8.5

Working to provide specialized services through:

- Ensure that national legislation affords non-discriminatory access of refugees to sexual and gender-based violence preventive and response services.
- Raise awareness and adopt strategies to change social norms and attitudes towards sexual and gender-based violence within refugee communities to remove the social stigma of accessing the services.
- Remove procedural barriers facing refugees or vulnerable groups to services for survivors/victims of sexual and gender-based violence.
- Build the capacity of service providers within the respective sectors (including law enforcement and the judiciary) to deal with cases of sexual and gender-based violence in a survivor-centred gender and culturally sensitive manner, while respecting all the guiding principles for caring for survivors/victims.
- Build capacities of the workers in sexual and gender-based violence prevention and response in the different sectors on the guiding principles for caring for violence survivors, including respect, safety and security, confidentiality, non-discrimination, a survivor-centred approach and “Do-No-Harm”.
- Build the capacity of service providers, families and community members on the provision of psychological first aid.
- Support the development of community-based psycho-social support programs in refugee communities in collaboration with community members, community groups, local NGOs and concerned agencies.
- Provide regular training to health workers on identification of sexual and gender-based violence cases, prevention of STIs/HIV and unwanted pregnancies, treatment of injuries and the collection of forensic evidence.
- Support community health providers and volunteers, including traditional birth attendants and traditional healers, as well as NGOs and community-based organizations (CBOs), in their efforts to address negative social and gender norms.
- Prepare health units and facilities and supply them with necessary equipment, resources, and medicines for the clinical management of rape (CMR cases), including post-exposure prophylaxis (PEP) kit for rape survivors.
- Prioritize violence risk reduction activities in shelter, camp and site planning and set-up.
- Ensure that law enforcement actors put in place mechanisms to mitigate sexual and gender-based violence risks and protect survivors/victims from the risk of further violence.
- Support the establishment of specialized units within the police with expertise on sexual and gender-based violence prevention and response and ensuring the presence of female police officers.
- Promote the availability of local legal aid organizations, and ensure they are staffed by personnel trained on the guiding principles for working with survivors/victims of sexual and gender-based violence, which can effectively work with and promote the rights of survivors/victims of violence.
- Sensitize all actors in the judicial system (including judges and prosecutors), on their obligation to investigate complaints and deal with survivors/victims of violence in a gender sensitive manner that prioritizes the rights, safety, well-being and decisions of survivors/victims.

- Encourage educational policies that promote gender equality in the overall educational system, for example mainstreaming gender perspectives and tools in teacher and counsellor training programs.
- Set special strategies to promote refugee girls' enrolment in education, including ensuring a balance between male and female teachers in schools receiving refugees.
- Establish links between the national sexual and gender-based violence prevention and response and education systems by establishing appropriate mechanisms in schools to identify and monitor cases of violence and make referrals to appropriate services.
- Tailor livelihood programs with the full engagement of refugees, including women, girls, boys and men, as well as host communities to ensure effective and sustainable interventions that do not lead to increased levels of tensions and violence.

8.6

Working to give utmost importance to special areas by:

- Supporting countries that have refugee camps to improve the level of response to children and women, provide them with a suitable environment and protect them.
- Review legislation and policies to promote gender equality and take the necessary measures against domestic violence.
- Organize awareness raising campaigns to sensitize refugee communities about sexual and gender-based violence issues, promote gender equality and highlight the negative consequences of domestic violence on individuals, families and communities (including health, psychological and emotional repercussions), as well as tackling the issue of social stigma against women who report domestic violence.
- Review national legislation on child marriage to ensure they are in line with international standards, including raising the age of marriage to 18.
- Support the national child protection systems to address the issue of child marriage through improved implementation of existing legal frameworks that limit or restrict child marriage and through strengthening and reforming national legal systems where necessary.
- Establish community-based mechanisms to identify the potential groups at risk of sexual exploitation such as women refugees arriving alone, child heads of households, male survivors of sexual and gender-based violence, UASC, adolescents particularly girls and support them with livelihood programs.
- Support livelihood programs for refugee men and women to ensure positive and safe work opportunities to protect them from exploitative work conditions that might also subject women and girl refugees to sexual harassment and exploitation.
- Ensure that all humanitarian organizations have a binding code of conduct on the prevention of sexual exploitation and abuse (SEA) and that all staff members are informed of the code of conduct, sign it and know the implications of breaching it.
- Ensure that safe, confidential, transparent and accessible community-based complaint mechanisms are in place to protect potential victims from SEA by humanitarian actors, peace-keeping forces, law enforcement and military personnel.
- Ensure that all humanitarian organizations have rigorous recruitment policies that include reference checks and information sharing among the various organizations of terminated staff

members that had been involved in SEA or any form of violence.

- Ensure the legal and policy framework for combating trafficking provides protection and assistance to victims, punishment for perpetrators and national plans of action are in place and implemented.
- Develop survivor-centred policies and approaches to addressing human trafficking that identify and respond to trafficking survivors as individuals in need of protection and assistance and assure that they do not face detention, prosecution or liability in connection with having been trafficked, including in relation to unlawful entry or presence in the country.
- Establish monitoring mechanisms and screening tool for identification of refugees at risk or victims of trafficking at the registration and refugee status determination processes, at the coastal reception centres and detention centres.
- Ensure that detention and deprivation of liberty are in accordance with national laws and that no arbitrary detention is allowed.
- Ensure that the legislative and policy framework does not allow detention as a punishment for illegal entry or as a deterrent against seeking asylum.
- Review legal framework to include alternatives for detention of refugees and asylum seekers and ensure implementation mechanisms are in place.
- Pursue alternatives to detention for children generally, as detention fundamentally impedes the enjoyment of the rights of the child, as recognized in international law including the CRC. Refrain from detaining children on asylum and immigration grounds, as this has been recognized by the Committee on the Rights of the Child as never being in the best interests of the child. In cases where children are detained, ensure their confinement is for the shortest duration possible and that it never takes place in adult detention facilities.
- Build the capacity of female prison guards to deal with women and child detainees who might be suffering from trauma or who have been victims of violence, noting that the detention of children should only take place where it is assessed as necessary and as a matter of last resort.
- Provide training for protection officers whether governmental or non-governmental on the risks faced by people with disabilities, including people with mental disabilities and older people, and on appropriate communication methods (e.g., sign language and Braille).
- Ensure that all services in refugee areas (health, education, shelter, community centres, etc.) are physically accessible to refugees with disabilities.
- Organize awareness raising campaigns on the protection risks faced by refugees with disabilities including persons with mental disabilities, mothers of children with disabilities and the risks of sexual and gender-based violence and abuse that they might be exposed to.
- Support community initiatives to include refugees with disabilities in all community-based protection mechanisms to identify and prevent sexual and gender-based violence, including domestic violence and abuse, physical abuse, human trafficking, neglect, discrimination and stigmatization of refugees with disabilities.
- Review national legislation to ensure that all forms of coerced sexual contact or penetration is appropriately criminalized.
- Engage community members and families in initiatives to change social norms, gender stereotypes and masculinity-related cultural beliefs to create a supportive environment for male survivors of sexual violence to talk about their experiences and access services.
- Set up rigorous mechanisms for best interests' determination of the child and building the

capacity of relevant actors (including social workers and judges) on implementation particularly in countries where child marriages may be legally recognised at the discretion of the judiciary.

- Prioritize the registration of UASC and put in place rigorous identification, family tracing and reunification mechanisms.
- Ensure the birth registration of all refugee children through flexible and affordable mechanisms to ensure they have the documentation to protect them from the risks of sexual and gender-based violence.
- Ensure children born out of wedlock, including children born as a result of acts of sexual and gender-based violence, are protected and registered at birth, while also undertaking dedicated efforts to protect single mothers and women whose children are conceived through sexual violence or exploitation.
- Organize a periodic forum to follow up on the implementation of the Strategy and to exchange experiences and expertise among Member States.
- Prepare a unified report to follow up on the implementation of the Strategy.



Annex One

Glossary of Terms

Definitions of Key Concepts and Terminologies

Sexual and gender-based violence includes a plethora of issues that go beyond sexual assault and rape. To understand its root causes and consequences, it is essential to define and distinguish between the terms gender and sex. It is important to note that these definitions are based on commonly accepted international standards. National laws and legislations might differ from these standards and might be reluctant to accept some forms of violence as gender-based violence.

The term **sex** refers to the biological characteristics of males and females. These characteristics are congenital, and their differences are limited to physiological and reproductive functions.

Gender is the term used to denote the social characteristics assigned to men and women. These social characteristics are constructed on the basis of different factors, such as age, religion, national, ethnic and social origin. They differ both within and between cultures and define identities, status, roles, responsibilities and power relations among the members of any society or culture. Gender is learned through socialization. It is not static or innate, but evolves to respond to changes in the social, political and cultural environment. Gender is learned, and therefore changeable.⁽¹⁴⁸⁾

The term **gender-based violence** differentiates between common violence and forms of violence that target individuals or groups of individuals on the basis of their gender. Gender-based violence has been defined by the CEDAW Committee as violence that is directed at a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threat of such acts, coercion and other deprivations of liberty.⁽¹⁴⁹⁾

The term violence against women refers to any act of gender-based violence that results in, or is likely to result in, physical, sexual and psychological harm to women and girls, whether occurring in private or public. **Violence against women** is a form of gender-based violence and includes

(148) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

(149) Ibid.

sexual violence.⁽¹⁵⁰⁾

Sexual violence, including **exploitation and abuse**, refers to any act, attempt or threat of a sexual nature that results, or is likely to result, in physical, psychological and emotional harm. Sexual violence is a form of gender-based violence.

UNHCR adopts a more comprehensive concept of **sexual and gender-based violence** that recognizes that, although most victims/survivors are women and children, boys and men are also targets of sexual and gender-based violence.⁽¹⁵¹⁾

Violence is a means of control and oppression that can include force, coercion or pressure, as well as physical harm. It can be overt, in the form of a physical assault or threatening someone with a weapon; it can also be covert, in the form of intimidation, threats and persecution. The person targeted by this kind of violence is compelled to behave as expected or to act against her will out of fear.

Abuse is the misuse of power through which the perpetrator gains control or advantage of the abused, using and causing physical or psychological harm or inciting fear of that harm. Abuse prevents persons from making free decisions and forces them to behave against their will.

Coercion is forcing, or attempting to force, another person to engage in behaviors against her will by using threats, verbal insistence, manipulation, deception, cultural expectations or economic power.

Power is understood as the capacity to make decisions. All relationships are affected by the exercise of power. When power is used to make decisions regarding one's own life, it becomes an affirmation of self-acceptance and self-respect that, in turn, fosters respect and acceptance of others as equals. When used to dominate, power imposes obligations on, restricts, prohibits and makes decisions about the lives of others and can result in a violation of their rights. To prevent and respond to sexual and gender-based violence effectively, the power relations between men and women, women and women, men and men, adults and children, and among children must be analyzed and understood.

Exploitation and Abuse: In humanitarian crises, affected populations depend on the protection and assistance of institutions. Humanitarian aid workers, government, security and law enforcement officials are in a privileged position as they have the power to make decisions that will affect the well-being of the persons they are assisting. **Exploitation and abuse** occur when this disparity of power is misused to the detriment of those persons who cannot negotiate or make decisions on an equal basis. Exploitation and abuse can take the form of physical and psychological force or other means of coercion (threats, inducements, deception or extortion) with the aim of gaining sexual or other favors in exchange for services, assistance, money, relief items or other items of value.

Informed Consent is when a person makes an informed choice to agree freely and voluntarily to do something. The phrase "against her will" is used to indicate an absence of informed consent. There is no consent when agreement is obtained using threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. Additionally, there is no informed consent unless adequate efforts have been made to ensure the individual concerned is fully informed

(150) General Assembly, the Declaration of Ending Violence against Women, <http://www.un.org/documents/ga/res/48/a48r104.htm>

(151) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

by providing an explanation in the individual's own language of the relevant issues, risks, and choices before them. As such, the duty lies with those seeking to obtain consent to affirmatively provide this information in advance to the individual whose consent is sought and to ensure the information provided is comprehensive, clear, in the appropriate language and fully understood. Due to the intrinsically unequal power dynamic between refugees and the humanitarian actors and officials upon whom they depend for survival, sexual relationships between refugees and individuals in these positions cannot be characterized as "consensual", and instead should be seen as intrinsically coercive. Children under the legal age of consent are also incapable of consenting to sexual activity.

A perpetrator is a person, group, or institution that directly inflicts, supports and condones violence or other abuse against a person or a group of persons. Perpetrators are in a position of real or perceived power, decision-making and/or authority and can thus exert control over their victims. It is a myth that sexual and gender-based violence is usually perpetrated by strangers. In fact, most acts of sexual and gender-based violence are perpetrated by someone known to the victim. Most cases of sexual and gender-based violence involve a female victim/survivor and a male perpetrator. Most acts of sexual and gender-based violence against boys and men are also committed by male perpetrators.

Intimate partners (husbands, fiancés and/or boyfriends): In most societies, the accepted gender role for male intimate partners is one of decision-making and power over the female partner and other female family members. Unfortunately, this power and influence is often exerted through discrimination, violence and abuse.

Family members, close relatives and friends: Girls are far more likely to suffer from violence including sexual and gender-based violence within the domestic sphere, which is often under-reported as the perpetrators are also family members. From neglect to incest, these human rights violations are not always reported, since they involve fathers, stepfathers, grandfathers, brothers and/or uncles as perpetrators. Harmful traditional practices also take place with the knowledge and sometimes the participation of family members and close relatives and friends.

