



Displaced Women and Girls At Risk: Risk Factors, Protection Solutions and Resource Tools



Women's Commission for Refugee Women and Children

February 2006



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Mission Statement

The Women's Commission for Refugee Women and Children works to improve the lives and defend the rights of refugee and internally displaced women, children and adolescents. We advocate for their inclusion and participation in programs of humanitarian assistance and protection. We provide technical expertise and policy advice to donors and organizations that work with refugees and the displaced. We make recommendations to policy makers based on rigorous research and information gathered on fact-finding missions. We join with refugee women, children, and adolescents to ensure that their voices are heard from the community level to the highest levels of governments and international organizations. We do this in the conviction that their empowerment is the surest route to the greater well-being of all forcibly displaced people.

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Cover photo: Megan McKenna, Senior Coordinator, Media and Communications, Women's Commission for Refugee Women and Children, Chad, January 2005.

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INTRODUCTION

“The differential impact of armed conflict and specific vulnerabilities of women can be seen in all phases of displacement.”¹

UN Secretary-General, October 2002.

There is a growing understanding among practitioners and policy makers that the experiences of women and girls vary significantly from that of men during flight, in exile and once peace has been brokered or populations return home. Less, however, is understood on the many forms of violence and risks to women’s safety and well-being during various phases of displacement, and how to address them.

This paper and accompanying checklists build on research, reports and tools developed by the University of New South Wales’ Centre for Refugee Research to better understand what places women at risk, and how to respond to immediate

needs and prevent further harm to their safety and well-being. In addition to supporting the work of the UN High Commissioner for Refugees, this document is an effort to broaden the understanding of field-based practitioners in the humanitarian community about women and girls at risk so as to engage them in more effectively addressing the protection needs and protection solutions of women and girls.

This paper aims to clarify risks leading to displacement, risk factors during displacement and risks that inhibit safe and sustainable return.

Additionally, the paper looks at protection solutions in the context of displacement and in situations of return. Finally, the paper presents tools for assessing risks and for identifying good field practices that reduce the risks displaced and returnee women and girls confront.

DEFINITIONS

Coercive family planning practices: laws and policies that prescribe the number of children parents can have and/or provide for enforcement measures (such as forced abortion and forced sterilization) or sanctions to promote compliance with such laws or policies, or punish individuals for breaching them.² Coercive family planning policy and practice restrict an individual’s right to found a family and to decide freely and responsibly on the number and spacing of their children.³

Displaced women and girls: for the purposes of this paper, the concept of displacement is inclusive of both refugees (those who have fled persecution across an international border) and internally displaced persons (those fleeing conflict or disaster but who remain within the borders of their country of origin).

Gender-related Persecution: Encompasses the range of claims in which gender is a relevant consideration in the determination of refugee status.

Gender-related claims may be brought by either women or men, although due to particular types of persecution, they are more commonly brought by women. Gender-related claims have typically encompassed, although are by no means limited to, acts of sexual violence, family/domestic violence, coerced family planning, female genital mutilation, punishment for transgression of social mores and discrimination against homosexuals.⁴

Internally Displaced Person: persons or groups of persons who have been forced or obliged to flee their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized border.⁵

Refugee: a person outside of his or her country of nationality who is unable or unwilling to return due to persecution or a well-founded fear of perse-

cution on account of race, religion, nationality, membership in a particular social group or political opinion.⁶

Sexual and gender-based violence: violence that is directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. While women, men, boys and girls can be victims of gender-based violence, women and girls are the main victims.

Sexual and gender-based violence 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 exploitation, sexual abuse of 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 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 and insti-*

tutions, wherever it occurs.⁷

Trafficking: The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.⁸

Women and girls at risk: women and girls whose rights, safety and well-being are at risk of being seriously compromised on the basis of their gender. They may face risk for sexual and gender-based violence, persecution, human rights abuses, social exclusion, detention, extreme poverty, refoulement, and other potentially life-threatening situations and actions. These risks may be present pre-flight — in their home countries, during flight, in their country of displacement or upon return to their country of origin. The presence of an adult male family member or guardian does not, in and of itself, guarantee their safety, although unaccompanied women and girls may face increased risks to their protection and well-being.

BACKGROUND

“In September of 2003, Fatima left her village of Houta, Sudan with her neighbor and her 9-month-old baby on her back in search of firewood in the bush. Later that day, the Janjaweed invaded their village and the two women were taken by force from the bush to Kadja, a village further east. After walking for five days, they arrived in Kadja and Fatima was separated from her neighbor. She was then compelled to work as a shepherdess for the flocks, always closely watched by her captors. On her fourth day in Kadja, one of the Janjaweed told her that her husband had been killed during the attack on her village.

During her time in Kadja, Fatima was raped during the night by different men and by two men in particular who raped her the most frequently. Approximately five months later, part of the flock under her care was stolen. As retribution for this loss, the Janjaweed who owned the flock grabbed her baby son, 14 months old, and beat him on the ground in front of her and killed him with crushing blows to the head. The Janjaweed tried to justify their actions stating that Fatima would work more effectively without the child. Three months after this incident, Fatima escaped from Kadja to Chad with the help of one of the wives of the Janjaweed. She passed through Houta during her journey, where she confirmed that her husband was dead. She traveled alone during the night, hiding herself and fearing for her life throughout the entire journey. Fatima finally arrived at the MSF clinic in Birak where it was confirmed that she was seven months pregnant.”

Displaced women and girls are often resilient survivors, courageous protectors and untiring caregivers. They hold their families together under the most difficult and inhumane of circumstances and do so, while at increased risk to their safety and well-being – risks that include rape, beatings, torture, hunger and abandonment.

Protection risks and violations and threats of violations of human rights affecting women and girls can be causal factors leading to displacement and impact their flight, their time during displacement – whether internally or across an internationally recognized border – and during the return and reintegration process. These protection risks are often cyclical – with a history of repetition throughout all phases of displacement. The repetition further traumatizes and marginalizes women and girls, setting the stage for future abuses and risks.

While all conflict-affected populations are at risk in terms of their physical and social protection, women and girls are often at greater levels of risks and are more often victims of sexual and gender-based violence. Further, they may not have the same traditional protection mechanisms available

to them as do men.

Men and boys are more likely to carry weapons and be party to the conflict. Women and children are more likely to be civilian casualties, innocent victims of warring factions and the recipients of male violence and aggression.

“In a given refugee context, women refugees may be more vulnerable than other refugees, finding themselves separated from their family members or traditional support mechanisms, or isolated from their communities. They may have to assume new roles and status as a result. In addition to coping with the impelling reasons for their flight, they may be confronted with new challenges, such as providing for themselves and their children in situations of particular hardship, as well as new forms of violence and risks, in the country of refuge.”¹⁰

While it is widely understood that women and children, particularly girls, are at increased risk, less is known about how to reduce risks and miti-

gate against them. The risks include a broad range of human rights violations such as:

- rape
- domestic violence
- harmful traditional practices
- child abuse
- exploitative labor practices
- involuntary recruitment into militia and armed forces as combatants, servants, cooks, and sex slaves
- torture
- trafficking
- abandonment

- lack of safe access to water, food, fuel and other assistance for self and family
- coercive family planning practices
- arbitrary arrest and detention
- extortion

Other factors that contribute to women's risk include:

- extreme poverty
- HIV/AIDS
- lack of familial and community support structures
- unwanted pregnancies

GROUPS WITH SPECIFIC CONCERNS

While this paper attempts to be inclusive of both refugees and internally displaced persons throughout, as well as urban and camp-based populations, it is perhaps necessary to highlight a few groups of particular concern that may not come across fully in the “mainstreaming” of age groups, locations and populations.

DISPLACED GIRLS

Displaced girls, because of their age, developmental stage and maturity, are at increased risk for abuse, exploitation, coercion and manipulation. Girls are more vulnerable than boys to mistreatment and to recruitment by traffickers and armed factions. They may lack the assertiveness required to stand up for themselves and say “no” to risky situations. They may see older men as protectors, providers and “sugar daddies,” without understanding the risks involved and may, hence, be particularly susceptible to transactional sexual relationships (that is, exchange sex for food or other assistance or services). They may lack understanding and education on sexually transmitted infections, including HIV/AIDS. Further, they may be burdened with overwhelming respon-

sibilities: caring for siblings, at times as head of a child-headed family; performing multiple domestic tasks, such as cooking, cleaning, fetching water; and collecting firewood for either their own family or other families. Consequently, they may be unable to attend school or participate in normal developmental activities that help mitigate vulnerability to risk.

DISPLACED ELDERLY WOMEN

Displaced elderly women may also be at increased risk for violence and exploitation, especially if they are physically fragile, suffering from chronic health problems, abandoned or without able-bodied caretakers. The international community has not done particularly well in engaging elderly displaced women in services and programs. They have often been treated more as persons with multiple needs rather than as resources with a lifetime of experience and wisdom. As a result, elderly displaced women are often marginalized within the displaced population, excluded from decision-making bodies and, hence, more vulnerable to abuse. Their marginalization may be compounded

by mobility problems and health concerns that can make access to services and programs difficult, if not impossible, rendering them isolated and potentially forgotten.

URBAN REFUGEE WOMEN AND GIRLS

While protection risks are prevalent in virtually all camp settings, the risks are multiplied several times over for displaced persons in urban contexts where they often receive little or no assistance. In urban settings it is much more difficult for assistance providers and human rights activists to identify, monitor and support displaced persons. They may be hidden among already underserved, poor local populations in shanty-towns or scattered over broad, densely populated urban areas with limited infrastructure such as reliable, affordable transportation to access assistance agencies. Cultural norms may further restrict women's ability to move freely. It is difficult to implement programs in such contexts or to even adequately assess needs. It is also difficult to engage the displaced community in a concerted and sustained manner. As such, the urban displaced may be marginalized, vulnerable to exploitation by landlords, employers and host community members who may prey on their lack of legal status and lack of support systems.