Influential community members (teachers, leaders and politicians): Leaders and other community members in positions of authority can abuse that power through acts of sexual and gender-based violence. The victim in these situations is even more reluctant to report the violence because of the perpetrator's position of trust and power within the community.

Security forces and soldiers, including peacekeepers: Soldiers are often the embodiment of power and official authority. They are usually armed, in uniform and have a mandate to ensure security in communities. In some settings, soldiers can - and do - detain and/or arrest people at their discretion. Often, soldiers and security forces are in the position of granting or withholding rights and privileges for refugees. Crossing borders, going through checkpoints, and requesting goods and services from armed forces can increase the risk of becoming subjected to sexual and gender-based violence, especially for refugee women.

Humanitarian aid workers: International, national and refugee staff of humanitarian aid organizations, including NGOs, UN agencies, and host government ministries, hold positions of great authority in refugee settings. Unfortunately, there have been cases of workers abusing this power and committing acts of sexual and gender-based violence. This violates binding obligations on all UN personnel, as well as partner agencies supported by the UN, under the Secretary General's Bulletin on Protection from Sexual Violence and Exploitation. It is crucial that

all humanitarian aid staff receive training and sensitization about gender and sexual and gender-based violence and that they be held accountable for inappropriate behavior.⁽¹⁵²⁾

Community: can be described as a group of people that recognizes itself or is recognized by outsiders as sharing common cultural, religious or other social features, backgrounds and interests, and that forms a collective identity with shared goals. However, what is externally perceived as a community might in fact be an entity with many sub-groups or communities and could be divided along caste, class, language or religious lines. It might be inclusive and protective of its members; or it might be discriminatory, making it difficult for sub-groups, particularly minorities and marginalized groups, to express their opinions and claim their rights. Refugees and displaced persons living in temporary “communities” often come from different national or religious backgrounds and may not perceive themselves as belonging to any community.⁽¹⁵³⁾

Masculinity: masculinity is often associated, for example, with showing leadership, caring for the family financially and providing the highest income for it; to be «naturally» well in high profile social positions (for example, leadership positions in organizations); to be «naturally» good at certain tasks; to be strict and take whatever you like; to be good at hiding emotions associated with weakness (sadness, fear, anxiety... etc.) and to show interest in women, to be masculine, and to be a perpetrator but not a victim of violence. Masculinity is usually associated with some misconceptions that include hegemony and aggression related to violence.⁽¹⁵⁴⁾

Types of Sexual and Gender-Based Violence⁽¹⁵⁵⁾

Type of Violence Definition/Description

As explained above the term gender-based violence is an umbrella term, which encompasses different forms of violence, as per following:

- **Child sexual abuse**

The term ‘child sexual abuse’ generally is used to refer to any sexual activity between a child and closely related family member (incest), between a child and an adult, or between a child and an older child from outside the family. It often involves either explicit or implicit force or coercion. Even where force is not used or implied, all sexual activity involving children too young to consent to such activity, or where there is a significant power disparity, is considered intrinsically abusive.

- **Conflict-related sexual violence**

‘Conflict-related sexual violence’ refers to incidents or patterns of sexual violence, that includes rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, against women, men, girls and boys, which occur in conflict or post-conflict settings or other situations of concern (e.g. political strife). The link

(152) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

(153) A Community Based Approach in UNHCR Operations, 2008.

(154) Women and Men: Hand in Hand against Violence, Strategies and approaches to working with men and boys for ending violence against women; UN Trust Fund to End Violence against Women, Oxfam, Kafa.

(155) Guidelines for integrating Gender Based Violence Interventions in Humanitarian Action, reducing risk, promoting resilience and aiding recovery, Inter-agency Standing Committee, 2015, Annex III; Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/weakened State capacity, crime transnational dimensions and/or the fact that it violates the terms of a ceasefire agreement'.⁽¹⁵⁶⁾

- **Denial of resources, opportunities or services**

Economic violence, such as denial of economic resources or opportunities to obtain an income, or the denial of education, health and other social services, is one of the forms of violence. Examples include a widow prevented from receiving an inheritance, earnings forcibly taken by an intimate partner or family member, a woman prevented from using contraceptives, a girl prevented from attending school, being provided with equivalent food or basic needs, etc. 'Economic abuse' is included in this category. Some acts of confinement may also fall under this category.

- **Domestic violence (DV) and intimate partner violence (IPV)**

Both terms are sometimes used interchangeably, in spite of the differences. While 'Domestic violence' is used to describe violence that takes place within the home or family between intimate partners as well as between other family members, 'Intimate partner violence' applies specifically to violence occurring between intimate partners (married, cohabiting, boyfriend/girlfriend or other close relationships), and is defined by WHO as behavior by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviors.⁽¹⁵⁷⁾ This type of violence may also include the denial of resources, opportunities or services.

- **Economic abuse** is one of the dimensions of abuse where the person who commits the abuse controls the victim's money in order to prevent his/her financial independence by preventing them from accessing resources or work or maintaining control over income.⁽¹⁵⁸⁾

- **Emotional abuse (also referred to as psychological abuse)**

Infliction of mental or emotional pain or injury, through threats of physical or sexual violence, intimidation, humiliation, forced isolation, social exclusion, stalking, verbal harassment, unwanted attention, remarks, gestures or written words of a sexual and/or menacing nature, destruction of cherished things, etc. 'Sexual harassment' is included in this category of SGBV.⁽¹⁵⁹⁾

- **Harmful traditional practices**

Certain customs and traditions that can be harmful to a person's mental or physical health. Every social grouping in the world has specific traditional cultural practices and beliefs, some of which are beneficial to all members, while others are harmful to a specific group, such as women. These harmful traditional practices include female genital mutilation (FGM); forced feeding of women; child marriage; the various taboos or practices that prevent women from controlling their own fertility; nutritional taboos and traditional birth practices; son preference and its implications for the status of the girl child; female infanticide; early pregnancy; and dowry price, among other forms.⁽¹⁶⁰⁾

(156) UN Action against Sexual Violence in Conflict. 2011. 'Analytical and Conceptual Framing of Conflict-Related Sexual Violence', www.stoprapenow.org/uploads/advocacyresources/1321456915.pdf

(157) World Health Organization (WHO). 2014 (updated). 'Fact Sheet No. 239: Violence against Women', www.who.int/mediacentre/factsheets/fs239/en, referenced in IASC guidelines, 2015.

(158) National Coalition against Domestic Violence, referenced in [http://www.uncfsp.org/projects/user files/File/DCE-STOP_NOW/NCADV_Economic_Abuse_Fact_Sheet.pdf](http://www.uncfsp.org/projects/user%20files/File/DCE-STOP_NOW/NCADV_Economic_Abuse_Fact_Sheet.pdf), referenced in IASC guidelines, 2015.

(159) GBVIMS User Guide. 2010. <http://www.gbvims.com>, referenced in IASC guidelines, 2015.

(160) OHCHR. 1995. 'Fact Sheet No. 23: Harmful Traditional Practices Affecting the Health of Women and Children', <www.ohchr.org/documents/publications/factsheet23en.pdf>, referenced in IASC guidelines, 2015.

- **Forced marriage and child marriage (also referred to as early marriage)**

Forced marriage is the marriage of an individual against her or his will. Child marriage is a formal marriage or informal union before age 18. Efforts should be made to raise the legal age of marriage to 18. If marriages below 18 are permitted under the law, a minimum age below which marriage is never permissible must be established, and clear procedures must be in place to review all marriages below 18 to assess if they are in the best interest of the child or children concerned, and to refrain from legally recognizing them unless they are found to be in the best interests.

- **Physical assault:** An act of physical violence that is not sexual in nature. Example include hitting, slapping, choking, cutting, shoving, burning, shooting or use of any weapons, acid attacks or any other act that results in pain, discomfort or injury.⁽¹⁶¹⁾
 - » **Sexual violence** includes, at least, rape/attempted rape, sexual abuse and sexual exploitation. Sexual violence is “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic a person’s sexuality, using coercion, threats of harm or physical force, by any person regardless or relationship to the victim, in any setting, including but not limited to home and work.”⁽¹⁶²⁾ Sexual violence takes many forms, including the following: rape, sexual slavery and/or trafficking, forced pregnancy, sexual harassment, sexual exploitation and/or abuse, and forced abortion.
 - » **Rape:** Any physically forced or otherwise coerced penetration—even if slight—of the vagina and/or anus with a penis or other body part.⁽¹⁶³⁾ It also includes any forced or coercive penetration of the vagina or anus with an object. The attempt to do so is known as attempted rape.
 - » **Female circumcision** is all surgeries that partially or completely remove the female genitals or other wounds that are made to the female genitals for non-medical reasons.⁽¹⁶⁴⁾
 - » **Female killing:** Choosing the gender of the newborn may begin before confirming the pregnancy or during pregnancy by identifying the gender of the newborn before childbirth and elective abortion, or after birth by killing the newborn or neglecting the child. The choice of the gender of the birth may be used at times to find a balance within the family, although in most cases it reflects the systematic preference of the boy.⁽¹⁶⁵⁾
 - » **Sexual abuse:** The term ‘sexual abuse’ means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.⁽¹⁶⁶⁾
 - » **Sexual assault:** Any form of non-consensual sexual contact that does not result in or include penetration. Examples include attempted rape, as well as unwanted kissing, fondling, or touching of genitalia and buttocks.⁽¹⁶⁷⁾
 - » **Sexual exploitation** the term ‘sexual exploitation’ means any actual or attempted abuse of a position of vulnerability, differential power or trust for sexual purposes, including, but not

(161) GBVIMS User Guide. 2010. <http://www.gbvims.com>, referenced in IASC guidelines, 2015.

(162) WHO 2002. World Report on Violence and Health, www.who.int/violence_injury_prevention/violence/world_report/en, referenced in IASC guidelines, 2015.

(163) WHO 2002. World Report on Violence and Health, www.who.int/violence_injury_prevention/violence/world_report/en, referenced in IASC guidelines, 2015.

(164) WHO. 2014 (updated). ‘Fact Sheet No. 241: Female Genital Mutilation’, <www.who.int/mediacentre/factsheets/fs241/en>. See also GBVIMS User Guide. 2010. <http://www.gbvims.com>, referenced in IASC guidelines, 2015.

(165) OHCHR, UNFPA, UNICEF, UN Women and WHO. 2011. Preventing Gender-Based Sex Selection: An inter-agency statement, http://whqlibdoc.who.int/publications/2011/9789241501460_eng.pdf, referenced in IASC guidelines, 2015.

(166) United Nations Secretariat. 2003. ‘Secretary-General’s Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse’. ST/SGB/2003/13, www.pseataforce.org/uploads/tools/1327932869.pdf, referenced in IASC guidelines, 2015.

(167) GBVIMS User Guide. 2010. <http://www.gbvims.com>, referenced in IASC guidelines, 2015.

limited to, profiting monetarily, socially or politically from the sexual exploitation of another. Some types of forced and/or coerced prostitution can fall under this category.⁽¹⁶⁸⁾

- » **Sexual exploitation and abuse (SEA)** A common acronym in the humanitarian world referring to acts of sexual exploitation committed by United Nations, NGOs, and international organizations, or state officials or authorities' personnel against the affected population.⁽¹⁶⁹⁾
- » **Sexual harassment** includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.⁽¹⁷⁰⁾

- So-called **“Honor killing and maiming”**: Maiming or murdering a woman or girl as punishment for acts considered inappropriate for her gender that are believed to bring shame on the family or community (e.g., pouring acid on a young woman's face as punishment for bringing shame to the family for attempting to marry someone not chosen by the family). The issue of “honor” is sometimes cited within certain communities and legal systems as a mitigating factor for violent offences committed by a male member of the family against a female family member.⁽¹⁷¹⁾ While perpetrators seek to justify this violence as necessary to “preserve the honor of the family”; it should be clarified that it is actually retaliation inflicted upon women for exercising their fundamental human rights to make their own decisions regarding their lives, such as their decision to marry only with their free and full consent and to marry a spouse of their choosing - rights recognized by Article 16 of the Convention on the Elimination of All Forms of Violence against Women (CEDAW).

(168) United Nations Secretariat. 2003. 'Secretary-General's Bulletin on Special Measures for Protection for Sexual Exploitation and Abuse'. ST/SGB/2003/13, www.pseataaskforce.org/uploads/tools/1327932869.pdf, referenced in IASC guidelines, 2015.

(169) <<http://www.pseataaskforce.org/en/overview>, referenced in IASC guidelines, 2015.

(170) US Department of State. n.d. Sexual Harassment Policy, www.state.gov/s/ocr/c14800.htm, referenced in IASC guidelines, 2015.

(171) Sexual and Gender Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response, UNHCR, May 2003.

Annex Two

International and Regional Instruments

There is an array of international and regional legal instruments recognizing the right of all persons to be protected from all forms of violence, exploitation and abuse, including sexual and gender-based violence. In addition to binding agreements, such as international treaties, non-binding guidelines and recommendations have also been issued by a range of UN bodies and agencies as authoritative standards on the prevention and response to sexual and gender-based violence.

This body of law and guidance applies to refugees, forcibly displaced persons, and sometimes refers specifically to sexual and gender-based violence in the context of conflicts or humanitarian crises.

This legal framework guarantees individuals both protection from sexual and gender-based violence and the right to appropriate support and assistance in response to incidents of sexual and gender-based violence. It also calls for the eradication of laws, policies, attitudes, norms and practices that discriminate on the basis of sex or gender. The effective implementation of these international legal instruments requires States parties to ensure that their national legal frameworks are in harmony with the standards enshrined in these instruments, and to also establish adequate mechanisms to ensure that these standards are consistently and effectively implemented in practice.

It is important to differentiate between the various types of legal instruments. There are those that are considered “hard law”, which refers to legally binding instruments for States, such as human rights treaties ratified by States, International Humanitarian Law (IHL), which governs the conduct of parties to armed conflict, UN Security Council Resolutions, Customary International Law (CIL) and jus cogens norms.

Other legal instruments could be considered as “soft law”, which are non-binding instruments that carry significant moral commitment within the international community and provide authoritative guidance on key issues. These include international guidelines, international conference documents, declarations, programs of action, as well as the General Comments and Concluding Observations issued by specialized UN Treaty Bodies. A third category includes special UN

procedures, which help facilitate the implementation of laws, conventions, declarations, etc., such as UN monitoring committees, special envoys, special rapporteurs or other experts.⁽¹⁷²⁾

The following are some of the most significant international instruments related to the prevention of and response to cases of sexual and gender-based violence in conflict situations.

Sustainable Development Goals (SDGs)

On 1 January 2016, the **17 Sustainable Development Goals (SDGs)** of the **2030 Agenda for Sustainable Development** officially came into force. Over the next fifteen years, with these new Goals that universally apply to all, countries will mobilize efforts to end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind. A stand-alone goal for gender equality was agreed upon, thus marking a global consensus over the importance of achieving gender equality and fighting all forms of discrimination. SDG 5 calls for achieving gender equality and empowering women and girls. It is important to note that three targets under that goal touched upon discrimination, violence against women and girls as well as harmful practices that are all forms of gender-based violence.

Target 5.1 calls for ending all forms of discrimination against all women and girls everywhere, while target 5.2 calls for eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation and target 5.3 calls for eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation.⁽¹⁷³⁾ The SDG framework, and SDG 5 in particular, represent a key opportunity to revitalize efforts within communities and States to identify and resolve any potential remaining areas of gender-discrimination within national legislation, policies and practices.

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, the convention highlights what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. According to Article 1 of the Convention, discrimination against women is defined as «...any distinction, exclusion or restriction 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, economic, social, cultural, civil or any other field.»

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) provides authoritative guidance on the interpretation and implementation of the CEDAW. The CEDAW Committee has clarified that the definition of “discrimination” within Article 1 of the CEDAW also “includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately”. Accordingly, “discrimination” within the meaning of Article 1 “includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”. Moreover, “gender-based violence may

(172) Handbook for Coordinating Gender Based Violence Interventions in Humanitarian Settings, GBV Area of Responsibility Working Group, Global Protection Cluster, July 2010.

(173) <https://sustainabledevelopment.un.org/sdg5>

breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence”.⁽¹⁷⁴⁾

By acceding to the Convention, States commit themselves to undertake a series of measures to end discrimination against women in all forms, including: to incorporate the principle of the equality of men and women in their legal system, abolish all discriminatory laws and adopt appropriate ones prohibiting discrimination against women; to establish tribunals and other public institutions to ensure the effective protection of women against discrimination; and to ensure the elimination of all acts of discrimination against women by persons, organizations or enterprises.⁽¹⁷⁵⁾

According to the CEDAW, States parties are responsible for adopting appropriate legislations and other measures to prohibit all discrimination against women and establish legal protection of the equal rights of women, to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination, to refrain from engaging in any act or practice of discrimination against women, to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise, to repeal all national penal provisions which constitute discrimination against women (Article 2). States parties are also required to take measures to eliminate prejudices and stereotyped roles for men and women (Article 5), and to take appropriate measures including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women (Article 6).⁽¹⁷⁶⁾

General Recommendation No. 19 by the Committee on the Elimination of all Forms of Discrimination against Women (1992): “Violence Against Women”

This General Recommendation by the Committee on the Elimination of Discrimination against Women touches upon many of the issues embedded in the concept of SGBV. The General Recommendation covers a number of issues, first among which is clarifying the relationship between gender-based violence and gender-based “discrimination” within the meaning of Article 1 of the Convention (Paragraph 7), that the CEDAW Convention applies to violence perpetrated by public authorities, which represent the breaching of State’s obligations under the international human rights law and other conventions (Paragraph 8), that States may be responsible for private acts if they fail to take the necessary measures to prevent violations of rights or to investigate and punish acts (Paragraph 9), that measures to suppress all forms of human trafficking include the protection of particularly vulnerable groups, such as women engaged in prostitution, against rape and other forms of violence and also requires specific protective and punitive measures during wars, armed conflicts and the occupation of territories (Paragraphs 15-16).

The General Recommendation also refers to the importance of providing gender-sensitive training to judges and law enforcement officials to ensure the effective implementation of the Convention (Paragraph 24b). It refers to the importance of introducing specific preventive and punitive measures to combat trafficking and sexual exploitation (Paragraph 24g), and to ensure the access by rural women and isolated communities to services for victims of violence (Paragraph 24o). Reference is also made to the importance of addressing domestic violence and sexual abuse through appropriate criminal penalties (Paragraph 24r.i), that States parties should report on all forms of GBV (Paragraph 24u), including legal, preventive and protective measures adopted to

(174) UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendation No. 19: Violence against women, 1992, available at: <http://www.refworld.org/docid/52d920c54.html>

(175) <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

(176) Virtual Knowledge Centre to end Violence against Women and Girls, UN Women, <http://www.endvawnow.org/en/articles/1125-key-international-and-regional-laws-instruments-and-agreements-.html>

overcome violence against women and their effectiveness (Paragraph 24v).⁽¹⁷⁷⁾

General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women

The objective of this general recommendation is to guide States parties on how to address all aspects of their obligations under the CEDAW Convention and assume their obligations to respect, protect and fulfil the rights of refugee, asylum-seeking and stateless women to non-discrimination and substantive equality, in times of peace, in situations of international and non-international armed conflict and in situations of occupation.

According to the recommendation, States parties bear the primary responsibility for ensuring that asylum-seeking women, refugee women, women nationality applicants and stateless women within their territory or under their effective control or trusteeship, even if not situated within their territory, are not exposed to violations of their rights under the Convention, including when such violations are committed by private persons and non-State actors.

UN Declaration on the Elimination of Violence against Women (DEVAW) of 1993

The UN Declaration on the Elimination of Violence against Women complements the CEDAW Committee's 1992 General Recommendation on Violence against Women by further analyzing the linkages between gender-based discrimination, gender-based violence and the human rights of women and girls. It emphasizes that effective implementation of the CEDAW would contribute significantly to the elimination of violence against women, while noting with concern that "violence against women is an obstacle to the achievement of equality, development and peace".

In addition, the UN Declaration highlights its concern for special minority groups, as well as refugee women: "The General AssemblyConcerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence."⁽¹⁷⁸⁾

In its Article 1 and 2, the Declaration provides a definition of GBV, one that has been adopted by many international actors: "For the purposes of this Declaration, the term «violence against women» means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. (Article 1).

“Violence against women shall be understood to encompass, but not be limited to, the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including

⁽¹⁷⁷⁾ <http://hrlibrary.umn.edu/arabic/cedawr19.html>

⁽¹⁷⁸⁾ <http://www.un.org/documents/ga/res/48/a48r104.htm>

rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”(Article 2)⁽¹⁷⁹⁾ Article 4 highlights all measures to be taken by the States to address violence against women, including legal and administrative measures, as well as the possible development of national plans of action, the development of human capacity and the allocation of financial resources where possible.⁽¹⁸⁰⁾

Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) is the main international convention to outline an integrated approach to the human rights of children, including their civil, cultural, economic, political and social rights. It also covers some aspects of International Humanitarian Law and International Refugee Law, namely in relation to Article 22, which establishes the right of all refugee and asylum-seeking children to receive protection and assistance from a State Party in which they reside. The Convention’s articles may be divided into four categories of rights and a set of governing principles. The significance of the Convention on the Rights of the Child is attributed to its near universal ratification by UN Member States, making the Convention a powerful instrument for mobilization and advocacy on child rights principles and standards that reflect a strong consensus within the international community.

The core principles on which the CRC is based, include: non-discrimination principle; the best interests’ principle; the child’s rights to life, survival and development; and the child’s right to participation, which also serve as the foundation for ensuring the enjoyment of all rights enshrined in the Convention.

Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

This protocol is the second of two protocols to the Convention. This Protocol focuses on a specific category of risks that might be encountered by children in general, and the most vulnerable groups in particular. Article 1 of the Protocol stipulates that States parties shall prohibit the sale of children, child prostitution and child pornography. Article 2 defines the meaning of such three terms as follows. The term “sale of children” means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration. The term child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration. The term “child pornography” means any representation, by whatever means, of a child engaged in sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

Furthermore, Article 3 states that each State Party shall ensure, as a minimum, to cover under its law the following acts and activities: the sale of child, child sexual exploitation, transfer of child organs for profit, forced child labour, mediation in improper and illegal consent for child adoption, offer, obtain, procure or provide a child for child prostitution, and producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography as defined in the Protocol.

(179) <http://www.un.org/documents/ga/res/48/a48r104.htm>

(180) Ibid.

The Beijing Declaration and Platform for Action (1995)

Under its component on women and armed conflict, the platform for action acknowledges in (paragraph 136), the vulnerability of refugee women and children during the various stages of their flight. According to this paragraph:

“Women and children constitute some 80 per cent of the world’s millions of refugees and other displaced persons, including internally displaced persons. They are threatened by deprivation of property, goods and services and deprivation of their right to return to their homes of origin as well as by violence and insecurity. Particular attention should be paid to sexual violence against uprooted women and girls employed as a method of persecution in systematic campaigns of terror and intimidation and forcing members of a particular ethnic, cultural or religious group to flee their homes. Women may also be forced to flee as a result of a well-founded fear of persecution for reasons enumerated in the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, and they continue to be vulnerable to violence and exploitation while in flight, in countries of asylum and resettlement and during and after repatriation.”⁽¹⁸¹⁾

Under its component on violence against women, the platform for action addresses the following issues: the importance of providing gender-sensitive human rights education and training for the police, military, correction officers....including those operating in areas of armed conflict or refugee areas, including to sensitize personnel to the nature of gender-based acts and threats of gender-based violence so fair treatment of female victims can be assured; Encourage, support and implement measures and programs to increase knowledge of the causes, consequences and mechanisms of violence against women amongst law enforcement officials and police officers and develop strategies to ensure that the re-victimization of women victims of violence does not occur because of gender-insensitive laws or judicial or enforcement practices (D1.g); Include information about international and regional instruments and standards in public information and human rights education and in adult education/training programs, particularly for groups such as military, police and other law enforcement officials to ensure that human rights are protected; Adopt laws that punish police, security forces or any other agents of the state who engage in acts of violence against women in the course of performance of their duties and take action to investigate and punish perpetrators; Create or strengthen institutional mechanisms so that women and girls can report acts of violence against them in a safe and confidential environment, free from the fear of penalties or retaliation and file charges; Ensure that women have the same right as men to be judges, advocates or other officers of the court, as well as police officers and prison and detention officers, among other things.⁽¹⁸²⁾

(181) <http://hrlibrary.umn.edu/arabic/BeijingDeclPI.html>

(182) <http://www.endvawnow.org/en/articles/1125-key-international-and-regional-laws-instruments-and-agreements-.html>

The Commission on the Status of Women (CSW)

The Commission on the Status of Women (CSW) is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. It was established by Economic Social Council ECOSOC Resolution 11(II) of 21 June 1946. The CSW plays an instrumental role in promoting women's rights, documenting the situation of women throughout the world and shaping global standards on gender equality and the empowerment of women.

In 1996, ECOSOC in Resolution 1996/6 expanded the Commission's mandate and decided that it should take a leading role in monitoring and reviewing progress and problems in the implementation of the Beijing Declaration and Platform for Action, and in mainstreaming a gender perspective in UN activities. After the adoption of the 2030 Agenda for Sustainable Development in 2015, the Commission also contributes to the follow-up to the 2030 Agenda for Sustainable Development so as to accelerate the realization of gender equality and the empowerment of women (ECOSOC Resolution 2015/6).

The Security Council Resolution 1325 on Women, Peace and Security (October 2000)

The Resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peacebuilding, peacekeeping, humanitarian response and in post-conflict reconstruction and stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. Resolution 1325 urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts. It also calls on all parties to conflict to take special measures to protect women and girls from gender-based violence, particularly rape and other forms of sexual abuse, in situations of armed conflict. The Resolution provides a number of important operational mandates, with implications for States Parties and the entities of the United Nations system.⁽¹⁸³⁾

The Resolution stresses the importance of women's equal participation and full involvement in all efforts to maintain peace and security; calls on the Secretary-General to ensure that civilian personnel of peacekeeping operations receive training on the protection, rights and the particular needs of women. (Article 6) calls on all actors involved in peace agreements to include measures that ensure the protection of and respect for human rights of women and girls, including related to police. (Article 8c) emphasizes State responsibility to put an end to impunity and to prosecute those responsible for war crimes including those relating to sexual violence against women and girls. (Article 11)⁽¹⁸⁴⁾

Adopted in 2010, **UN Security Council Resolution 1960** provides an accountability system for stopping conflict-related sexual violence. It requests lists of perpetrators and annual reports on parties suspected of committing or being responsible for sexual violence. It stipulates strategic, coordinated and timely collection of information for and briefings to the Security Council on conflict-related sexual violence and calls for countries to establish specific time-bound commitments to address the issue.