PHYSICALLY AND MENTALLY DISABLED WOMEN AND GIRLS

“Josephine, a physically disabled woman, was in her home when soldiers attacked her home in Sierra Leone. They led her husband to the gate and cut his throat. They took Josephine to the Federal Camp where they gang raped her several times...Following her escape and arrival in a refugee camp in Guinea, she received a scholarship as a disabled widow to learn a new skill in nursing, went on to work for the American Refugee Committee in Kountaya as a nurse and joined the Association for Disabled People for which she now serves as a chair person and is responsible for the welfare of disabled women...Josephine is living proof that ‘disability is not inability.’”¹¹

Displaced women and girls with physical and mental disabilities, such as mobility impairments and mental retardation, are often more vulnerable to abuse and sexual exploitation, as they may lack to mental or physical capacity to resist physical violence and sexual advances. They may be targeted by displaced or host community men and youth because they are deemed less able to protect themselves. Due to the social stigma that surrounds their disability, they may also be less likely to be protected by community members. Further, they may, at times, be the last to receive food and other humanitarian assistance from family or other caretakers.

INTERNALLY DISPLACED PERSONS

Research has repeatedly demonstrated that internally displaced persons receive far less attention, fewer resources and subsequently far fewer services than refugees. They do not fall under the protection mandate of a single agency and do not have an international convention that delineates their rights under international law.¹² Their situation is further complicated by the issue of state sovereignty, which may impact the likelihood of international intervention and assistance, when the state, for example, that is persecuting or causing the displacement denies access and the delivery of assistance. Often few staff from the international community are present in IDP situations and donor governments have been less generous in their funding of services and programs. IDPs' survival and protection is thus, at times, left in their own hands and often with serious consequences – as the widespread rape of IDP women and girls in Darfur has recently demonstrated. As such, internally displaced women and girls experience significant risks to their safety and well-being.

PUSH FACTORS LEADING TO DISPLACEMENT

"I lived in a rural farming community and was a community leader. I had three children, two of whom are now 12 and 14. In December 1999 my daughter, who was then 13 years old, went to another area/department to stay with my sister on school holiday. She was in the sixth grade. She was caught in the crossfire between the guerrillas and the paramilitaries in front of my sister's home. My daughter was shot but not killed. But as she lay seriously wounded, she was raped and then killed by army soldiers. I spent nine hours trying to prove that my daughter was not a guerrilla so that I could see and get my daughter's body. I tried to report my daughter's murder, but I was told that I would probably be killed by the time that was done because my own life was at stake. So I could not denounce the rape and murder of my daughter. To protect my life, I left my home and my other two children so they could continue school. I moved to another small village in the area. In July 2000 the paramilitaries burned our house down. My two children and I moved to Bogotá.

My two children have told me that they want to commit suicide. They ask, 'What is the reason for living?'"¹³

ARMED CONFLICT

Current situations of armed conflict have changed the context in which humanitarian organizations work and provide assistance to vulnerable populations. Displacement flows have changed from those resulting in organized conflicts between States to civil wars where armed groups and militias directly target civilian populations making humanitarian interventions dangerous and limiting access to, and hence protection for, affected populations.

While entire communities suffer the consequences of armed conflict, women and girls are particularly affected because of their status in society and their sex. War and civil unrest are increasingly wreaking havoc on the lives of women and girls causing them to flee violence, abuse, intimidation and insecurity and resulting in their internal or external displacement. Health and education services and facilities are disrupted and local economies shattered. In Colombia, for example, international and regional organizations agree that women are uniquely affected by the political violence in their country. Colombian women face an array of challenges — physical, socio-economic, psychological and political.

War often disrupts girls' school attendance as it is unsafe for them to leave home due to an increased presence of armed elements and general lawless-

ness, or because they have greater workloads as males are involved in the conflict. Wartime rape and other forms of gender-based violence remain constant threats in politically unstable regions and countries. Forced migration caused by conflict increases the vulnerability of women and girls in every regard but especially with respect to gender-based violence.

At present, some 75 percent of people killed and injured in wars are civilians, whereas in World War I fewer than 5 percent of all casualties were non-combatants.¹⁴ Although more men die in battle than women, women and girls are deliberately targeted for rape, torture, sexual slavery, trafficking and forced marriages in conflict zones. In addition to being abducted or forced to become sex slaves, women and girls are also forced to become servants and combatants for the armed militia groups. Prolonged conflicts can further engender a culture of violence that can permeate all aspects of a society as war can erode traditional practices that promote respect and gender harmony.

Women's rights are particularly affected by armed conflict as women are particularly susceptible to marginalization, poverty and the suffering propagated by armed conflict, especially when they are already victims of discrimination during times of peace. In conflict, women may be sidelined, with their state of inferiority and subordination to men further compromised.

HUMAN RIGHTS VIOLATIONS

“They took my son away – three weeks ago. They beat me. They stole my money and jewelry – anything they wanted from my house. They still come and pound on my door late at night – trying to get in. I’m afraid — afraid to go outside. I don’t know what has happened to my son. I have no food and I have nowhere to go.”¹⁵

Abandoned elderly Serb woman in Kosovo following the return of the Kosovar Albanians.

Women and girls living in conflict-prone countries and regions are also at risk of human rights violations and persecution based on their gender, religion, ethnicity and spousal and familial relationships. Women and family members, for example, are often persecuted because of the involvement of their husbands and fathers in political activity. This “guilt by association” has been displayed during inter-ethnic and inter-religious conflicts such as the Hutu/Tutsi conflict in Rwanda and Burundi and the Muslim, Croat, and Serbian conflict in the Balkans. Persecution in these contexts may include harassment, torture, dismemberment, arrest and detention, abduction, rape and murder.

Human rights violations against civilians, including women and girls, has ranged from physical mutilation, the cutting off of limbs, ears and breasts in places like Sierra Leone and northern Uganda to the destruction of property and assets – the burning of villages and the stealing of livestock in places like Darfur and Bosnia. The abduction of women and children is also commonly practiced, as are forced relocation and forced labor – for example, with ethnic minorities in Myanmar.

POVERTY

Extreme poverty and the inability to adequately provide for self and family can push women and their children to flee. Drought, floods, conflict and the lack of access to land and health services can also be push factors. Faced with malnutrition, hand-to-mouth survival and potential starvation may leave women with few options. Impoverishment is linked to myriad problems facing women and girls. HIV infection rates, for

example, are much higher for young women than men in southern Africa and this disparity is linked to widespread sexual abuse, coercion, discrimination, and impoverishment.

Lack of economic opportunities and economic dependency on others also leads to a host of protection risks. Economically dependent women and girls have particular difficulties in leaving or avoiding risky relationships. The financial vulnerability of women and girls is linked to their lack of access to productive resources such as land, property, credit, training and education. Rampant poverty exposes women and girls to all types of exploitation, including trafficking.

INEQUALITY/SOCIAL EXCLUSION

In general, women and girls have fewer opportunities, lower status and less power and influence than men and boys – all of which may be compounded by conflict and displacement. Women and girls are often expected to be socially and culturally subservient to men and boys. They often do not have access to the same rights and legal protections whether in law or in practice. Women and girls generally have less control over income and assets and are more often subject to violence and intimidation. As a result of this inequality and social exclusion, despite widespread abuse and subordination, women and girls often remain silent rather than confront hostile legal and social systems that fail to respect their rights.

Many girls experience discriminatory treatment from birth and strict gender roles prevent women from cultivating economic independence and social autonomy. In many conflict settings, low education levels among girls and women, paternalistic laws and pervasive gender-based violence prevent women from enjoying their human rights. Inequality in power relationships is the primary factor that allows gender-based violence to be practiced and, at times, tolerated.

Social exclusion refers to women’s and girls’ lack of access to a community’s or nation’s political, social and economic life. They may not be allowed to participate and their concerns and needs may not be given due consideration. When women are not allowed to vote, to own land or have land transferred into their names upon the death of their spouses and fathers, when they do not have

the same access to education and employment, they are marginalized, repressed and discriminated against. Socially excluded, their human rights tend to be neglected and, hence, their protection risks exacerbated and these can become push factors leading to displacement.

GENDER-BASED VIOLENCE

“According to one women’s rights activist in Puerto Asis at Mocoa, the military operate and live in a girls’ school. Many girls and women live with paramilitaries in the community who use their positions to threaten other girls and their families. They live in a climate of fear. For some girls, initiating sex with the paramilitary is at first an honor, but girls are often abandoned afterwards. Paramilitaries have also gone to the families of girls in Puerto Asis requesting their daughters to go with them for a weekend as a ‘community service.’ The consequence of refusal can be murder. Some girls are kidnapped for cooking and cleaning and are systematically raped by paramilitaries.”¹⁶

Rape is wide-spread in conflict zones. Rape has, at times, been a systematically and strategically used weapon of war – targeting specific ethnic or religious groups, for example. Further, forced sex, gang rapes, sexual slavery and prostitution are often used by paramilitary and guerilla forces against civilian women and girls as well as on females who are voluntarily or involuntarily serving within their units. Armed conflict reinforces a structure that employs physical power to achieve goals. Men and boys raised within this paradigm learn to seek domination through force, asserting physical supremacy over female partners and relatives.

Widespread or targeted gender-based violence in areas experiencing conflict push women and girls to flee to safer areas whether internally or across international borders. As societal structures collapse during conflict and during the lengthy reconstruction phase, gender-based violence often reaches epidemic levels, partially due to the erosion of traditional protection structures and the breakdown of legal, enforcement and judicial systems.