⁽¹⁸³⁾ <http://www.un.org/womenwatch/osagi/wps/>

⁽¹⁸⁴⁾ <http://www.endvawnow.org/en/articles/1125-key-international-and-regional-laws-instruments-and-agreements-.html>

The Security Council Resolution 2122/ 2013

This Resolution highlights the vulnerability of women in armed conflict and post conflict situations particularly in situations of forced displacement, especially with reference to unequal citizenship rights and gender-based application of asylum laws. It also expresses concern at the threats and human rights violations experienced by women in armed conflict and post-conflict situations such as increased risk of violence, calling upon States to ensure that transitional justice measures address the whole spectrum of violations against women and girls. The Resolution also calls upon States Parties and UN entities to ensure humanitarian aid and funding include provision of multi-sectoral services including medical, legal, psycho-social and livelihood services to women affected by conflict, as well as sexual and reproductive health services (SRH) including unwanted pregnancies.

The Resolution also condemns violations of international law committed against civilians including women and girls including rape and other forms of SGBV and ensures states protection responsibilities.

International Covenant on Civil and Political Rights⁽¹⁸⁵⁾

The International Covenant on Civil and Political Rights ICCPR stipulates that men and women must have equal access to all rights included in the Covenant (Article 3). It ensures the right of all to be protected from torture or to cruel, inhuman or degrading treatment or punishment (Article 7), which can include SGBV. The Covenant also ensures the non-discriminatory right of all to liberty and security of person, which includes protection from arbitrary arrest or detention (Article 9). Last but not least, the Covenant recognizes the right of every child without discrimination based on race, color, sex, language, religion, national or social origin, property or birth to protection as required by his other status as a minor (Article 24).

International Covenant on Civil and Political Rights - Human Rights Committee General Comment No. 35; Article 9 (Liberty and security of person)⁽¹⁸⁶⁾

This general comment explains what is meant by liberty of persons, as well as security of person, explaining that Article 9 guarantees those rights to everyone, including among other girls and boys. In Paragraph 9, the comment explains that the right to security of person provides protection to individuals against the infliction of bodily or mental injury whether in detention or not. It explains that States parties must take measures to prevent future injury and must respond appropriately to patterns of violence against categories of victims, including women, particularly those subjected to domestic violence, among other groups.

UN Human Rights Committee (HRC), CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women), 29 March 2000⁽¹⁸⁷⁾

This comment explains the imperative of equal access to the rights contained in the covenant.

Article 3 implies that all human beings should enjoy the rights provided for in the Covenant, on an equal basis and in their totality. The full effect of this provision is impaired whenever any person is

(185) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

(186) <http://www.refworld.org/docid/553e0f984.html>

(187) <http://www.refworld.org/docid/45139c9b4.html>

denied the full and equal enjoyment of any right. Consequently, States should ensure to men and women equally the enjoyment of all rights provided for in the Covenant.

Paragraph 3 of General Comment 28 highlights the obligation of states parties to ensure to all individuals the rights recognized in the Covenant, established in articles 2 and 3 of the Covenant and to undertake the necessary steps to ensure that, including among others the education of the population and of State officials in human rights, and the adjustment of domestic legislations so as to give effect to the undertakings set forth in the Covenant. This Paragraph also highlights that States parties must also adopt positive measures in all areas so as to achieve the effective and equal empowerment of women, including the provision of information regarding the actual role of women in society so that the Committee may ascertain what measures, in addition to legislative provisions, have been or should be taken to give effect to these obligations, what progress has been made, what difficulties are encountered and what steps are being taken to overcome them. Paragraph 4 on the other hand, highlights the responsibility of States Parties to take all steps necessary, including the prohibition of discrimination on the ground of sex, to put an end to discriminatory actions, both in the public and the private sector, which impair the equal enjoyment of rights. Paragraph 5 highlights the role of some harmful traditional practices and attitudes in perpetuating the subordinate role of women and the responsibility of states parties to ensure that these attitudes are not used to justify violations of women's right to equality before the law and to equal enjoyment of all Covenant rights.

Paragraph 7 highlights the necessity of ensuring the equal enjoyment and protection of human rights by and of women during a state of emergency (Article 4), while Paragraph 8 recognizes the particular vulnerability of women in times of internal or international armed conflicts, stressing the obligation of States Parties to undertake measures taken during these situations to protect women from rape, abduction and other forms of gender-based violence.

UN General Assembly Protocol to prevent, suppress and punish trafficking against persons, especially women and children, 2000 (supplementing UN Conventions against Transnational Organized Crime (the Palermo Protocol))

The primary function of the Convention against Transnational Crime and its supplementary Protocols against Trafficking and Smuggling is to combat crime. They seek to define criminal activities and guide States as to how best to combat them. In doing so, they nevertheless provide helpful guidance on some aspects of victim protection and therefore constitute a useful starting point for any analysis of international protection needs arising as a result of trafficking.⁽¹⁸⁸⁾

The purpose of this protocol is to (a) prevent and combat trafficking in persons, paying particular attention to women and children; (b) protect and assist the victims of such trafficking, with full respect to their human rights, (c) promote cooperation among States Parties in order to meet those objectives.⁽¹⁸⁹⁾

The Protocol addresses the rights of the victims of trafficking taking into account the age, gender and special needs of the victims of trafficking, including the special needs of child victims (Article 6), the status of victims of trafficking in persons in receiving states (Article 7), as well as the repatriation of victims of trafficking in persons (Article 8). Article 10 provides that States Parties

⁽¹⁸⁸⁾ Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, UNHCR 2006.

⁽¹⁸⁹⁾ <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

shall Provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of trafficking in persons and this training shall address tools used to prevent such trafficking, the persecution of traffickers, the protection of rights of victims, including protecting victims from traffickers. This training should take into account the need to consider human rights and child- and gender-sensitive issues”.⁽¹⁹⁰⁾

Rome Statute of the International Criminal Court

The International Criminal Court is established by virtue of Article 1 of this Statute. The most relevant clauses of this statute to the issue of SGBV, are articles 7g, which includes “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity”; as crimes against humanity, while providing definitions of all of the above offences; as well as Article 8 on war crimes, Paragraph (e.vii), which includes among the various types of war crimes the following: “Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in Article 7, Paragraph 2 (f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of Article 3 common to the four Geneva Conventions”.⁽¹⁹¹⁾

The Statute for the International Criminal Tribunal for Rwanda (ICTR) also establishes that rape can qualify as a crime against humanity (Article 3), and also refers to outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution as violations of Article 3 common to the Geneva Conventions and of Additional Protocol II.⁽¹⁹²⁾

Similarly, the updated Statute for the International Criminal Tribunal for former Yugoslavia (ICTY)⁽¹⁹³⁾ also recognizes that rape can qualify as crime against humanity (Article 5). Both statutes establish that rape meets the definition of a “crime against humanity” when committed against civilian populations in a systematic manner or when committed during armed conflict and directed against civilian populations.

Security Council Resolution 1820 of 2008⁽¹⁹⁴⁾

This resolution addresses in Article 3 special measures taken to protect women and girls from sexual violence in armed conflict, through enforcing appropriate military disciplinary measures, training troops on the prohibition of all forms of sexual violence against civilians, exposing the falseness of myths that fuel sexual violence, vetting armed and security forces for past actions of rape and other forms of sexual violence and evacuation of women and children under threat of sexual violence to safety. Article 4 calls upon states to end impunity for sexual violence and ensure that all victims have equal protection under the law. Article 6, on the other hand, requests the development and implementation of training programs for all UN peacekeeping and humanitarian personnel to help prevent, recognize and respond to sexual violence and other forms of violence against civilians. Article 7 requests the UN Secretary General to strengthen efforts to implement a policy of zero tolerance of sexual exploitation and abuse in UN peacekeeping operations and urges countries contributing peacekeeping troops to take preventative action on sexual exploitation and

(190) Ibid.

(191) <https://www.icrc.org/ara/resources/documents/misc/6e7ec5.htm>

(192) <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatuteInternationalCriminalTribunalForRwanda.aspx>

(193) http://www.icty.org/x/file/Legal%20Library/Statute/statute_sept09_en.pdf

(194) http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/1820%282008%29

abuse. Article 9 calls for the development of peacekeeping guidelines and strategies to protect civilians, including women and girls from all forms of sexual violence. Last but not least, Article 10, calls for the development of effective mechanisms for providing protection from sexual violence to women and girls in and around UN managed refugee and internally displaced persons camps, and in all disarmament, demobilization and reintegration processes.⁽¹⁹⁵⁾

Security Council Resolution 1888/2009⁽¹⁹⁶⁾

Article 3 of this Resolution requires all parties to armed conflicts to adopt the necessary measures to protect civilians, including women and children, from all forms of sexual violence, including... scrutiny of candidates to join national armies and security forces to ensure the exclusion of all those found to be involved... in sexual violence. As for Article 6, States are required to adopt comprehensive legal and judicial reforms to ensure that survivors of violence have access to justice and to ensure that they are treated in a manner that preserves their dignity throughout all stages of the judicial process and that they are protected and compensated for their suffering. As for Article 7, it calls on all parties to the conflict to investigate carefully all reports of sexual violence cases in which civilians or military personnel are involved and work to bring the perpetrators to justice, as well as to ensure that civilian overseers and military leaders use their powers to prevent sexual violence and address impunity. Article 9 encourages States to build law enforcement capacity in relation to sexual violence in armed conflict, while Article 17 requires parties to include cases of sexual violence from the beginning of the peace process and also during sectoral reforms and when scrutinizing the appointment of members of the armed and security forces. Article 20 also requires providing technical support to countries that contribute military and police forces, with the aim of providing guidance to military and police personnel on addressing sexual violence issues before proliferation and providing introductory training. Finally, Article 21 addresses the demands of strengthening efforts to implement the United Nations policy of zero tolerance for sexual exploitation and abuse and asking troop-contributing countries to take the necessary steps to provide training during the pre-deployment phase and raise awareness within the operating room.⁽¹⁹⁷⁾

Security Council resolution 1889 (2009)

This Resolution strongly condemns in its Paragraph 3 all violations of applicable international law committed against women and girls in situations of armed conflicts and post-conflict, demands all parties to conflicts to cease such acts with immediate effect, and emphasizes the responsibility of all States to put an end to impunity and to prosecute those responsible for all forms of violence committed against women and girls in armed conflicts, including rape and other sexual violence.

(195) <http://www.endvawnow.org/en/articles/1125-key-international-and-regional-laws-instruments-and-agreements-.html>

(196) http://www2.ohchr.org/english/bodies/chr/special/docs/17thsession/SC_res1888_2009.pdf

(197) http://www2.ohchr.org/english/bodies/chr/special/docs/17thsession/SC_res1888_2009.pdf

UN Convention on the Rights of Persons with Disabilities⁽¹⁹⁸⁾

Article 1 defines the purpose of this Convention, which is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. According to the convention “Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Articles 6 and 7 of this Convention address the rights of women and children with disabilities, urges States to ensure the fulfillment of their rights, their participation, development and empowerment. Article 11, on the other hand, addresses situations of risk and humanitarian emergencies and is thus related to the risks that refugees with disabilities might be subjected to. According to this Article “States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”

Finally, Article 16 addresses freedom from exploitation, violence and abuse, which includes forms of gender-based violence. According to this Article,

1. “States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects;
2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive;
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programs designed to serve persons with disabilities are effectively monitored by independent authorities;
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and considers gender- and age-specific needs;
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.”

(198) <http://www.ohchr.org/AR/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx#1>

UN Convention against Torture UNCAT

The UNCAT ensures the responsibility of States Parties to take all measures (legislative, administrative and judicial) to ensure the prevention of torture in all territories under its jurisdiction, even in a state of war, threat of war, internal political instability or otherwise (Article 2). UNCAT also calls for the adoption by States Parties of measures to prevent any other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined by the convention (Article 16). The UN Committee against Torture has recognized that rape can qualify as a form of torture within the meaning of Article 1 of the Convention.⁽¹⁹⁹⁾ Similarly, the UN Special Rapporteur on Torture has clarified that rape constitutes torture, inter alia, when it is carried out by or at the instigation of or with the consent or acquiescence of public officials.⁽²⁰⁰⁾

The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour - International Labour Organization, Convention No. 182 (1999)

The Convention 182 on the Elimination Worst Forms of Child Labour was adopted in 1999. It calls for the prohibition and the elimination of the worst forms of child labour as soon as possible. The Convention defines four categories of the worst forms of child labour, which include for the purposes of this strategy all forms of slavery such as the sale and trafficking of children, debt bondage, and serfdom and forced or compulsory labour, including recruitment for use in armed conflicts and wars, as well as all forms of child sexual exploitation including child prostitution, child pornography, and pornographic performances, which constitute some forms of the SGBV that refugee children might be exposed to.

Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa 2003

Several articles of this protocol call for the provision of protective measures for women against sexual violence and respect for gender equality. Article 3 calls for the adoption and implementation of appropriate measures to ensure the protection of every woman's right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence. Article 4.2 a, e and f, call upon States Parties to enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether in private or public; punish perpetrators of violence against women and implement programs for the rehabilitation of survivors; and establish mechanisms and accessible services for effective information, rehabilitation and reparation for victims. Article 8 calls for the adoption of appropriate measures to ensure that law enforcement organs at all levels are equipped to effectively interpret and enforce gender equality rights and that women are represented equally in law enforcement organs.⁽²⁰¹⁾

The Arab Charter on Human Rights

The League of Arab States issued this Charter in May 2004. All Arab States acceded to the Charter. It addresses a comprehensive package of human rights inside the Arab world. It includes several articles that may apply to refugees in general and to refugee children in particular. For instance, Article 3 stipulates that every individual subject to the jurisdiction of a member State shall have the right to enjoy all the rights and freedoms outlined in this Charter, without discrimination on the

(199) See C.T. and K.M v. Sweden, Communication No. 279/2005, 17 November 2006, UN Doc. CAT/C/37/D/279/2005 (2007).

(200) Special Rapporteur on Torture report before the Human Rights Council, 15 January 2008, A/HRC/7/3, para 36.

(201) http://www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf

basis of race, colour, sex, language, religious belief, opinion, thought, national or social origin, wealth, birth or physical or mental disability, while also noting the non-discrimination between sexes.

Article 33-2 notes that “the State and society shall ensure the protection of the family, the strengthening of family ties, the protection of its members and the prohibition of all forms of violence or abuse in the relations among its members, and particularly against women and children. They shall also ensure the necessary protection and care for mothers, children, older persons and persons with special needs and shall provide adolescents and young persons with the best opportunities for physical and mental development.”

The Cairo Declaration for Arab Women - Strategic Plan of Action - Development Agenda for Women in the Arab Region 2030

Arab countries adopted within the framework of the Cairo Declaration issued in February 2014 several recommendations that included the agreement on adopting a stand-alone goal for gender equality, as well as the adoption of social justice and poverty reduction policies given the impact of those issues on women. The Declaration also called for the adoption of affirmative action, the promotion of the political participation of women, as well as strengthening prevention, protection and redress mechanisms to counter gender-based violence. The Declaration called for working with men and boys as partners and strategic allies in the elimination of all forms of violence against women and girls.

The Declaration also referred to the importance of adopting national strategies and plans of action to combat violence against women and adopt comprehensive preventive measures to address violence against women, referring all cases to the formal justice system, while ensuring the provision of protection services to women from all forms of violence. The Declaration also highlighted the importance of addressing the situation of women and girls under occupation as well as refugee women and their protection from all forms of violence and exploitation during periods of instability, armed conflicts and wars, as well as during asylum and internal displacement.

Accordingly, a strategic plan of action was adopted for the development of Arab women within the framework of the 2015-2030 development agenda. The strategic objectives included political participation, economic participation, social change, as well as combating violence against women and girls and the protection of women and girls from conflict and terrorism. The strategic objective on combating violence against women and girls covered the strengthening of the legislative and policy framework, the adoption of national strategies and plans of action to combat violence against women, in addition to the adoption of prevention mechanisms and ensuring the access of the victims to all stages of justice and the operationalization of a multi-sectoral national system to provide services to victims.

The strategic objective dealing with women, peace and security highlighted the importance of strengthening legal frameworks to provide women and girls with protection from all forms of violence during armed conflict and displacement and the participation of women in all phases of prevention, protection, conflict resolution and during the post-conflict era.

Regional Strategy: Protection of Arab Women: Peace and Security 2015

The League of Arab States has given priority to a very important issue, which is the enormous challenges facing women in the Arab region in light of the conditions of occupation and conflicts by setting an Arab strategic framework that contributes to encouraging states and international and regional organizations to engage more women in efforts to build peace and security. This Strategy addressed the review of the treaties and covenants established by the United Nations for the prevention, protection and empowerment of women and girls to play an active role in the field of peace; it also addressed regional references related to security and peace such as the Arab League Charter, the Arab Charter for Human Rights, and the strategy for the advancement of Arab Women. The strategy also touched upon studying the concept of women's human security, which is embodied in preserving the dignity of women and meeting their material and moral needs, which are needs that express themselves within the framework of development in its comprehensive concept; this strategy has referred to violence against girls and women during armed conflict, its forms and causes, and the effects of wars and armed conflicts on women and mechanisms to enhance protection for women. Finally, the strategy addressed the visions guaranteeing the right of Arab women to be protected from all forms of gender-based violence in times of war and peace, and to secure their full rights without discrimination and enhance their role in a society of justice and equality.

This Strategy and its plan of action were adopted by the Arab League's Council at the Ministerial Level in its 144th session in September 2015.

| International Instruments | Status of ratification in the Arab region (Arab League Member States) |
|---|--|
| Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). | Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Palestine, Syria, Tunisia, UAE and Yemen. |
| UN Protocol to prevent, suppress and punish trafficking against persons, especially women and children, 2000 (supplementing UN Convention against Transnational Organized Crime (the Palermo Protocol). | Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Sudan, Syria, Tunisia and UAE. |
| UN Convention on the Rights of Persons with Disabilities. | Algeria, Bahrain, Djibouti, Jordan, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Palestine, Sudan, Syria, Tunisia, UAE and Yemen. |
| International Labour Organization Convention no. 182 - The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. | Ratified by all LAS Member States. |
| UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. | Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Qatar, Saudi Arabia, Somalia, Syria, Tunisia, UAE and Yemen. |
| Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa 2003. | Algeria, Comoros Islands, Djibouti, Egypt, Libya, Morocco, Mauritania, Sudan and Tunisia. |
| International Covenant on Civil and Political Rights (ICCPR). | Algeria, Bahrain, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Somalia, Sudan, Syria, Tunisia and Yemen. |
| Rome Statute of the International Criminal Court. | Countries which signed but did not ratify: Algeria, Bahrain, Egypt, UAE, Kuwait, Morocco, Oman, Syria, Sudan and Yemen. Countries which ratified: Djibouti, Palestine, Jordan and Tunisia. |

Annex Three

List of Acronyms

| | |
|--|----------|
| Age, Gender and Diversity | AGD |
| Children Associated with Armed Forces and Groups | CAAFG |
| Clinical Management of Rape | CMR |
| Committee on the Status of Women | CSW |
| Convention on the Elimination of all Forms of Discrimination against Women | CEDAW |
| Convention on the Rights of Persons with Disabilities | CRPD |
| Convention on the Rights of the Child | CRC |
| Community-Based Organizations | CBOs |
| Community Development Associations | CDAs |
| Declaration on the Elimination of Violence against Women | DEVAW |
| Domestic Violence | DV |
| Economic Social Council | ECOSOC |
| Focus Group Discussions | FGD |
| Female Genital Mutilation/Cutting | FGM/C |
| Gender Based Violence | GBV |
| Gender Based Violence Information Management System | GBVIMS |
| Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome | HIV/AIDS |
| International Covenant on Civil and Political Rights | ICCPR |
| International Customary Law | ICL |
| The Statute for the International Criminal Tribunal for Rwanda | ICTR |
| Interagency Standing Committee | IASC |
| International Criminal Tribunal for former Yugoslavia | ICTY |
| Information, Education and Communication | IEC |
| International Labour Organization | ILO |
| International Humanitarian Law | IHL |
| International non-governmental organizations | INGOs |
| Internally Displaced Persons | IDPs |
| Intimate Partner Violence | IPV |
| Mental Health and Psychosocial Support | MHPSS |
| Office of the High Commissioner for Human Rights | OHCHR |

| | |
|---|--------|
| Persons of Concern | POC |
| Post Exposure Prophylaxis | PEP |
| Prevention of Sexual Exploitation and Abuse | PSEA |
| Sexual and Gender Based Violence | SGBV |
| Sexual Exploitation and abuse | SEA |
| Sexually Transmitted Infections | STIs |
| Standard Operating Procedures | SOPs |
| Sexual and Reproductive Health | SRH |
| Sustainable Development Goals | SDGs |
| Unaccompanied and Separated Children | UASC |
| Universal Declaration of Human Rights | UDHR |
| UN Convention against Torture | UNCAT |
| United Nations Children's Fund | UNICEF |
| United Nations High Commissioner for Refugees | UNHCR |
| United Nations Human Rights Council | UNHRC |
| United Nations Population Fund | UNFPA |
| Violence against Women | VAW |
| Water Sanitation and Hygiene | WASH |
| World Health Organization | WHO |



**Regional Plan of Action for the implementation of the
Arab Strategy for the Prevention and Response to Combat
All forms of Violence in Asylum Context, especially Sexual
Violence against Women and Girls**

Regional Plan of Action for the implementation of the Arab Strategy for the Prevention and Response to Combat All forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

This regional plan of action aims at identifying the needed actions to be implemented at the regional level to activate the Arab Strategy for the Prevention and Response to Combat All forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls.

The Regional Plan of Action proposes important activities in the main priority areas where prevention and response initiatives to all forms of violence require adoption. It acknowledges that, in many States, key initiatives are already being undertaken to address cases of violence in asylum context, in line with the objectives detailed below.

Where States have existing national strategies on addressing violence in asylum context, either as independent initiatives or as components of a more comprehensive refugee response strategy, it is hoped that the below framework can serve as a useful planning tool to strengthen the current response. Where States have yet to establish dedicated prevention and response strategies to all forms of violence in the asylum context, it is hoped that this framework can serve as a useful starting point in the development of a national strategy. UNHCR remains available to provide technical support to States and other partners, upon their request.

Some of the suggested key activities are long term initiatives that are envisioned as taking place within a span of 3 - 5 years, while others are more of a medium or short-term nature (1 - 2 years). It is worth noting that the proposed standards to inform measurement of activities below are not mandatory targets. Rather, they are offered as planning tools to help States and other partners plan measurable goals and conduct effective assessments of the progress made.

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|---|---|---|--|--|
| Refugee women, girls, men and boys with different backgrounds have access to quality national systems for the prevention of and response to all forms of violence | National laws are in compliance with international standards. | <ul style="list-style-type: none"> Review legislation to ensure the definition of the child and the age of marriage is in line with international standards and remove clauses that discriminate between sexes. (long-term) Ensure national legal frameworks establish appropriate forms of accountability, including criminal sentencing for sexual and gender-based violence cases, without exception. (long term) Ensure legislation includes a clear definition of domestic violence to ensure it covers all forms of intimate partner violence and a clear definition of sexual violence and rape, including all forced or coercive sexual contact. (long-term) Establish national SOPs on sexual and gender-based violence prevention and response, which are inclusive of all survivors and persons at risk including refugees on a non-discriminatory basis. (long-term) Strengthen the quality and accessibility of legal aid services for all survivors of sexual and gender-based violence, including survivors of trafficking. | <ul style="list-style-type: none"> Number of legislations on addressing all forms of violence in line with international standards. Number of legislative, regulatory or amended policies that provide clear definitions of domestic violence, sexual violence and rape. Number of Standard Operating Procedures that reflect national laws and policies for the prevention and protection of all forms of violence, including sexual and gender-based violence. Number of institutions concerned with providing legal aid or the number of cases where victims were assisted. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|--|--|
| | Effective coordination and partnership mechanisms for all forms of violence, including SGBV are in place. | <ul style="list-style-type: none"> • Establish and strengthen the national coordination mechanisms for sexual and gender-based violence prevention and response and ensure response to the refugee situation is integrated into this mechanism. (short-term) • Ensure the participation of concerned governmental organizations and local civil society organizations, along with UN agencies and INGOs in the response to the refugee situation. (short-term) • Provide capacity building tools (SOPs, guidelines, monitoring mechanisms, etc.) to support the concerned governmental organizations in playing an effective role in coordinating the response to the refugee situations. (short-term) • Engage women and girls in the formation of peace groups. | <ul style="list-style-type: none"> • Percentage of refugee related SGBV issues addressed by national coordination bodies concerned with this form of violence. • Percentage of joint response initiatives to all forms of violence, including SGBV in asylum context adopted by national coordinating bodies. • Number of SOPs and other tools developed to support the coordination of response to the refugee situations. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|---|--|
| | Financial and human capacity strengthened to provide high quality prevention and protection services to address all forms of violence, including SGBV in asylum context. | <ul style="list-style-type: none"> ● Allocate national resources to all sectors concerned with responding to all forms of violence, especially sexual and gender-based violence, such as sectors of protection, health, psychosocial services, legal services, shelter and infrastructure, including services available within refugee camps. (medium to long term) ● Ensure that countries allocate additional resources to prevent and respond to sexual and gender-based violence in refugee situations, and allocate resources to finance specialized services in areas with increased numbers of refugees. (medium term) ● Build the capacity of national protection workers and case managers to monitor survivors of all forms of violence, case management, and referral to survivor-centered services. (short to medium term) ● Build the capacity of health sector workers on clinical management of rape, documenting injuries, gathering evidence related to forensic medicine, treating injuries, diagnosing sexually transmitted diseases, on preventive care, diagnosing risks of exposure to pregnancy, and methods of prevention. (medium term) ● Build the capacity of law enforcement officials to deal with survivors of all forms of violence in a manner that takes into account the needs and desires of survivors and takes gender specificities into consideration, free from prejudice, and based on the principles of survivor care and the guiding principles mentioned in the agreement, including ensuring survivor safety and security. (medium term) ● Build the capacity of judges and courts to deal with cases of sexual and gender-based violence in a manner that takes into account the survivors' needs and desires, takes gender specificities into account, and strengthens the accountability of perpetrators. (medium term) | <ul style="list-style-type: none"> ● Percentage of the public financial resources that are allocated to the prevention and response to all forms of violence, including sexual and gender-based violence, in refugee situations. ● Number of people in charge of case management who are able to manage the case and refer survivors to services. ● Number of health sector workers who are able to deal with cases of survivors of all forms of violence, including sexual and gender-based violence, based on the principles of care for survivors of violence. ● Number of law enforcement and judges who are able to deal with survivors of violence in all its forms in a manner that takes gender specificity into account. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|---|---|--|
| | National data systems are able to collect and analyse data on prevention and protection from all forms of violence, including sexual and gender-based violence, in asylum context. | <ul style="list-style-type: none"> Strengthen national data collection tools and systems to support the systematic collection and analysis of sexual and gender-based violence data while applying the principles of confidentiality, knowledge-based consent and respect. (short term) Build the capacity of staff working in data-gathering agencies to analyse data on sexual and gender-based violence and issue policy briefs to identify those in charge of decision-making. (medium term) Build partnerships with research and academic centres to develop and apply research methods in order to document and analyse all forms of violence, including sexual and gender-based violence in the context of asylum, and to introduce new issues of this type of violence. (short term) Ensure that national studies include a component on sexual and gender-based violence in the context of asylum and in line with international standards, including the guidelines mentioned below. (short term) | <ul style="list-style-type: none"> Number of national institutions and programs approved for data collection. Number of employees in national data collection agencies who have the capacity to cover sexual and gender-based violence issues among refugees. Percentage of national studies on sexual and gender-based violence in a specific period, including good analyses of different forms of violence in refugee situations. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|---|--|
| | Advocacy efforts are being made to address legislative, political and service gaps. | <ul style="list-style-type: none"> ● Build partnerships with international and local organizations working in the field of refugee response to monitor new issues of sexual and gender-based violence, as well as legal gaps, negative practices and perceptions that may hinder the prevention and effective response to this type of violence in refugee situations. (short term) ● Work closely with coordination groups for the prevention and response to sexual and gender-based violence and also with international donors to highlight issues that require the mobilization of human and financial resources at the national and international levels. (short term) ● Work to conduct research and studies and collect data on a regular basis to highlight the gaps and obstacles and to provide the necessary data to formulate advocacy messages. (short term) ● Work to organize intensive media campaigns to highlight the legislative gaps and their impact on the growth of violence against women and the absence of protection. | <ul style="list-style-type: none"> ● Number of joint studies that monitor sexual and gender-based violence cases, legal gaps, negative practices and perceptions. ● Number of policy briefs prepared by coordination entities that highlight legislative gaps and services that require the allocation of human and financial resources. ● Number of media activities related to legislative gaps and their impact on the growth of violence in its various forms. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