RISK FACTORS DURING DISPLACEMENT

“This hospital is not secure. There is too little light here. We do not have separate sleeping spaces and boys often try to sleep near us. We would prefer a separate sleeping space, even if it were with the old women. The boys try to force themselves on girls when we are sleeping. The boys also try to force girls on the road to the hospital. This happens almost every night. So we try to walk in groups because we do not have the strength to fight the boys alone. When girls are raped, they do not receive testing for HIV. There is no counseling either. There is no protection on the roads to the hospital. Even though we only walk two kilometers, it is still dangerous.”¹⁷

Interview with four Ugandan displaced girls, aged 13 – 16, who are “night commuters.”

For many women and girls at risk, vulnerability has increased as a result of numerous human rights abuses coupled by a series of protection failures during their search for safety – during flight, during displacement and during the return and reintegration processes. Many displaced women and girls experience numerous traumatic events and are exposed to sexual and gender-based violence at every stage of their refugee journey or journey as a displaced person.¹⁸ Further, failure to account for women’s security and health needs can make a refugee or IDP camp dangerous for women and children even when they are intended to provide refuge and safety.

“...[R]efugee women and girls remain extremely vulnerable to sexual exploitation and abuse of power due to (1) the high level of poverty among refugees, (2) limited monitoring of camp situations by international relief workers, and (3) cultural attitudes on the part of some relief workers and refugee-led camp management.”¹⁹

In camps and urban settings, displaced women and girls may experience specific protection prob-

lems as a result of their sex. Risks of abduction, rape, sexual abuse, harassment and exploitation are just some of the problems experienced by displaced women, whether they are single, widowed or accompanied by a male family member. In particular instances, past traumatic experiences in the country of origin and circumstances of extreme hardship in the country of refuge may magnify or exacerbate the protection problems of refugee women and add to the precariousness of their situation.²⁰ Some of the more prevalent of these risk factors are highlighted below.

GENDER-BASED VIOLENCE

“He told me if I wanted a scholarship [for secondary school], I had to be his girlfriend. I had to have sex with him. Other girls did it. They wanted to go to school. I refused and didn’t get my scholarship.”²¹

Interview with a 15-year-old Congolese girl in the Tongagara camp, Zimbabwe.

“Gender-based violence – harm perpetuated against a person because of gender-based power inequities – is aimed primarily at women and girls. In refugee settings, this violence can take the form of intimidation, physical harm, sexual abuse including rape, and unequal access to humanitarian assistance. Although no systematic data exist about the magnitude of the problem, reports by numerous international organizations over the past two decades demonstrate that sexual abuse of refugee women and girls is pervasive and present in almost all refugee settings. Reports out of West Africa in 2001 cited sexual abuse and exploitation of refugee women and girls by relief workers from international and nongovernmental organizations and by peacekeepers – the very people charged with protecting refugees.”²²

In most refugee and IDP situations, women and girls are at risk of rape and other forms of sexual

and gender-based violence. Many displaced women and girls experience multiple traumatic events, including repeated sexual and gender-based violence during flight and in countries of asylum. The impact of each event is compounded by ensuing events and further compounded by the lack of adequate protection. This creates conditions of continued risks and heightened vulnerability for further abuse and trauma. Resource shortages, limited field personnel and the lack of effective systems often results in the international protection regime's failures to respond to the needs of these women and girls.²³ As funding and international attention decrease over time in protracted refugee and IDP situations, the combination of scarce resources and traditionally male-dominated camp leadership and distribution structures expose women and girls to exploitative situations where they may have little recourse other than to exchange sexual favors for money, food and assistance.

Besides being directly exploited, women and girls are often deceived and used sexually because they don't know their rights and because they cannot sustain themselves financially. They may also not be educated on how to protect themselves.

Women in prolonged camp situations can be more vulnerable to abuse from male relatives or partners as community and familial structures unravel or when international or other monitors withdraw from the area. Bhutanese refugee women and girls displaced for over 10 years in Nepal, for example, have reported rape, sexual assault, polygamy, trafficking, domestic violence and child marriage in the camps.²⁴ In many cases, the increase in domestic violence found in refugee and IDP camps occurs as a result of the progressive destruction of traditional family and community customs and support structures; this is combined with pervasive and seemingly endless poverty.²⁵ Evidence suggests that unemployed displaced men release frustration through spousal and child abuse. Fifty-two percent of displaced women in Colombia, for example, experience domestic abuse, as compared to 20 percent of non-displaced women.²⁶

Domestic violence is often rampant in camp settings and is the most under-reported and ignored form of gender-based violence in refugee and IDP settings. In the case of domestic abuse against children, the child victims seldom receive adequate attention, response and support. Additionally,

many displaced women and girls are afraid to report incidences of domestic violence for fear of retaliation by their husbands and fathers as they do not expect to receive adequate protection. Also, women and girls want to protect their image and reputation and that of their families. Inadequate measures and breaches of confidentiality also inhibit reporting, as ensuring confidentiality is vital to protect a victim's safety and privacy as well as minimize the risk of social stigma.

The absence of systematic reporting and response mechanisms in cases of gender-based violence can further place women and girls at risk by obstructing their access to legal and medical assistance as well as impact their immediate and longer-term security. At times complaints are not taken seriously by police and security personnel as well as by camp leadership structures. Police investigations and judicial response can also be slow, inefficient or lacking. Impunity or slow legal processes can leave women and girls exposed and vulnerable to repeated attacks and intimidation by perpetrators, especially when victims continue to live in the same vicinity as their assailants.

Host states have a critical but overlooked role to play in prevention and response to sexual and gender-based violence. As well as punishing national perpetrators (police, army, host community members) in accordance with domestic laws, states are responsible to ensure displaced women and girls are given unrestricted access to domestic legal systems including legal aid and include refugee protection in awareness campaigns. Domestic laws must be in place to protect women and girls from such violence and those laws must be fully enforced.

MARGINALIZATION/DISCRIMINATION

Displacement may reinforce historical discrimination against women or create new forms of discrimination and marginalization. Discriminatory practices by governments, assistance agencies and refugee or local communities can range from lack of identification, unequal participation in committees and negative attitudes towards refugees or IDPs, among others.

Displaced women are often less likely to possess identity documents than are men, which can cre-

ate structural impediments to accessing government services. Registration and distribution systems are frequently based on household cards listed under the name of the male head of household – thereby limiting women’s access to assistance, especially in cases of separation.

The unequal status of women and girls sharply increases their vulnerability to gender-based violence during conflict and displacement. Discriminatory practices reduce women’s participation and leadership in refugee and IDP settings and women’s and girls’ unequal social, legal and economic status place them at particular risk of sexual exploitation.

Even when women participate in camp committees and leadership structures, discriminatory attitudes often continue to marginalize their roles. Placement in these positions is not enough as social prejudices can undermine their leadership. They may be provided few opportunities to speak and their input may not be listened to or taken seriously. The community may not accept decisions made by women. Often their representation is token and superficial, simply filling international organizations’ “quota” requirements.

Host communities may also have negative opinions about the displaced in their midst and discriminatory public perceptions towards the displaced within host countries and communities often leads to violence. Displaced women and girls may feel more exposed to host community abuse due to the perception that they are less threatening, less likely to retaliate and more vulnerable than men.

PHYSICAL INSECURITY

Threats to the security of refugees and IDPs may take a number of forms:

- Theft, assault, domestic violence, forced marriage, vandalism and civil disputes; child abuse, rape including targeted or serial rape and other sexual assault and exploitation, robbery (armed and otherwise), arson, fraud, forgery, extortion, aggravated assault, murder, forced prostitution, kidnapping, human trafficking, enslavement, smuggling, torture, war crimes and withholding humanitarian assistance.

Women and girls are often forced to leave refugee and IDP camps or venture out to peripheral areas of camps to collect water and firewood, to tend small gardens or to take goods to local markets – all of which can make them vulnerable to physical and sexual violence. Women and girls often have little choice but to risk assault by leaving the perimeters and relative “safety” of displaced camps. At times, the survival of their children and families depends on accessing materials and resources that are not available inside the camp such as firewood, water and supplemental food items. The risk of attack is compounded by the fact that areas near the camp periphery may have become so de-forested that women and girls are compelled to venture ever further away.²⁷

The structural design of camps themselves can lead to gender violence when latrines and water taps are situated far from dwellings. Women and girls have been assaulted and raped when visiting latrines and when fetching water. Shower areas are sometimes not secure. Communal bathrooms may not be well-lit and male and female facilities may not be adequately separated.

Refugees must be allowed to live in an environment that supports their fundamental human rights to life, liberty and security of person. Under refugee and human rights law a host state is obliged to ensure the physical protection of those who reside within its borders, including refugees.²⁸ UNHCR’s Statute and Article 35 of the 1951 Refugee Convention provide UNHCR with a mandate to monitor and assist states in their primary obligation to provide physical protection to refugees.

Ensuring the physical security of refugees entails securing their areas of residence and taking steps to prevent their safety from being jeopardized. It also requires that the living environment of refugees be peaceful, humanitarian and civilian, free of violence and criminal activity, and conducive to the realization of human dignity.²⁹ Refugee protection encompasses measures to ensure refugees’ physical security (preserving the physical safety of refugees), social security (delivery of minimum standards of material assistance) and their legal security (restoring and safeguarding legal rights).³⁰

Although threats to personal security are not

unique to refugees, the threats are often aggravated by the vulnerable position in which refugees find themselves:

- They do not benefit from the protection of their own government.
- They usually have limited material resources.
- Their family and community structures are strained or even dissolved.
- They are often forced to travel through insecure areas in order to find a country of asylum.
- They often lack appropriate documentation.
- Armed elements sometimes infiltrate refugee populations.
- They are sometimes manipulated for geopolitical purposes.

The situation of refugees is further strained when they are forced to live in a large camp or settlement where they may be deprived of educational, agricultural and income-generating activities, and have little prospect of finding a quick solution to their plight.