- 1- WHO guidelines: Ethical and Safety Recommendation for Researching, Documenting and Monitoring Sexual Violence, 2007 .http://www.who.int/gender/documents/OMS_Ethics&Safety10Aug07.pdf
- 2- Putting Women First: Ethical and Safety Recommendations for Research on Domestic Violence Against Women, 2001 .Available at: <http://www.who.int/gender/violence/womenfirstseng.pdf>

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|--|---|--|---|--|
| Refugee women, girls, men and boys with different backgrounds live in an environment with reduced forms of violence including sexual and gender-based violence | Develop and implement family-based prevention strategies. | <ul style="list-style-type: none"> ● Carry out case studies and forming power dynamics in the concerned communities, and the community's knowledge, attitudes and practices related to all forms of violence, including sexual and gender-based violence, domestic violence and child marriage, as well as sources of risks, and the most important community resources that can be mobilized, to provide protection for women, girls, men and boys against violence. (short term) ● Organize awareness-raising campaigns to build knowledge and understanding of gender relations and patterns of violence within the refugee community. (short term) ● Strengthen the capacities of communities and community workers in the field of protection to address cases of violence in all its forms, including sexual and gender-based violence, providing services and legal frameworks, and also providing protection mechanisms for vulnerable groups and survivors of violence. (medium term) ● Support efforts to involve refugees in determining the services that must be available in a manner that takes into account cultural specificities, their whereabouts, service providers, and the required language or languages. (short term) | <ul style="list-style-type: none"> ● Number of studies concerned with knowledge, concepts and practices that are being conducted within refugee communities on issues of violence in all its forms. ● Number of awareness-raising campaigns about all forms of violence, including sexual and gender-based violence, that are being organized within refugee communities. | UNHCR, UNICEF, UN Women concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|--|--|---|
| | Strategies to engage men and boys are in place. | <ul style="list-style-type: none"> ● Provide support for programs that aim to change existing perceptions of masculinity and femininity among refugees (men, women, girls and boys) that perpetuate unbalanced power relations and tolerate violence against women. (medium to long term) ● Encourage the effective participation of refugee men and boys in eliminating pre-existing stereotypes based on gender and gender inequality as well as eradicating sexual and gender-based violence within their communities. (short to medium term) ● Engage men in high-ranking positions, male leaders and decision-makers as advocates for gender equality, the empowerment of women and girls, and the elimination of sexual and gender-based violence. (short to medium term) | <ul style="list-style-type: none"> ● Number of programs aimed at changing perceptions of masculinity and femininity among refugees. ● Number of refugees are men and boys who participate in programs aimed at eliminating gender stereotypes. | Women, Family and Childhood Department (WFC) of the League of Arab States, the authorities concerned at the Member States, UNHCR, UN Women, UNFPA and other relevant international and regional organizations, partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|---|---|
| | Strategies to engage children and youth are in place. | <ul style="list-style-type: none"> ● Support the programs established inside the school and in the post-school period to bring together refugee children and the children of host communities to encourage integration and dialogue and prevent girls and boys from dropping out of school. (short to medium term) ● Establish leadership programs for young people to train children and adolescents in raising the awareness of their societies on issues of violence in all its forms, including sexual and gender-based violence. (short to medium term) ● Provide curricula related to sexual and reproductive health for children and adolescents. (medium term) ● Emphasize that the multi-sectoral services provided to survivors of violence in all its forms take into consideration the needs of children and that they take into account the best interest of the child. (short term) ● Integrate the concepts of rejecting violence against women, especially in refugee situations, into school curricula. | <ul style="list-style-type: none"> ● Number of programs established within the school and in the post-school period that support refugee integration, dialogue and combating dropout. ● Number of leadership programs for young people. ● Number of school policies that include sexual and reproductive health within the curriculum. ● Number of curricula that have been reviewed. | Women, Family and Childhood Department (WFC) of the League of Arab States, the authorities concerned at the Member States, UNHCR, UNFPA and other relevant international and regional organizations, partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|---|---|
| | Strategies to empower refugee women are in place. | <ul style="list-style-type: none"> ● Adopt livelihood programs and vocational training for refugees, targeting survivors of sexual and gender-based violence and refugee women to enable them to start income-generating activities and to ensure access to psychosocial support services for survivors through these programs. (short term) ● Encourage organizations that provide small loans to target economically suffering refugee women, providing training on leadership skills, and providing soft loans and materials to start a small project. (short term) ● Provide life skills training and awareness raising sessions among refugee women about leadership, decision-making, communication and other related skills. (short term) ● Work on the entry and stay of girls in school, providing remedial lessons for refugee girls who are most at risk of dropping out, and also providing in-kind assistance in the form of school tools. (short-term) ● Ensure the participation of refugee women in leadership and management structures within their communities and thus, in making decisions related to their lives. (short term) | <ul style="list-style-type: none"> ● Number of refugee women who benefited from livelihood programs and vocational training. ● Percentage of refugee women who benefited from soft loans. ● Number of refugee women participating in leadership and management structures in their communities. ● The decreased dropout rate of girls from refugee women. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UN Women, UNFPA, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|---|--|---|
| | Undertake initiatives to raise awareness and create knowledge about sexual and gender-based violence issues. | <ul style="list-style-type: none"> ● Partner with international and local actors involved in participatory studies to diagnose individual, economic, social and structural factors that help perpetuate violence in all its forms within refugee communities, taking into account the experiences and needs of vulnerable groups. (short term) ● Work closely with religious leaders to facilitate the process of change by sending positive messages within refugee communities. (short term) ● Provide training for teachers within refugee receiving schools to prevent and respond to sexual and gender-based violence associated with the school and increase teachers' knowledge about this type of violence and other discriminatory gender-related values. (short to medium term) ● Partner with local organizations working in the field of women's rights to ensure the continuity of all interventions of changing social values. (short term) ● Develop awareness-raising strategies and informational and educational communication materials that contain basic messages for the target groups and undertaking awareness-raising interventions aimed at bringing about positive cultural and social change to prevent this type of violence. (short to medium term) ● Activate the visual, audio and readable media side to highlight the phenomenon of sexual and gender-based violence against women in refugee context, prevention and response to it. | <ul style="list-style-type: none"> ● Number of participatory studies to diagnose the factors that contribute to the persistence of sexual and gender-based violence within refugee communities. ● Number of religious sermons on changing negative societal values. ● Number of teachers who are able to prevent and respond to school-related sexual and gender-based violence. ● Number of campaigns to raise awareness about positive social values and change perceptions and practices related to sexual and gender-based violence. ● Number of awareness-raising information materials on sexual and gender-based violence in the asylum context. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNICEF, UN Women, UNFPA, UNDP, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|---|---|--|---|--|
| Refugee women, girls, men and boys with different backgrounds have access to multi-sectoral quality services | Availability and accessibility to quality, socially acceptable services at affordable prices. | <ul style="list-style-type: none"> • Ensure that national legislation stipulates the provision of prevention and response services for all forms of violence to refugees without any discrimination. (long term) • Raise awareness and adopting strategies to change social values and perceptions towards sexual and gender-based violence within refugee communities to eliminate the social stigma associated with the demand for services. (long term) • Familiarize refugee communities with existing services, how to access them, and the importance of timely requesting services, especially health services. (short term) • Build the capacity of service providers within the relevant sectors (including law enforcement and the judiciary) to deal with cases of sexual and gender-based violence in a manner that takes into account cultural and gender dimensions, with full respect for all the guiding principles of survivor care. (short to medium term) | <ul style="list-style-type: none"> • Number of legislation and policies that remove obstacles and provide refugees with services for sexual and gender-based violence. • Number of campaigns to raise awareness and change societal perceptions and initiatives that are being carried out within refugee communities. • Number of brochures and guides familiarizing refugee communities with existing services. • Percentage of service providers within the various sectors who have the capacity to deal with cases of violence in a manner that takes gender and cultural considerations into account. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|---|--|
| | Effective case management and secure and confidential referral of specialized sectoral services. | <ul style="list-style-type: none"> ● Build the capacities of workers in the prevention and response to sexual and gender-based violence in various sectors on the guiding principles of survivor care such as respect, security, safety, confidentiality, non-discrimination and non-adoption of prejudices. (medium term) ● Train case managers on communication skills to work with survivors of sexual and gender-based violence, including skills for dealing with child victims. (short and medium term) ● Train those in charge of case management on the relevant national laws, rules and procedures related to various sexual and gender-based violence cases. (short to medium term) ● Establish referral mechanisms, procedures and unified standards by developing standard implementation procedures that include referral procedures, setting schedules of priorities, defining roles and responsibilities of different sectors, as well as clarifying relevant national laws and procedures, and training all concerned actors on them. (short term) ● Build the capacity of service providers on Standard Operating Procedures while providing supervision, support and follow-up mechanisms. | <ul style="list-style-type: none"> ● Percentage of case managers who are able to manage the case and refer cases based on the guiding principles of caring for survivors. ● Number of case managers who have the knowledge of national legislation and procedures for all forms of violence, including sexual and gender-based violence. ● Number of Standard Operating Procedures that are prepared to assist those in charge of case management in carrying out their work in a systematic manner. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|--|---|
| | Availability of high-quality mental health and psychosocial support. | <ul style="list-style-type: none"> ● Build the capacity of psychosocial support service providers to monitor the severity of psychological problems experienced by survivors of violence and refer them to appropriate services. (medium term) ● Build the capacity of service providers, families and community members to provide psychological first aid. (medium term) ● Provide support to develop community-based programs to provide psychological and social support within refugee communities in cooperation with community members, community groups, local non-governmental organizations and relevant bodies. (medium term) ● Provide support for implementing parenting programs to enable families to provide support to survivors of violence and other family members when necessary. (medium term) | <ul style="list-style-type: none"> ● Percentage of psychosocial service providers who are able to monitor the severity of psychological problems suffered by survivors of violence and refer them to appropriate services. ● Percentage of community actors who are able to provide psychological and social first aid. ● Percentage of refugee families benefiting from parenting programs to deal with survivors of sexual and gender-based violence. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, WHO, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|--|---|---|
| | Availability of high-quality health services. | <ul style="list-style-type: none"> Organize campaigns to address negative societal perceptions of different forms of sexual and gender-based violence towards the most vulnerable groups (such as women with disabilities, adolescents, women who are subjected to sexual exploitation and others). (short to medium term) Build the capacity of health service providers and traditional medical services on basic principles of survivor care. (short term) Provide regular training for health sector workers on monitoring cases of violence in all its forms, including sexual and gender-based violence, preventing sexually transmitted diseases, immunodeficiency disease, pregnancy cases, treating injuries, and gathering evidence for forensic medicine. (short to medium term) Support the efforts of community health service providers, volunteers, traditional birth attendants, traditional healers, as well as non-governmental organizations and civil associations in changing negative societal and gender-related beliefs. (short to medium term) Ensure that refugee women, girls, men and boys have access to information about the services available to survivors of all forms of violence and the importance of obtaining health services immediately after the occurrence of violence. (short term) Prepare health units and others and providing them with the necessary tools, resources, and medicines to deal with rape cases, including the post-exposure prophylaxis kit for rape survivors. (medium term) | <ul style="list-style-type: none"> Number of campaigns to raise awareness about negative societal beliefs related to sexual and gender-based violence. Percentage of health service providers who are familiar with basic principles of survivor care, monitoring cases of sexual and gender-based violence, and preventing sexually transmitted diseases and pregnancy. Number of initiatives for social change on sexual and gender-based violence. Number of booklets, leaflets and guides available to familiarize refugees with the existing health services. Percentage of health units within refugee communities equipped to deal with rape cases. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, WHO, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|--|--|
| | Quality safety and security services are in place. | <ul style="list-style-type: none"> ● Ensure the participation of refugee women in decision-making related to their lives within their rural or urban communities. (short to medium term) ● Ensure privacy by building screens inside the shelters in the case of extended families or in the event that more than one family participates in one shelter. (short to medium term) ● Conduct security audit studies in cooperation with the concerned organizations to monitor sexual and gender-based violence issues and the areas where these risks increase. (short term) ● Ensure that law enforcement personnel put in place mechanisms to reduce the risks of violence and protect survivors from the risks of further violence. (short to medium term) ● Support the establishment of specialized units within police stations with expertise in preventing and responding to sexual and gender-based violence and ensuring the presence of female police officers. (medium to long term) ● Build the capacity of security sector personnel, including law enforcement and prosecution, to prevent and respond to sexual and gender-based violence, as well as on the guidelines for caring for survivors and dealing with cases of violence in a cultural and gender-sensitive manner. (short to medium term) ● Work with communities to monitor security risks that may increase the vulnerability of the concerned population and their exposure to sexual and gender-based violence risks through the development of community maps. (short term) | <ul style="list-style-type: none"> ● Percentage of women participating in community structures for camp management. ● Percentage of refugee camps that meet agreed security standards. ● Number of security auditing studies that are carried out to identify the most dangerous places. ● Number of specialized partnership units with expertise on sexual and gender-based violence. ● Percentage of female police officers within the units located inside or near refugee areas. ● Percentage of security personnel who are able to prevent and respond to sexual and gender-based violence. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|--|---|
| | High-quality legal services are in place. | <ul style="list-style-type: none"> Review legislations to monitor and address gaps in protection for survivors/ victims of violence. (long term) Support the presence of local legal aid organizations and ensuring that staff trained in guidelines for dealing with survivors of sexual and gender-based violence are appointed to enable them to work efficiently and defend survivors' rights. (medium term) Raise the awareness of workers in the judicial system (judges and prosecutors) of their obligations to investigate reports and deal with survivors of violence in a culture and gender-sensitive manner. (short to medium term) Support the development of Standard Operating Procedures, referral mechanisms, and protocols to respond to situations of violence through the refugee-centred approach. (short term) Raise community awareness of the legal frameworks and policies that provide protection for the populations affected with sexual and gender-based violence and ensure that legal support is available to survivors. (medium term) | <ul style="list-style-type: none"> Number of legislation and policies that address the gaps and obstacles to accessing prevention and response services for sexual and gender-based violence. Percentage of local legal support organizations with human capacity to deal with survivors of sexual and gender-based violence. Percentage of judges and prosecutors with knowledge of how to deal with cases of violence in a manner that takes into account gender specificities. Number of Standard Operating Procedures and tools available to respond to sexual and gender-based violence cases. Number of awareness-raising tools available about current services. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNODC, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|---|---|--|
| | Refugee children and young people enjoy an educational environment free from sexual and gender-based violence. | <ul style="list-style-type: none"> • Encourage educational policies that promote gender equality within the educational system, for example gender insights and tools in training programs for teachers and advisors. (medium to long term) • Develop special strategies to encourage refugee girls' enrollment in education, including achieving a balance between male and female teachers within refugee-receiving schools. (long term) • Build links between national systems for preventing and responding to sexual and gender-based violence and educational systems through mechanisms to monitor cases of violence and refer to appropriate services. (medium term) • Organize and encourage activities and programs within schools and after academic periods that bring together refugee children and adolescents and host communities to support integration. (short to medium term) • Support programs to provide security, non-discrimination and life skills in schools, and implementing prevention and response mechanisms for violence in all its forms in schools. (medium to long term) • Organize life skills and leadership programs for pupils in refugee receiving schools to challenge societal beliefs that encourage gender inequality, sexual and gender-based violence. (medium to long term) • Build the capacity of teachers in refugee- receiving schools to enhance their capabilities to deal with refugee girls and boys, adopting interactive methodologies, using gender-sensitive educational methods, and working to raise awareness of gender-based patterns in the educational process. (short to medium term) • Train teachers to provide a safe environment for girls and boys and monitoring cases of children and adolescents at risk such as risks of domestic violence, child marriage and other forms of sexual and gender-based violence. (medium to long term) • Coordinate with law enforcement authorities to improve security in schools and on the way to and from schools, including improving infrastructure such as transportation, separate toilets, and improving lighting. (medium to long term) | <ul style="list-style-type: none"> • Number of policies that support gender equality within the educational system. • Percentage of female teachers in refugee-receiving schools. • Number of monitoring and referral mechanisms for cases of sexual and gender-based violence. • Number of school programs and after school periods to support refugee integration. • Percentage of students who give up discriminatory practices. • Percentage of students who attend leadership and life skills programs that address negative social beliefs. • Percentage of teachers who are able to monitor cases of children at risk of sexual and gender-based violence. • Number of schools introducing improved infrastructure. • Number of police patrols near schools-receiving refugees. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNICEF, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|--|---|
| | High-quality livelihood services are in place. | <ul style="list-style-type: none"> Conduct contextual studies within refugee communities to understand power relations and the dynamics of resource availability and control, as well as the tripartite role of women and the prevailing social values and gender perceptions to formulate livelihood programs that take gender into account. (short term) Establish livelihood programs with the full participation of refugees and host communities to ensure effective and sustainable interventions that do not lead to increased tensions, sexual violence and gender-based violence. (short term) Support local actors in developing livelihood programs that include both men and women, and developing components around changing negative social beliefs towards gender equality and sexual violence and gender-based violence. (short to medium term) Organize campaigns to raise the awareness of refugees and host communities about gender equality and the advantages of giving both men and women equal opportunities, and also about the roles of men and women, human rights and the factors and causes leading to sexual and gender-based violence. (long term) Build the capacity of actors to provide services without prejudice in a way that respects human rights and gender equality. (medium term) | <ul style="list-style-type: none"> Number of participatory assessments of refugee communities to provide the necessary knowledge to formulate livelihood programs that take gender considerations into account. Number of local livelihood programs. Number of campaigns to raise awareness within refugee and host communities about gender equality, equal opportunities, and others. Percentage of livelihood service providers who are able to provide services in a manner that takes into account gender and does not adopt prejudice. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, ILO, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|---|--|---|---|--|
| Specific areas of concern and refugees with disabilities addressed | Effective prevention and protection mechanisms to address domestic violence. | <ul style="list-style-type: none"> ● Review legislations and policies that tolerate gender inequality and adopt measures to criminalize domestic violence and hold the perpetrators accountable. (long term) ● Ensure that referral mechanisms are in place to other sectoral services for domestic violence survivors and children who witness domestic violence, including health and psychological / social services, and provide livelihoods, shelter and legal services when necessary. (medium term) ● Organize awareness-raising campaigns to educate refugee communities about gender equality and the negative repercussions of domestic violence (health, psychological and moral) and address social stigma against women who report domestic violence. (long term) ● Support livelihood programs targeting both refugee women and men that address changing social beliefs related to sexual and gender-based violence. (medium term) | <ul style="list-style-type: none"> ● Number of national legislation and policies that address domestic violence. ● Percentage of domestic violence victims who are referred to sectoral services. ● Percentage of members of refugee communities who have knowledge of concepts of gender equality and the negative consequences of domestic violence. ● Number of livelihood programs targeting refugee women and men. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNICEF, UN Women, concerned international and regional organizations, partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|--|---|
| | Effective prevention and protection mechanisms to address child marriage. | <ul style="list-style-type: none"> ● In the event that it is legally permitted to marry under the age of 18, a minimum age must be determined, under which marriage cannot be allowed. ● Establish clear mechanisms to review all marriages under the age of 18 to determine whether they are in the best interest of the child or children concerned. (long term) ● Support judges to ensure that the best interest of the child is implemented when they exercise their powers regarding child marriage in some countries where this is permitted. (medium term) ● Work to raise the awareness of refugee and host communities about alternatives to child marriage, legislative frameworks for child marriage, and the harmful effects of child marriage. (long term) ● Adopt long-term sectoral prevention and response programs to address child marriage among refugees. (long term) ● Adopt income-generating programs for refugee girls' families. (medium term) ● Encourage refugee girls to enrol and stay in school, even in cases of child marriage. (medium term) | <ul style="list-style-type: none"> ● There are legislative amendments that set the age of marriage at 18 years. ● Number of countries in the region that set the age of marriage at 18 years, without exceptions. (Regional index) ● Percentage of refugee girls who are married before their eighteenth birthday is declining. ● Percentage of refugee families who have access to income-generating opportunities. ● Percentage of refugee girls enrolled in schools. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNICEF, UN Women, concerned international and regional organizations, partners from civil society, and religious leaders. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|---|--|
| | Effective prevention and protection mechanisms to address the issue of negative coping strategies. | <ul style="list-style-type: none"> Establish community-based mechanisms to monitor groups at risk of sex for survival, such as refugee women who arrive alone, children who are the dependents of families, working children, survivors of sexual and gender-based violence, separated and unaccompanied children, and adolescents, especially girls, and provide support to them through programs providing livelihoods. (short term) Encourage the participation of refugee women in developing and implementing livelihood programs to ensure that all their needs are taken into consideration. (short term) | <ul style="list-style-type: none"> Number of community-based mechanisms to monitor groups at risk. Percentage of livelihood programs targeting both male and female refugees. Percentage of participatory livelihood programs. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|---|---|--|
| | Effective prevention and protection mechanisms to address sexual abuse and exploitation. | <ul style="list-style-type: none"> • Ensure that all humanitarian organizations have an ethical charter on sexual abuse and exploitation and that all workers are aware of this charter and the consequences of its breach and sign it. (short term) • Work to put in place complaint mechanisms that provide safety, transparency and confidentiality and make them available to refugees to protect potential victims of sexual abuse and exploitation by humanitarian aid workers, peacekeepers, law enforcement, and armed forces personnel. (short term) • Support employment policies within humanitarian organizations and police departments that aim to find a gender balance in the employment, also in leadership positions. (short term) • Organize campaigns to raise awareness to change social beliefs regarding the employment of women. (short term) | <ul style="list-style-type: none"> • Number of humanitarian organizations that publish a code of ethics and strict recruitment policies. • Number of secure and confidential complaint mechanisms in organizations dealing with refugees. • Percentage of women working in leadership positions within humanitarian organizations and law enforcement agencies. • Number of awareness-raising campaigns being carried out on changing societal beliefs about the employment of women. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|--|---|
| | Effective prevention and protection mechanisms to address trafficking in persons. | <ul style="list-style-type: none"> ● Review the legislative framework and policies for combating trafficking to ensure protection and assistance to victims and punish the perpetrators and develop national action plans and implement them in accordance with international standards. (long term) ● Establish monitoring mechanisms in detention centres to monitor trafficking victims among detainees. (short term) ● Establish guarantees to protect boys and girls who are victims of trafficking, such as: mechanisms for determining the best interest, adopting special protection measures for children, tracing and reuniting families, and introducing special guarantees in cases of returning unaccompanied separated children to their countries of origin. (short to medium term) ● Implement training programs for national asylum authorities and organizations working with victims of trafficking on criteria for recognition of refugee status for victims of trafficking. (short term) ● Coordinate with receiving countries to ensure more resettlement places for victims of trafficking. (medium term) ● Carry out awareness-raising campaigns to familiarize refugee communities with the different forms of trafficking and the risks associated with them. (long term) | <ul style="list-style-type: none"> ● Number of legislative texts that provide protection for victims of trafficking. ● Percentage of detention centres that have monitoring mechanisms to monitor trafficking victims. ● Number of guarantees available to protect refugee children from victims of trafficking. ● Percentage of national asylum officials trained to recognize the refugee status of trafficking victims. ● Percentage of resettlement places provided for refugees who are victims of human trafficking. ● Percentage of members of refugee communities who know the different forms of human trafficking. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNODC, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|---|---|--|---|
| | Effective prevention and protection mechanisms to address the issue of sexual and gender-based violence in detention. | <ul style="list-style-type: none"> • Emphasize that detention and deprivation of liberty take place in accordance with national laws, and that arbitrary detention is not permitted. (medium term) • Recognize the right to seek and obtain asylum in line with international refugee law, including Article 14 of the Universal Declaration of Human Rights. • Avoid detaining asylum-seekers and refugee children in general. And when children are detained for violating the law (and not because of their immigration) and ensuring that detention is a last resort and for the shortest possible time, while ensuring that children are not detained with adults who are not members of their family. Ensure that legislation does not provide for detention as a penalty for unlawful entry or as a deterrent for asylum seekers. (long term) • Review the legislative framework to include alternatives to detention for refugees and asylum seekers and developing implementation mechanisms. (long term) • Establish rigorous mechanisms to determine the best interest of refugee children under detention. (medium term) • In the event that children and women asylum-seekers are detained due to exceptional circumstances, work to put in place strict mechanisms to separate refugee children from adults and separate refugee women from male detainees. (short to medium term) • Review employment policies to ensure a qualitative balance in hiring prison guards and other staff. (medium term) • Build the capacity of female prison guards to deal with detainees who are women and children who may suffer from trauma or who are victims of sexual and gender-based violence. (short to medium term) • Emphasize the establishment of confidential and transparent complaint mechanisms in detention facilities for potential victims of sexual and gender-based violence inside the facilities. (short to medium term) | <ul style="list-style-type: none"> • Number of legislation and policies that affirm the non-arbitrary detention of refugees and prohibit detention because of asylum. • Number of legislations providing for alternatives to detention for refugees. • Number of implementation mechanisms for alternatives to detention. • Number of countries that have put in place clear mechanisms to determine best interests. (regional index) • Number of guarantees that ensure the separation of detained children from adults and females from males. • Percentage of female prison guards who have the ability to deal with detained women and children. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNODC, concerned international and regional organizations, and partners from civil society. |

3- According to this principle, refraining from imposing the punishment or detention of persons due to illegal entry or presence related to their request for international protection, in line with the principle mentioned in Article 31 of the 1951 Convention concerning Refugees.