The militarization of camps constitutes a very serious threat to the security of refugees and host populations. This may include the presence of armed elements residing in refugee camps or using camps as a base for short-term “rest and recuperation.” Coercion, intimidation, recruitment (forced or otherwise), combat training and abduction are unacceptable activities that may occur when the civilian and humanitarian character of a refugee camp are compromised.³¹ When the civilian and humanitarian character of camps are compromised, women may be at increased risk of abduction and rape by armed elements and have less access to legal recourse or response services.

Displaced urban populations may face additional security risks, including detention, deportation, lack of recognition by the host government, harassment and discrimination and exploitation by the host community.

RECRUITMENT BY ARMED FACTIONS

Security in refugee camps is very closely related to

its civilian character. The presence of armed elements, incursions by militias, cross-border raids and recruitment from the camp impede or prohibit the establishment of a safe, neutral and secure refugee environment.³²

Parties to armed conflicts do not always respect international boundaries. Combatants and other armed elements often move between the conflict zone into the territory of a third-party state. As a result, local and refugee communities may be infiltrated by these combatants and armed elements, potentially jeopardizing the security of those settlements and the region. Refugee and IDP camps, at times, provide relative safe-havens where combatants recuperate from battle, re-supply, visit family members or even train and recruit.

During displacement, women and girls remain at risk for recruitment and capture by armed forces to be combatants, cooks, forced laborers and sex slaves. Refugee and IDP camps are often infiltrated by militias and warring parties to politicize and mobilize the displaced population. Militarized camps and settlements place those seeking refuge at grave risks to their security and well-being, and undermine the neutral and humanitarian character of international assistance.

The very existence of international refugee law and the protection it confers is premised on the principle of neutrality and more specifically on the peaceful and humanitarian character of asylum. As such, refugee camps should have an exclusively civilian and humanitarian character and all actors, including refugees themselves, have an obligation to cooperate in ensuring and maintaining that character in refugee camps and settlements.

FOOD INSECURITY

Inappropriate assistance, particularly the quantity and quality of food assistance, increases the vulnerability of refugees and displaced persons to sexual abuse and exploitation. Inequitable distribution of resources within camps may result in women having inadequate access, particularly to food, forcing them to resort to coping strategies that put them at greater risk of sexual violence and HIV/AIDS. Women and girls may be compelled to engage in transactional sex because they lack livelihood options or to help fend for their families. In many cases, this amounts to “survival

sex” which occurs when displaced women and girls have no recourse or economic alternatives. Widowed and separated displaced women are at particular risk due to having to assume multiple roles, including those of single mothers, caretakers and breadwinners. The additional responsibilities, without additional or adequate resources, often leave women with few options but to prostitute themselves or their daughters.

Food insecurity is linked not only to sexual exploitation but to malnutrition and high morbidity and mortality rates among pregnant women and young children. Food insecurity is prevalent in many refugee and IDP camps as well as among urban displaced populations living on the margins of society. Food insecurity can be a result of inadequate food baskets that do not meet minimal caloric standards, food distributions which may meet caloric requirements but lack nutritional value, breakdowns in the food assistance pipeline, ration cuts due to funding problems and the selling of rations to meet other basic needs. Further, when inadequate food rations are distributed, women will often be the first to deny themselves food in favor of others, particularly their children and male partners.

In urban settings, food insecurity may be particularly problematic as access to humanitarian assistance and income generation activities are often minimal. Women who manage to find employment to earn money for food may suffer from discrimination, harassment and exploitation by their employers or fellow employees and be paid far below market wages because of their sex, ethnicity or uncertain legal status.

LACK OF DOCUMENTATION

“Refugee women...reported that when documentation and ration cards have been issued, they were most often given to male heads of household. This can make women dependent on men for access to basic goods and services, and the lack of their individual identification increases the potential for exploitation of women. As a result, refugee women may also face undue restricted freedom of movement.”³³

Refugee and IDP women without proper documentation are particularly susceptible to exploitation and abuse. They can be incarcerated when traveling outside “closed camps”; and be unable to access assistance and services inside of camps – such as food aid if the ration card is in their husband’s name rather than theirs. The lack of appropriate documentation can also cause problems upon return – when marriage, death and birth certificates, for example, have not been issued – impacting inheritance rights and even resulting in statelessness, especially for those born abroad.

The lack of individual work permits for urban refugees often forces refugee women and girls to work in the informal economy which can lead to situations of exploitation by employers involving sexual advances, harassment and abuse. Refugee women generally have no legal recourse in such situations. Urban refugee and displaced women are also more likely to be detained without just cause due to problems with documentation and registration.

COLLECTION OF FIREWOOD

“The danger is the same, near or far, but there’s no wood nearby. When we are there getting the wood, local people sometimes take the girls’ clothes off and do bad things. The people wear green uniforms. Some have camels, some have horses. At the place where we get the firewood they tell us, ‘Line up one by one.’ They say, ‘stand two by two,’ and they take us off like that and then they rape us. Sometimes this happens until evenings. We have told the police, but the police say stay in your tent and nothing will happen.”³⁴

Anytime women and girls have to leave the relative safety of camp settings to collect firewood, they put themselves at risk. The collection of firewood is directly and indirectly related to numerous protection concerns in addition to potential gender-based violence. Women and girls often spend an inordinate amount of time collecting firewood – sometimes walking considerable distances – leaving little time for other activities such as attending school and participating in leadership

and decision-making bodies. When women have to leave their shelter or tent to collect firewood, they often have to keep their older daughters at home, away from school, to watch younger children. Firewood collection also interferes with women's ability to participate in camp activities such as skills training and income generation programs.

The collection of firewood is related to the food basket provided and the appropriateness thereof. Beans and lentils, for example, require substantial cooking time and the preparation therefore consumes considerable firewood. Depending on the location of the camp — many are in harsh, desert-like environments — the collection of firewood can take several hours just to have enough fuel to cook the family's evening meal. This can also impact the health and nutritional status of the family, particularly the children.

ABUSES BY PERSONS IN POSITIONS OF AUTHORITY

Women's and girls' safety and well-being are compromised by inequality. Gender-based violence, as an example, is rooted in unequal power relations. "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."³⁵ Women may be particularly vulnerable to sexual assault and sexual violence because of the conditions of dependency that are often created in camps for the displaced. This dependency renders them vulnerable to demands for sexual access in exchange for assistance.³⁶ Abuses happen in all contexts of displacement — in refugee and IDP camps and in urban settings and take place at the hands of police, security personnel, UN peacekeepers, aid workers, host community members and other refugees, despite the fact that all personnel working in humanitarian contexts have a responsibility to ensure that women and girls are treated with full respect for their human rights.

Women and girls in refugee and IDP camps, at times, face sexual violence and exploitation by the very soldiers and security personnel (international forces, host government forces, local police and refugee security personnel) who are supposed to be there to protect them. These groups and individuals take advantage of their positions and

power as well as the vulnerability of those displaced. It can be particularly difficult for women and girls who have been assaulted by soldiers or security personnel to come forward with their accusations, as doing so can place them at increased risk for further violence.

International troops have been both participants and lures, as displaced women and girls seek them out for advantage, privilege and extra resources. For example, in six out of 12 country studies prepared for a research report, the arrival of peacekeeping troops has been associated with a rapid rise in child prostitution.³⁷ United Nations rules, however, forbid UN staff and peacekeepers from contact with prostitutes, forbid sexual relations with anyone under 18 and "strongly discourage" relations with beneficiaries.³⁸

Aid workers have also been guilty of abusing their power and of exploiting refugee women and girls — requesting or demanding sexual favors for access to assistance and services. Gender-based violence against refugee women and girls by international, national and refugee staff of UN and nongovernmental organizations has been documented in Liberia, Sierra Leone, Guinea, Tanzania, Zimbabwe and Nepal. Their positions of authority, privilege and access to resources provide aid workers with the power to demand sexual or other favors.

School teachers have exploited students; aid workers have "hired" refugee maids who serve as sex partners; program managers and administrators have demanded sexual favors for access to secondary school, food assistance and desired non-food items. The status and power of aid workers also make them targets of desperate displaced women's and girls' sexual advances who want access to such privilege

Host community members often view displaced women and girls as easy targets for sexual assault and, thus, may seek to take advantage of those displaced within their midst — preying on the women and girls, stealing relief supplies, and creating conditions of insecurity for their own gain. Host community members may be equally or even more disadvantaged than the displaced populations hosted in their midst and may, hence, seek to benefit from the assistance and services provided. When ethnic, nationality and religious differences are present between displaced and host communi-

ty members, the risk of violence is heightened. Host community members may seek to abduct and traffic displaced women and girls. They may take advantage of displaced women and girls economically and sexually when they venture outside camps or into marginal urban areas – charging them higher rates for market goods, looting refugees’ homes, or charging fees for “safe passage.”

Fellow refugees and displaced persons, too, are often the perpetrators of crimes and gender-based violence against displaced women and girls. Sexual abuse and exploitation by refugee teachers against girl students, for example, has been repeatedly documented and has made many school environments unsafe for girls. Family and domestic violence is rampant in many refugee and IDP settings – contributed to by the breakdown of family and community structures, idleness, alcohol abuse and disempowerment. As a result, large camps with mixed populations and impoverished urban areas are particularly prone to incidences of gender-based violence and refugee-on-refugee abuse.

HARMFUL TRADITIONAL PRACTICES

Harmful practices in breach of international human rights laws and standards cannot be justified on the basis of historical, traditional, religious or cultural grounds. Whether a traditional practice is harmful should not be determined subjectively, but by reference to the physical and mental harm caused to the individual and in light of international human rights instruments. Harmful traditional practices violate a number of human rights enshrined in international instruments, including, for example, the right to security of person, the right to the highest attainable standard of physical and mental health, the right to freedom from all forms of physical and mental violence and maltreatment, the right to freedom from torture or cruel, inhuman or degrading treatment and the right to life.³⁹

Harmful traditional practices affecting safety and well-being include:

- female genital mutilation (FGM – also known as female genital cutting –FGC)
- early marriage
- forced marriage

- honor killing and maiming
- infanticide and/or neglect
- denial of education for girls or women

During displacement, FGM may increase (more girls getting circumcised and at younger ages) as communities see this as a means to hold onto culture and perceive that it will enhance the likelihood for girls to marry. Early and forced marriage may also increase during and after displacement due to high levels of poverty (one less mouth to feed) and insecurity (the perception that a “male protector” will be in her best interest).