The Arab Strategy for the Prevention and Response

to Combat all Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|--|--|
| | Effective prevention and protection mechanisms targeting refugees with disabilities. | <ul style="list-style-type: none"> ● Provide training for protection officials, whether governmental or non-governmental, on the risks that threaten persons with disabilities, including those with mental disabilities and the elderly, and on appropriate means of communication (sign language and Braille). (short term) ● Provide training and raising awareness of the United Nations Convention on the Rights of Persons with Disabilities and how to apply it in asylum conditions for persons with disabilities and their families, community leaders, community members, teachers, health care workers, humanitarian aid workers and local government officials. (short term) ● Work to adapt all services provided within refugee areas (health services, education, shelter, community centres, etc.) to make them available to refugees with disabilities. (short term) ● Organize campaigns to raise awareness about the protection risks faced by refugees with disabilities, including women with intellectual disabilities and mothers of children with disabilities, and the risks of sexual and gender-based violence that they may be exposed to. (medium to long term) ● Support community initiatives to involve women, children and other refugees with disabilities in all community protection mechanisms to monitor and prevent violence in all its forms, including domestic violence, physical abuse, trafficking, neglect, discrimination, and stigmatization of refugees with disabilities. (short term) ● Establish reporting mechanisms for persons with disabilities, their families and neighbours to report protection risks and problems for persons with disabilities, and developing joint response systems. (short term) ● Review national legislation to ensure that all cases of sexual violence are criminalized and dealt with appropriately. (long term) | <ul style="list-style-type: none"> ● Percentage of protection officials who have knowledge of the risks faced by persons with disabilities. ● Percentage of protection officials, persons with disabilities, community members, leaders and service providers who have knowledge of the Convention on the Rights of Persons with Disabilities. ● Percentage of services within refugee areas with appropriate infrastructure for refugees with disabilities. ● Percentage of community members who are aware of the protection risks facing refugees with disabilities. ● Percentage of community protection mechanisms that include all groups. ● Number of complaints lodged by refugees with disabilities and their families. ● Number of countries that adopt policies that criminalize and address all forms of sexual violence against all persons in a non-discriminatory manner. (regional index) | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, concerned international and regional organizations, and partners from civil society. |

| Strategic Objectives | Results | Key Activities | Standards to Inform Measurement of Activities | Relevant Actors |
|----------------------|--|--|--|--|
| | Effective prevention and protection mechanisms to provide protection for refugee children from sexual and gender-based violence. | <ul style="list-style-type: none"> Review legislation to ensure its consistency with international standards, including determining the age of the child at 18 years, setting the minimum age for marriage at 18 for both males and females, setting the age of criminal responsibility in accordance with international standards, and ensure that refugees are not detained because of immigration or seeking asylum. (long term) Establish clear and specific mechanisms to determine the best interest of the child and building the capacities of the relevant actors (social workers and judges) to implement the mechanisms, especially in countries that allow child marriage by a judge's decision. (short to medium term) Give priority to registering separated and unaccompanied children and setting up serious monitoring, family-seeking and reunification mechanisms. (short term) Ensure that all refugee children are registered through flexible and cost-appropriate mechanisms to ensure that they are officially registered to protect them from the risks of sexual and gender-based violence. (short term) Develop common Standard Operating Procedures to monitor cases of children at risk of sexual and gender-based violence and referral methods. (short term) Provide periodic and systematic training for protection workers (whether governmental or non-governmental) on dealing with children at risk of sexual and gender-based violence, including monitoring the cases of children who are survivors of violence and at risk and referring them to appropriate services that take into account the specificity of children. (short term) Support community initiatives to develop mechanisms for child protection that include monitoring and referral. (short to medium term) Support sexual and reproductive health programs aimed at female and male adolescents and raising their awareness of reproductive health issues and sexually transmitted diseases. (short to medium term) | <ul style="list-style-type: none"> Number of child protection legislation that are in line with international standards. Number of countries adopting clear mechanisms for determining best interest. (Regional index) Percentage of separated and unaccompanied children who receive priority registration. Percentage of refugee children with birth certificates. Number of Standard Operating Procedures and tools needed to monitor children at risk of sexual and gender-based violence. Percentage of protection officials who have the capacity to deal with cases of children at risk of sexual and gender-based violence. Number of community-based child protection mechanisms within refugee communities. Percentage of adolescent girls and boys who are aware of sexual and reproductive health. | Women, Family and Childhood Department (WFC) of the League of Arab States, concerned authorities in Member States, UNHCR, UNICEF, concerned international and regional organizations, and partners from civil society. |

Resolutions



الإستراتيجية العربية حول الوقاية والاستجابة لمناهضة كافة أشكال العنف وخاصة العنف الجنسي ضد النساء والفتيات في حالات اللجوء والنزوح

إن مجلس الجامعة على المستوى الوزاري،

- بعد إطلاعه :

- على مذكرة الأمانة العامة،
 - وعلى توصية لجنة المرأة الدورة السادسة والثلاثين،
 - وعلى توصية لجنة المرأة الدورة السابعة والثلاثين،
 - وعلى جدول ملاحظات الدول الأعضاء،
 - وعلى "الإستراتيجية العربية حول الوقاية والاستجابة لمناهضة كافة أشكال العنف وخاصة العنف الجنسي ضد النساء والفتيات في حالات اللجوء والنزوح"،
 - وعلى توصية لجنة الشؤون الاجتماعية والثقافية،
- وفي ضوء مداولات المجلس في هذا الشأن،

يقرر:

- 1 - الأخذ علماً بـ "الإستراتيجية العربية حول الوقاية والاستجابة لمناهضة كافة أشكال العنف وخاصة العنف الجنسي ضد النساء والفتيات في حالات اللجوء والنزوح".
- 2 - الطلب من الدول الأعضاء التي لم تواف الأمانة العامة بملاحظاتهما على الإستراتيجية، سرعة موافاتها بها تمهيداً لعرضها على مجلس الجامعة في دورته المقبلة.

(ق: رقم 8313 - د:ع (150) - ج 3 - 2018/9/11)



**The Arab Strategy for the Prevention and Response to Combat
All Forms of Violence, Especially Sexual Violence against
Women and Girls in Asylum and Displacement Contexts**

The Arab League Council at the Ministerial Level,

After reviewing:

- The memorandum of the General Secretariat,
- And the recommendation of the Arab Women' Committee at the thirty-sixth session,
- And the recommendation of the Arab Women' Committee at the thirty-seventh session,
- And the matrix of comments of the Member States,
- And the Arab Strategy for the Prevention and Response to Combat All Forms of Violence, Especially Sexual Violence against Women and Girls in Asylum and Displacement Contexts,
- And the recommendation of the Social and Cultural Affairs' Committee;

And in light of the Council's deliberations in this regard,

It has been decided

- To take note of the Arab Strategy for the Prevention and Response to Combat All Forms of Violence, Especially Sexual Violence against Women and Girls in Asylum and Displacement Contexts.
- Requesting Member States that did not provide the General Secretariat with their comments on the Strategy to promptly provide them in preparation for presenting it to the League Council at its next session.

(Resolution 8313- O.S. (150) – C3- 11/ 9/ 2018)



مشروع الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات

إن مجلس الجامعة على المستوى الوزاري،

بعد اطلاعه :

- على مذكرة الأمانة العامة،
- وعلى تقرير الأمين العام عن نشاط الأمانة العامة فيما بين الدورتين،
- وعلى التوصيات الصادرة عن لجنة المرأة للدورات: الخامسة والثلاثين، والسادسة والثلاثين، والسابعة والثلاثين، والتاسعة والثلاثين،
- وعلى قرار مجلس الجامعة على المستوى الوزاري رقم 8323 د.ع (150) بتاريخ 2018/9/11،
- وعلى جدول ملاحظات الدول الأعضاء،
- وعلى مشروع الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات،
- وفي ضوء نتائج اجتماع المجلس على مستوى المندوبين الدائمين بتاريخ 2020/9/7،

يقرر:

دعوة الدول الأعضاء التي لم تواف الأمانة العامة بملاحظات حول مشروع ”الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات“ إلى القيام بذلك في أقرب فرصة تمهيداً لعرض الاستراتيجية على لجنة المرأة العربية في دورتها المقبلة (40) (2021) لإقرارها، ومن ثم عرضها على مجلس جامعة الدول العربية على المستوى الوزاري في الدورة المقبلة (155) (مارس/آذار 2021).

(ق: رقم 8565 - د.ع (154) - ج 2 - 2020/9/9)



The Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, Especially Sexual Violence against Women and Girls

The Arab League Council at the Ministerial Level,

After reviewing:

- The memorandum of the General Secretariat,
- And the report of the Secretary-General on the activities of the General Secretariat between the two sessions,
- And the recommendation of the Arab Women' Committee for the sessions: thirty-five, thirty-six, thirty-seven and thirty-nine,
- And the Resolution of the League Council at the Ministerial Level No. 8323 O.S (150) dated 9 /11/ 2018,
- And the matrix of comments of the Member States,
- And the draft Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, Especially Sexual Violence against Women and Girls,
- And in light of the results of the Council's meeting at the level of Permanent Delegates on 7 /9/ 2020,

It has been decided

To call upon Member States that did not provide the General Secretariat with their observations on the draft «Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls», to do so as soon as possible in preparation for presenting the Strategy to the Arab Women Committee at its next fortieth session (2021) for endorsement, and then present it to the Council of the League of Arab States at the ministerial level in its next session (155) - (March 2021).

(Resolution 8565- O.S. (154) – C2- 9 /9 /2020)



الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات

إن مجلس الجامعة على المستوى الوزاري،

بعد اطلاعه :

- على مذكرة الأمانة العامة،
- وعلى تقرير الأمين العام عن نشاط الأمانة العامة فيما بين الدورتين،
- وعلى توصيات لجنة المرأة الدورة الأربعين والتي نصت على إقرار الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات،
- وعلى توصيات لجنة المرأة الدورة الخامسة والثلاثين، والسادسة والثلاثين، والسابعة والثلاثين، والتاسعة والثلاثين،
- وعلى قرار مجلس الجامعة على المستوى الوزاري رقم 8313 د.ع (150) بتاريخ 2018/9/11.
- وعلى قرار مجلس الجامعة على المستوى الوزاري رقم 8565 د.ع (154) بتاريخ 2020/9/9،
- وعلى جدول ملاحظات الدول الأعضاء،
- وعلى الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات،
- وعلى خطة العمل الإقليمية لتنفيذ الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات،
- - وفي ضوء نتائج اجتماع المجلس على مستوى المندوبين الدائمين بتاريخ 2021/3/1،

يقرر:

اعتماد ”الاستراتيجية العربية للوقاية والاستجابة لمناهضة كافة أشكال العنف في وضع اللجوء وخاصة العنف الجنسي ضد النساء والفتيات“ ، وخطة العمل، بالمستند رقم (م06/2020/01 - د022) كوثيقة استرشادية.

(ق: رقم 8636 - د.ع (155) - ج 2 - 2021/3/3)



Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls

The League Council at the Ministerial Level,

After reviewing:

- The memorandum of the General Secretariat,
- And the report of the Secretary-General on the activities of the General Secretariat between the two sessions,
- The recommendations of the Women's Committee for the 40th session, which stipulated the adoption of the Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls,
- And the recommendations of the Women's Committee of the 35th, 36th, 37th, and 39th sessions,
- And the decision of the League Council at the Ministerial Level No. 8313 O.S. (150) dated 11 /9 /2018,
- And the decision of the League Council at the Ministerial Level No. 8565 O.S. (154) dated 9 /9 /2020,
- The matrix of comments of Member States,
- And the Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls,
- And the regional plan of action to implement the Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls,
- And in light of the results of the Council's meeting at the level of Permanent Delegates on 1 /3 /2021,

Decides

Adoption of the « Arab Strategy for the Prevention and Response to Combat All Forms of Violence in Asylum Context, especially Sexual Violence against Women and Girls», and its annexed plan of action, document No. (M06/(2020)/01 - D(022)) as a guiding document.

(Resolution: No. 8636 – O.S. (155) - C2 - 3 /3 /2021)