LACK OF EDUCATIONAL OPPORTUNITIES

Education for girls is among the most effective ways of reducing poverty and yet, gender disparity in school attendance is prevalent in almost all situations of displacement. Girls drop out at lower grades than boys and in larger percentages. Girls who drop out or who are unable to attend are at higher risk of exploitation, recruitment by armed factions and early and forced marriage. Non-attendance may be based on lack of access – few schools, far distances and the lack of basic resources for uniforms, books and school supplies. Girls may also not attend because of the lack of sanitary materials, pregnancy (which may be a result of early marriage or abuse) or security concerns while going to and from school and even within schools. Parents and girls may not understand the importance of education and girls may be kept at home to help with childcare and domestic responsibilities.

There are seldom opportunities for secondary and tertiary education for displaced girls. Secondary schools are generally limited or non-existent in camp settings. When present, they can generally serve only a limited number of students while in urban areas, government policy may not allow non-citizens to attend or school fees and related costs may preclude attendance.

LOSS OF TRADITIONAL MALE ROLE

The lack of adult male presence in a family or the loss of their traditional male role as economic provider can lead to protection risks for displaced

women and girls. Even when adult male family members are present, gender roles often change dramatically in contexts of displacement. Loss of economic status and position can be emasculating for men. While women are often marginalized and excluded during their displacement, humanitarian organizations' often attempt to focus on women which can lead to their empowerment and their involvement in leadership and decision-making bodies, for perhaps the first time, which may further alienate the men.

When adult men are not present in a family, women and girls may be at higher risk for exploitation. Without their traditional providers and protectors, they are often preyed upon by other men who attempt to take advantage of their vulnerable situation. When women and girls have fled from traditional or patriarchal societies, the lack of a male figure in the household, especially during displacement — a time of change and stress, can be particularly devastating.

TRAFFICKING

Displaced women and girls are frequently at risk of trafficking, as international and local criminal rings prey on the women's precarious situation. Displaced women and girls in camps and in urban settings, at times, disappear or are reported missing. Some of these individuals are victims of trafficking. In July 2003, for example, UNHCR reported that 35 women and girls were missing from the refugee camps in Nepal — some of whom were expected to be trafficking victims.⁴⁰

Traffickers target the vulnerable, who are viewed as more susceptible, and few women and girls are in as vulnerable a situation as those displaced. The displaced have left behind their traditional community support mechanisms and their homes, and often find themselves in regions or countries where they don't understand the local culture, don't know the local residents and perhaps don't even speak the local language. The nexus between displacement and trafficking is not yet widely researched or understood but it is known that countries experiencing conflict and human rights abuses are also generally source countries of trafficked women and girls — Myanmar, Afghanistan and Nepal being recent or current examples.⁴¹

HIV/AIDS

Due to gender-based violence, trafficking and the breakdown of social norms and the subsequent potential increase in sexual activity in crowded camps and urban settings, displaced women and girls are often at increased risk for sexually transmitted infections, including HIV/AIDS. Displacement, boredom, the consequence of large populations previously unknown to each other living in close proximity, and alcohol abuse can all increase exposure to the HIV virus. Displaced and migrant populations may be at increased risk due, as well, to exposure to new populations and taking refuge in countries and regions with higher infection rates.

CHILD LABOR

Displaced children, both boys and girls, are often forced to work due to impoverishment and family need. In urban areas, these children work as beggars, garbage pickers, commercial sex workers and in other high risk, unregulated jobs — the fishing platforms off the Indonesian islands, the carpet factories in Pakistan and as drug runners between Afghanistan and Iran. Even when jobs are regulated, monitoring authorities may turn a blind eye to non-citizens due to discrimination.

Displaced girls also work as domestic workers, in urban centers, in refugee camps and in neighboring host communities. Children in such circumstances are vulnerable to mistreatment, including the withholding of payment and physical and sexual abuse. Their right to education is ignored as are international labor standards which prohibit the employment of under-aged children.

Displaced families, too, force their young children to work within and outside the home — cooking, fetching water, collecting firewood, caring for younger siblings, guarding livestock — and these responsibilities may not allow them to attend school or participate in other age-appropriate development activities such as play.

Separated and unaccompanied children are at particular risk for labor exploitation as foster families and relatives often use them to do the household work and other family chores. As a result, these children generally have less access to education and recreational programs thus interfering with their normal development.

FAMILY SEPARATION

During the chaos of flight and subsequent displacement, families often become separated. Family structures, which could otherwise be a basis of stability and protection, fragment. Separation from or loss of family members can result in female-headed households in which the women are dependent on external support and consequently more vulnerable to exploitation. While family tracing and reunification may take time, especially in emergency contexts, separated family members — especially young children, adolescent girls, unaccompanied women, and elderly women may be at considerable risk.

Separation from family members also happens during camp relocation exercises and during the return process. The risk of separation from family and other support structures is highest during population movements. Whenever they are without traditional family support, women and children are vulnerable to exploitation, abuse and abduction. When children become separated during these exercises, they are at particularly high risk.

OTHER FACTORS AFFECTING RISK LEVELS

TRADITIONAL SYSTEMS OF JUSTICE

Non-state systems for the administration of justice, including traditional or customary systems, may be used in camps. These “traditional systems of justice” include mediation, resolution and punishment practices used in countries or communities of origin and exported in part or whole and adapted to the refugee camp setting. There are, as well, practices which include alternatives to state justice systems but which are, in fact, not necessarily traditional practices. They may be new systems and mechanisms established in the context of displacement. Such practices may be administered by refugee elders, traditional judges or refugee leaders who may be either elected or appointed and who can usually arbitrate disputes, assign guilt and impose punishment and retribution.

There is no one model of traditional or non-formal system of justice but rather many models indigenous to different countries and communities, which have often been adapted to the new camp situation. Customary systems for dispensing jus-

tice are usually undocumented and unregulated other than by public consensus and the respect accorded to traditional elders. They may be “perceived” as effective and politically legitimate without necessarily meeting international standards of fair trial or other human rights norms. They tend, for example, not to recognize the rights of women and children, seldom have an appeal process, are frequently not accountable and are often undemocratic in both their representation and procedures.

These traditional systems also highlight the tensions between community stability and individual rights. In certain societies, collective remedies, that is, those that restore harmony between families and clans, may provide “satisfaction” but may do so at the expense of the individual victim (often, but not exclusively women).⁴²

Under traditional systems of justice, the focus tends to be on preserving balance within the community rather than on securing redress for the victim. Traditional systems of justice are rarely child or gender sensitive and can be hostile to women and girls who lodge complaints. Too often these systems do not deliver justice for gender-based violence. Instead a perpetrator of rape may be asked to marry the girl he has raped, pay a fine for his actions to the family of the victim, or both.

TRADITIONAL LEADERSHIP STRUCTURES

Traditional leadership structures are typically either exclusively male or male-dominated. As such, they are seldom sensitized to or interested in the unique protection concerns of displaced women and girls. In Nepal, for example, victims of gender-based violence encountered inadequate support services and a male-dominated leadership that often ignored gender-based violence or meted out harmful settlements.⁴³

Refugee committees or refugee leaders may be unrepresentative of the community at large. Few women participate. Adolescents generally have no voice. Children and the elderly are all but forgotten in the decisions that affect their lives. The refugee leaders may also attempt to benefit from their positions instead of truly serving their communities. There may be problems with corruption and favoritism. These obstacles, however, may be overcome if refugee leaders and committee are democratically elected rather than appointed, if there are regular elections, if they develop rules

and regulations that they agree to operate by and if they have Codes of Conduct in place.

BREAKDOWN OF COMMUNITY STRUCTURES, VALUES AND MORALS

Conflict and subsequent population movements lead to the breakdown of community structures and subsequently, may result in the breakdown of social control mechanisms – leaving the door open for violence and exploitation to be committed with impunity. The breakdown of these structures may continue and even accelerate during displacement, leaving women and girls unprotected and subject to various violations of their human rights. The breakdown of family and social structures often leads to the decay of traditional morals, values and norms which can result in increased rates of sexual violence, including coercive sex as well as commercial sex work.

Traditional community conflict resolution mechanisms – the role of elders, the involvement of the extended family and normal societal pressures – may collapse leaving a vacuum. Shifts in cultural values during displacement may lead to clashes within the refugee's family and community resulting in increases of domestic violence or stigmatization of previously traumatized or raped women. Further, boys and young men may no longer be socialized to be responsible and respectful. Girls may feel less pressure to restrain from sexual activity. Youth may become sexually active earlier and parents may feel they have lost control over their children. This moral void can place women and girls at increased risk for physical and sexual exploitation and abuse.

LACK OF PRESENCE OF FEMALE AND INTERNATIONAL STAFF

The presence of humanitarian aid staff, and particularly international staff, alone can enhance the protection of displaced populations. Mere presence, though, is never enough. To be effective in ensuring safety and well-being, an engaged presence and systematic monitoring, reporting, analysis and response are necessary. Effective protection also requires the presence of female staff members, national and international, as well as female security personnel.

Gender imbalance, with significantly fewer women employed by UN and nongovernmental organizations, perpetuates the disempowerment of refugee and displaced women and girls and provides few opportunities for their voices to be heard. Displaced women and girls are less likely to report abuse to male humanitarian staff – whom they feel will be less interested, less understanding and less likely to respond. They may also be hesitant to raise sensitive issues to male staff members due to embarrassment, shame or cultural barriers. Male humanitarian staff may also be less aware and less sensitive to observing and assessing the specific needs and risks of women and girls. This lack of awareness and understanding can mean that serious protection concerns exist in the camps and urban areas for refugee women and girls without the knowledge of male staff members.

Female refugees are more likely to raise protection problems with other women whose presence in the field improves the ability to obtain information about the issues displaced women and girls face and the best way to address them.

ENHANCING THE SECURITY AND WELL-BEING OF WOMEN AND GIRLS AT RISK

IDENTIFICATION

In 2003, a U.S. General Accounting Office report on the protection of refugee women and girls “[...F]ound that most UNHCR staff and staff within nongovernmental organizations that serve as their implementing partners in camps have not received practical training on protection concepts and techniques such as how to *identify* and address sexual violence cases”⁴⁴ (emphasis added). Techniques for identifying sexual violence are not adequate – and even less is known on identifying other elements that place women at risk, such as discrimination, domestic violence and forced marriage.

For resettlement purposes, the only area where UNHCR has defined “women at risk,” UNHCR considers as women at risk those women or girls who have protection problems particular to their gender, whether they are single heads of families, unaccompanied girls or together with their male (or female) family members. Refugee women and girls may be at risk of or have suffered from a wide range of protection problems, including expulsion, refoulement and other security threats, sexual violence, physical abuse, intimidation, torture, particular economic hardship or marginalization, lack of integration prospects, community hostility and different forms of exploitation. Such problems and threats are often compounded by the effects of past persecution sustained either in their country of origin or during flight. The trauma of having been uprooted, deprived of normal family and community support systems and cultural ties, the abrupt change in roles and status, the fact or threat of violence or the absence of male family members (while not an absolute condition) may render some refugee women or girls particularly vulnerable.⁴⁵

The identification of women and girls at risk is problematic and labor intensive. It requires a thorough knowledge of both the

community and an assessment of protection risks and gaps. If not undertaken appropriately, the identification process can also exacerbate the situation for women and girls due to lack of confidentiality, suspicion, time lags between assessment and intervention, issues that can give rise to greater abuse, marginalization and trauma. All displaced women and girls may be at risk of gender-based violence and exploitation and, hence, it is not easy to delineate those at higher risk who require specific follow-up and urgent protection interventions. The following criteria provides some guidance as to who humanitarian workers should be aware of, assess and monitor.

CRITERIA FOR IDENTIFICATION

- ❖ Single females
- ❖ Female heads of household
- ❖ Survivors of rape and sexual exploitation
- ❖ Victims of trafficking
- ❖ Elderly woman without family support
- ❖ Former girl-child combatants
- ❖ Former sex and labor slaves of armed forces and militias
- ❖ Physically and mentally disabled women and girls
- ❖ Women and girls at risk of female genital mutilation and early or forced marriage
- ❖ Women and girls who have escaped from traffickers or forced marriages
- ❖ Women and girls who have undergone forced contraception, forced abortion and forced sterilization (coercive family planning practices)
- ❖ Gay/lesbian women and girls
- ❖ Survivors of torture
- ❖ Traumatized women and girls
- ❖ Victims of domestic violence and other physical violence and intimidation
- ❖ Unaccompanied and separated girls
- ❖ Separated girls suffering from maltreatment by foster families/relatives
- ❖ Wives or daughters of persecuted males

ASSESSMENT

Although all displaced women and girls face risks to their safety and well-being, some women and girls are at extreme levels of risk. These women and girls need to be identified on an individual level through risk assessments by trained field-based staff. An accurate and gender-sensitive assessment of the refugees' protection needs and particular vulnerabilities in the country of refuge is crucial to the pursuit of appropriate, dignified durable solutions for them.

Risk assessments should include:

- previous exposure to and victimization of gender-based violence;
- risks factors in the community of displacement, including the physical security of areas women and girls live in and travel to for basic survival resources;
- the prevalence of violence and exploitation in the area of displacement;
- the existence of familial and community support structures; and,
- protection mechanisms in place and remaining protection gaps.

These assessments must be timely, before acts of violence are committed against the women and girls, and must be focused on solutions. Solutions identified should include those focused on the individual's immediate safety, short-term responses and longer-term interventions.

Intensive case management by well-trained staff or refugee workers and the development of individual case management plans should follow the identification and assessment processes. The case management approach should focus on risk reduction and a coordinated risk management response so as to enhance the effectiveness of protection provided to displaced women and girls at high levels of risk. The coordinated risk management response should include clearly defined referral systems with all appropriate actors and partners, reporting mechanisms and delineated timelines for response, as well as follow up and monitoring procedures.⁴⁶

THE IDENTIFICATION AND ASSESSMENT OF WOMEN AND GIRLS AT-RISK SHOULD INCLUDE:

1. an accurate, early and gender-sensitive assessment of the overall protection situation in the region of displacement, country of asylum, or community of return;
2. identification of the specific risk factors affecting displaced women and girls;
3. identification of women and girls who fit the aforementioned criteria and who may be at additional risk;
4. an individual risk assessment on those identified as meeting any of the 'criteria for identification' (see previous page);
5. a designed and implemented individual case management plan for those identified following the risk assessment by UNHCR and/or its implementing partners;
6. a developed risk management response including referral systems, short-term and longer-term protection solutions. In developing the risk management response, consideration should be given to all the protection solutions outlined in the following section;
7. close, regular, systematic monitoring of those targeted.

PROTECTION SOLUTIONS DURING DISPLACEMENT

Solutions during displacement should be based on the fulfillment of rights as provided for in international human rights instruments such as the Universal Declaration of Human Rights, the 1951 Convention relating to the Status of Refugees, the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, among others. By focusing on the rights guaranteed in these instruments, protection risks are reduced and solutions more readily identified and pursued.

INCLUSION OF WOMEN AND GIRLS IN THE IDENTIFICATION OF RISKS AND PROPOSED SOLUTIONS

The international community recognizes that refugee women have the right to be equal partners in their communities. It further recognizes that refugee participation is a key factor to the success of any project. Therefore, an essential component to ensuring the protection and well-being of refugees in general and refugee women in particular is their active participation in planning and developing programs and decisions affecting them.⁴⁷ Promoting women's active and equal participation in leadership structures enhances their equal access to material resources and decisions affecting them and their community. Approaches, therefore, must be developed in consultation with displaced women and girls in order to specifically and sensitively address their specific needs.

“Programs which are planned or implemented without the consultation or participation of half the target population (the women) cannot be effective and could, inadvertently, have a negative impact on their socio-economic situation.”⁴⁸

Displaced women and girls must be partners and collaborators in risk identification and in proposed solutions. Further, they must participate in the development and implementation of prevention

and response protection mechanisms that reduce their risks and vulnerability to exploitation and abuse. In the refugee camps in Nepal, for example, grassroots networks such as the Bhutanese Refugee Women's Forum (BRWF) and the Children's Forum often identify and support women and children who are survivors of violence. The Children's Forum monitors the camps for child abuse and reports cases to designated NGOs, while the group Bhutanese Refugees Aiding Victims of Violence (BRAVVE) provides training in income generation activities to economically and socially marginalized groups – widows, female heads of household and people with disabilities.⁴⁹

COMMUNITY-BASED SOLUTIONS

Refugees and displaced persons know best the protection risks in their camps and urban centers of displacement. They also have ideas about how to mitigate against these risks. As such, displaced communities should be engaged in risk identification, risk mapping of those areas where protection risks are most pronounced and the design and implementation of solutions. Such solutions might include establishing community or neighborhood watch programs; developing security patrols that include refugee or displaced women; posting refugee guards at designated “safe houses” and protected areas; developing camp rules and regulations, as well as refugee codes of conduct; and males accompanying displaced women and girls when they leave safe areas to fetch water and firewood. Other measures practiced include posting security patrols at water points, showers and toilets, and at food and non-food distribution sites.

Refugee women's organizations and sexual and gender-based committees are often involved in awareness raising campaigns and in providing support to victims and survivors. Refugee men's groups, at times, take it upon themselves to stop gender-based violence and counsel perpetrators. Displaced youth groups often engage in HIV/AIDS awareness and peer-to-peer education.

Community-based solutions that involve various groups among the displaced are more likely to be successful and culturally appropriate and can be effective preventative measures.

DEPLOYMENT OF CAMP SECURITY PERSONNEL

The deployment of national, international and/or refugee security personnel can greatly enhance the safety and security of displaced women and children. Security personnel frequently patrol camp border areas, secure relief supplies and humanitarian agencies' offices, assist with crowd control at distributions, conduct walking patrols through the camps and perform night watch. Security personnel also intervene when fighting and looting take place and arrest and detain refugee and host community members who break laws or violate camp rules and regulations. These security personnel, to be most effective, should be trained in human rights, refugee rights, women's and children's rights and conflict mediation, as well as be sensitized to gender-based violence and reporting and response mechanisms. Female security personnel should be included on all security contingents – international, national and refugee.

PRESENCE OF FEMALE STAFF

Protection experts acknowledge that a visible field presence of staff is one of the most effective means of preventing harm to refugees and other vulnerable persons. The presence of national and international female staff in refugee and IDP camps has been demonstrated to inhibit gender-based violence among the displaced as well as among peacekeepers, UN and NGO staff members. The presence of female staff also provides opportunities for displaced women and girls to discuss their protection concerns with interested, understanding parties who are more likely to listen and take their concerns seriously, as displaced women and girls may be reluctant to report abuses, especially those of a sexual nature, to male staff.

CAMP LAYOUT

“Because of the domestic role that they play, women are the most affected by design of refugee camps. If a water point is put in the wrong place, or a distribution point is put in the wrong place, it is women who suffer from that.”⁵⁰

Camp environments are often characterized by massive overcrowding, insufficient food and services, and a near complete lack of employment opportunities. Camp layout and access to services can have a profound impact on the protection or lack thereof of refugee and internally displaced women and girls. A well laid-out camp can prevent many of the protection problems faced by displaced women and girls. The safe and easily accessible placement of water points and latrines, for example, can help minimize risks. Well-lit camps enhance protection after dark. Separate shower and toilet facilities for females also reduce risks.

Often the least secure areas of camps are along the periphery and in non-family areas where many single males may be living and, as such, vulnerable individuals such as single females and female heads of household should not be assigned to live in or near those locations.

PROTECTED AREAS / SAFE HOUSES

Inside many refugee and IDP camps, victims and perpetrators of gender-based violence continue to live in close proximity to each other, resulting in the potential for further abuse and/or retaliation by the alleged perpetrator's family, friends or relatives. Establishing safe areas and safe houses can be an effective response to the need for immediate safety either due to continued presence of perpetrators, due to the slow judicial processes, or the unwillingness of the victim to press charges. The immediate removal of the victim from an area where she is exposed to further abuse is necessary. As relocation out of camps may not be possible or desired, due to the presence of the victim's family members, friends and support system, safe areas or houses are sometimes established within the camp settings.

While seldom a long-term solution, safe places can provide immediate security for the short term.

Such safe places must, however, have security systems in place to protect those inside as well as provide full access to the range of services available within the camp. Women and girls should not be separated from their children and other family members when placed in safe areas unless the family member is the perpetrator. Additionally, special accommodation may be needed for all or the majority of single women, female heads of households and unaccompanied girls in a context of displacement due to the heightened risks they face.

INDIVIDUAL REGISTRATION AND DOCUMENTATION

All refugees should be individually registered⁵¹ and receive individual identity documents. Women must be issued their own registration cards to ensure their independent access to assistance. An important method of ensuring equal access to aid and protection is the provision of registration cards to all adult refugees – male and female.

Documentation should include individual ID cards, women's names on ration cards and the registration of births, marriages and deaths as this registration will impact return, nationality and inheritance. Individual identity cards can also facilitate freedom of movement, inhibit the use of detention and offer protection against refoulement.

ACCESS TO HEALTH CARE, EDUCATION AND TRAINING PROGRAMS, AND INCOME GENERATION ACTIVITIES

A “protection gap” often exists in international aid to refugees and IDPs as basic needs such as shelter are provided while security and protection needs are either not identified or are not dealt with. Health services, for example, must address female-specific needs, such as reproductive health and obstetric care. Educational services must address girl-child access and retention — as access to education greatly reduces girls' vulnerability to exploitation.

Equal access to and control of material resources and assistance benefits and women's equal participation in decision-making processes should be reflected in all programs, whether explicitly targeting sexual and gender-based violence or responding to the emergency, recovery or development

needs of the population.⁵² Participation in education and livelihood programs can be two of the most important protection tools for women and girls during displacement.

PROVISION OF FUEL/WOOD

If women and girls have to walk long distances for water and fuel they are at risk of attack and rape. The provision of firewood or alternative cooking methods, such as solar stoves, has been proven to greatly reduce the risks of gender-based violence for displaced women and girls. While perhaps difficult to provide in a sustainable, cost-effective manner, the provision of firewood or alternative cooking methods can be one of the most effective means of reducing risks.

LEGAL SOLUTIONS – PROSECUTION OF PERPETRATORS

The prosecution, conviction and detention of perpetrators of gender-based violence and other serious crimes demonstrates that crime is not tolerated in the camp or urban setting, thereby inhibiting others, who realize that there is no impunity from committing similar offenses. In order to protect victims and survivors, however, the legal response must be timely and focused on the immediate safety and security of the victim while following due process for the alleged perpetrator. Putting legal solutions in place in displaced camp settings can be challenging as camps are often remote and far from local judicial services. Traditional systems of justice, which may be applied in camps, seldom comply with international legal norms and standards and are inappropriate to deal with serious crimes such as those involving human rights violations. Police response in camp settings including the timely, thorough investigation of alleged crimes, can also be problematic.

Introducing mobile courts to serve remote camp locations, the provision of legal aid through NGOs, local human rights groups or pro bono lawyers, the hiring of professional interpreters and the establishment of in-camp detention facilities and safe houses can address some of these challenges. Training of law enforcement personnel in the country of asylum and carefully planning out legal responses also enhance protection.

CODES OF CONDUCT FOR HUMANITARIAN AND SECURITY STAFF

Putting codes of conduct in place for humanitarian workers, security personnel and refugee staff can help reduce misconduct by clearly defining unacceptable behavior and the disciplinary measures that will be enacted when such behavior is reported. The most effective codes of conduct are drafted by the parties covered and include mandated reporting mechanisms, a clear delineation of disciplinary actions, training and required signatures from all staff. The sharing of these codes of conduct with the refugees and internally displaced persons lets them know what is unacceptable on the part of staff working with them.

Numerous codes of conduct have been drafted and put in place following the sexual abuse scandals in West Africa. The Inter-Agency Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crisis has developed six core principles of a code of conduct.⁵³ UNHCR and many nongovernmental organizations have further elaborated Codes of Conduct based on these six core principles. Codes of conduct must include, at a minimum, no sexual relations with under-age refugees, IDPs or host community members – irrespective of local laws and practices; not using humanitarian aid in any capacity in exchange for favors; treating all beneficiaries with dignity and respect; and mandatory reporting responsibilities.

MONITORING MECHANISMS

In order to prevent protection problems from arising and to ensure that at-risk populations are protected, staff need to monitor the protection of refugees as part and parcel of daily work in camps and urban areas. To be effective, protection monitoring needs to be focused, thoughtful and planned. Effective monitoring depends not just on knowing what to monitor, but equally on knowing how best to collect the necessary data, having the capacity to do so together with the ability to analyze it, mechanisms to properly record and usefully report on information received and, finally, the ability to use it to adjust programs and interventions.

During protection monitoring visits, a variety of issues should be assessed – access to assistance, the changing roles of men and women, the treatment of individuals and groups with specific

needs, incidences of GBV, security in the camp, school attendance, access to livelihoods, possession of identity and registration documents, and respect for the principle of non-refoulement. (Note that this list is not exhaustive.)

Specific monitoring mechanisms should be put in place to monitor and track women and girls at risk. Dependent of the level of risk assessed, such monitoring may have to be daily or weekly and may be carried out by protection officers, community service staff, or casework staff among the NGO partners – coupled with monitoring by trained refugee staff or volunteers. An individualized casework approach should be used with regular home visits to observe and assess the security and protection situation in which vulnerable individuals live.

RELOCATION, INCLUDING EMERGENCY RELOCATION

At times, due to protection risks, it may be necessary to transfer vulnerable women and girls to another setting – be it another camp or to a location in an urban area. This option needs to be weighed carefully and with the input and involvement of the women and girls affected. Removal from insecure locales and protection from alleged perpetrators and possible retaliation from the perpetrators' friends and family members needs to be balanced against the disruption of social ties and support networks. Affected women and girls need to be counseled on the relocation option so that they can make an informed decision based on their protection needs. Relocation in and of itself may not be a protection solution as the women and girls may be equally at risk in another camp or in an urban area. However, the option to relocate needs to be seriously considered if and when it may enhance the provision of immediate protection.

Emergency relocation may have to be considered in situations of high risk as both a prevention and response measure. Such relocation may not have to be indefinite but could be of a short-term nature dependent on the nature of the risk and the removal thereof.

ASYLUM CLAIMS THAT RECOGNIZE GENDER PERSECUTION

Even though gender is not specifically referenced in

the refugee definition, it is widely accepted that it can influence, or dictate, the type of persecution or harm suffered and the reasons for this treatment. The refugee definition, properly interpreted, therefore covers gender-related claims.⁵⁴ What amounts to a well-founded fear of persecution will depend on the particular circumstances of each individual case. While male and female applicants may be subjected to the same forms of harm, they may also face forms of persecution specific to their sex. For example, rape and other forms of gender-related violence, such as dowry-related violence, female genital mutilation, domestic violence and trafficking, are acts which inflict severe pain and suffering – both mental and physical – and have been used as forms of persecution, whether perpetrated by a State or non-State actors.⁵⁵

Asylum claims may be on the basis of discrimination amounting to persecution; persecution on account of one's sexual orientation; or trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution. For example, a claimant's sexuality or sexual practices may be relevant to a refugee claim where he or she has been subject to persecutory (including discriminatory) action on account of his or her sexuality or sexual practices. In many such cases, the claimant has refused to adhere to socially or culturally defined roles and expectations of behavior attributed to his or her sex. The most common claims involve homosexuals, transsexuals or transvestites who have faced extreme public hostility, violence, abuse or severe or cumulative discrimination.⁵⁶

The well-founded fear of persecution must be related to one or more of the Convention grounds. That is, it must be "for reasons of" race, religion, nationality, membership in a particular social group or political opinion.

Women and girls at high levels of risk may, therefore, qualify as refugees on the basis of gender-related persecution.

RESETTLEMENT

At times, given situations of extreme risk confronting displaced women and girls, resettlement to a third country may be the desired or only appropriate protection solution. To be effective, resettlement must be expedited with interim protection solutions found while the resettlement

process moves forward. Resettlement of such cases cannot, however, truly be viewed as an effective protection response if the referral to relocation process takes several months. Further, resettlement of women and girls at risk must recognize the protection risks they face in the countries of refuge irrespective of the strength of the original persecution claim before fleeing their country of origin.

It is clear, however, that resettlement is not always the optimum, desired or even appropriate solution for all women and girls at high levels of risk. Risk can continue in countries of resettlement if effective social welfare services, support systems and case management mechanisms are not put in place. To be vulnerable and isolated in a far off country without resources, and support networks, and perhaps without the requisite language skills, can place women and girls at further risk.

EARLY AND SIMULTANEOUS PURSUIT OF DURABLE SOLUTIONS

All three durable solutions (resettlement, local integration and repatriation) should be pursued in tandem from the outset of an emergency for women and girls at-risk. The international community often waits too long to start addressing and implementing durable solutions thereby placing vulnerable populations at ongoing and even heightened levels of risk. Camps are generally not safe settings – especially larger camps where the displaced live in over-crowded conditions with virtual strangers and little privacy. The longer the situation continues the more at risk some women and girls may become. Assessing opportunities early on for safe return, local integration and/or resettlement to a third country whereby individual rights can be more fully realized can better protect vulnerable women and girls from further exploitation. Allowing vulnerable women and girls to continue to be placed at unacceptable levels of risk in camps and urban settings is irresponsible, unnecessary and unethical.

RISK FACTORS IN THE CONTEXT OF LOCAL INTEGRATION

Local integration has not been a real option for significant numbers of displaced populations, especially in recent years. This durable solution, though, requires greater attention and focus by the international community as the length of time of displacement has grown for both refugees and IDPs, due to conflicts which continue indefinitely and the fact that resettlement will never be an option for the vast majority of the displaced. Local integration can be an effective durable solution especially when the displaced and host populations are from similar ethnic, cultural and linguistic backgrounds.

While the majority of protection risks identified during displacement are applicable in the context of local integration, there are a number of additional risk factors unique to this situation worth highlighting. These should be considered when designing local integration programs.

EARLY WITHDRAWAL OF HUMANITARIAN ASSISTANCE AND AGENCIES

In the few situations where local integration has been allowed, the international community has, at times, withdrawn prematurely, that is, before integration needs are met, leaving host country governments, especially difficult in developing countries, to meet all the integration needs of the accepted displaced populations. Withdrawal of humanitarian assistance prematurely in the context of local integration can expose women and girls to the same risks as those present in the context of displacement – sexual exploitation, the

need to exchange sex for food and services, extreme poverty and the lack of access to education, credit, employment and health care. Withdrawal of humanitarian assistance in this context can leave women and girls more vulnerable than they were during their displacement. Local integration should not be seen as a durable solution if it does not provide women and girls with effective protection and a means of self-reliance.

As in the context of return and reintegration, local integration needs to be fully supported by the international community in order to be a safe, dignified, sustainable solution. Humanitarian assistance and programs should not be discontinued until those accepted for local integration are self-reliant and have achieved the majority of the same rights as nationals – including a time frame for acquiring citizenship.

DISCRIMINATION

As in other contexts, such as pre-flight and during displacement, discrimination against women and girls in the context of local integration can place them at risk for protection problems. They may be discriminated against because of their sex, ethnicity, language, religion or merely because they are outsiders. Host communities may not be receptive to their presence. They may be competing for the same land, jobs and resources. As is generally the case with discrimination, the most vulnerable among the group, those least able to protect themselves, for example, women and girls, are the most likely targets of discrimination and ill-treatment.

PROTECTION SOLUTIONS IN THE CONTEXT OF LOCAL INTEGRATION

LINK WITH NATIONAL DEVELOPMENT PLANS

Achieving self-reliance and the integration of displaced populations accepted for local settlement by host governments requires careful planning and long-term financial commitments. This can best be done by linking the local integration of displaced populations with the host country's or host region's national and regional development plans. Ensuring that the needs of the displaced populations are included in the development plans will enhance the engagement of both the host government and the donor community. This development plans should target not only the livelihood needs of the integrating displaced population but the requisite infrastructure needs, such as roads, schools, health centers, water and sanitation systems, and markets as well. Careful planning including the identification all needs and remaining gaps and how they can best be addressed can also ensure a smooth handoff from humanitarian assistance actors to development actors.

TARGET HOST COMMUNITIES

Programs and funding that support the local integration of displaced populations should also target and include host communities and seek to mutually benefit both populations. Such targeting allows

host communities and host governments to profit from accepting displaced populations – thereby further promoting local integration as a practical, pertinent durable solution for future populations in need. Governments can benefit from having infrastructure developed in often remote, neglected regions of their countries. Host communities can benefit from the construction of schools, clinics, and roads which serve them as well as the displaced. The inclusion of host communities in programs and services that assist with the integration of displaced populations also contributes to the alleviation of discrimination as host communities see the advantages of and reap benefits by accepting the displaced population.

PROMOTE TOLERANCE

Discrimination among host community members towards the displaced being integrated in their midst can be minimized through tolerance building and tolerance promotion programs. The most successful of such programs are multi-faceted – covering awareness raising and educational programs; regular meetings between members of the two communities; and activities that require the participation of both communities – such as food for work road construction projects that employ members of both the displaced and host community.

RISK FACTORS DURING RETURN AND REINTEGRATION

The return and reintegration of displaced populations is often the desired end goal of the humanitarian community. However, this durable solution must be carefully assessed and implemented with caution as most areas of return are post-conflict settings — often still insecure with infrastructure largely destroyed and without services in place to meet the protection needs of returnees, particularly women and girls. In fact, the physical safety problems encountered in crossing from the country of origin into the country of asylum may be repeated on the return trip as well as back in the country of origin.

PHYSICAL SECURITY

Post-conflict settings are often marred by ongoing insecurity, and refugee and IDP return often takes place before real security is in place. Post-conflict reconstruction can take years and it may be many months before effective security mechanisms and judicial systems are put back in place. As the situation in Iraq has demonstrated following the U.S.-led coalition intervention in 2003, physical security can deteriorate post-conflict, placing returnees at high levels of risk.

Returning refugees and IDPs have faced abuse, exploitation and discrimination in countries around the world – Afghanistan, the Democratic Republic of Congo, Bosnia, Croatia, Sierra Leone, Myanmar and Liberia – and returning women and girls have been raped, refused access to schools and services and forced to give up rights and privileges they had secured and benefited from during their displacement. Additionally, girls have been ostracized by communities for bearing children by combatants. They may also return to a climate of fear – fearing abuse or intimidation by previous perpetrators who may not have been brought to justice once the war is over.

FOOD SECURITY

Food security can also be extremely problematic

in return contexts. It takes a minimum of a full year for the planting and harvesting cycle to be re-established and only then if there is adequate access to land, seeds, tools and credit. As such, returning populations often find themselves struggling to survive as food assistance often does not continue at least for the interim term in their countries of origin, leaving some women and girls, such as female heads of household, widows and single women, particularly vulnerable. The dire situation of returning war widows to Kabul demonstrates the failure of the international community to ensure food security for the most marginalized. Many of these women were forced into begging and prostitution to survive.

GENDER-BASED VIOLENCE

In post-conflict Sierra Leone, the Rainbo Centre, which provides holistic services to survivors of gender-based violence in Freetown, Koidu and Kenema, reported the following statistics for the months of May – July 2005:

- 251 sexual assault cases reported during the three-month period.
- 84% of the reported cases were rape cases.
- 60% of reported cases were girls between the ages of 11 and 15; an additional 20% were girls between the ages of 6 and 10.⁵⁷

When security and judicial systems are not yet in place and post-conflict chaos continues to plague regions and countries, returning women and girls are at high risk for sexual exploitation and gender-based violence. Community safety mechanisms may not be in place to regulate behavior nor measures to punish offenders. Services to care for and treat survivors may not yet be established, further increasing the vulnerability and trauma for survivors. Often the various parties to the previous conflict are still present and, at times, retaliate

against members viewed as part of the winning or opposing faction. General lawlessness often reigns and, again, those most vulnerable are at greatest risk. A case example was the return of Kosovar Albanians following the NATO intervention against Serbia. Upon return many Kosovars set out to punish the Serbs and Roma in their midst whom they accused of collaborating with the Serb forces. Elderly Serbian women in Kosovo were beaten and murdered, Roma girls were raped and the homes of both ethnic groups were burned.

Additionally, in return situations, the trauma experienced by ex-combatants can be transferred onto their families as men take out their frustrations and anger on women and children. When women are economically dependent on men, they are often forced to stay with abusive husbands out of economic necessity and for the sake of their children.

LACK OF OPPORTUNITIES TO PARTICIPATE IN PEACE BUILDING AND RECONSTRUCTION

“...[P]eace is a necessary precondition to return ...but women are most often excluded from peace negotiations and decision-making, and their skills and interests are neither utilized nor recognized.”⁵⁸

Women and adolescents are seldom given meaningful roles in peace negotiations, peace building and reconstruction efforts. They are often marginalized from these processes and seldom given a voice. United Nations Security Council Resolution 1325 attempts to address this concern although its implementation appears, at present, to be spotty. However, as family and community caregivers, women often know how to build consensus, how to negotiate and are best placed to understand how important peace processes are to their families and their children’s futures. They have a vested interest, which is seldom recognized or heard.

Additionally, the sub-group of women and girls who were abducted or served in the armed militias may face particular concerns during repatriation as internationally sponsored disarmament, demobilization, rehabilitation and reintegration pro-

grams for ex-combatants often fail to target women and girls who served in a variety of capacities.

LACK OF MALE AND COMMUNITY SUPPORT SYSTEMS

The lack of male and community support systems can place returning women and girls at considerable risk – especially in traditional societies where there are few employment opportunities for women outside the home. Without a male “protector” and community safeguards, widows, single women, female heads of household and adolescent girls may be targeted for gender-based violence. They may be considered “easy prey” - unable to protect themselves and, hence, more readily accessible than women with adult male partners.

UNEMPLOYMENT/UNREGULATED OR HARMFUL WORK

Unemployment is a major problem in almost every return context and those with few skills, limited education and little work experience – most often the women and girls – have almost no opportunity to find employment to meet their basic survival needs. Lack of options may leave little choice but to engage in commercial sex or subject themselves to exploitative labor practices. Many returning female heads of household, widows and single females are relegated to lives of extreme poverty and unacceptable levels of vulnerability to continued abuse.

LAND, INHERITANCE AND PROPERTY RIGHTS

In many situations, women are unable to inherit land by law or custom. Their security is threatened by the interests of others, including relatives, vying to control their title to land. Many returning women, therefore, especially those without their male partners, may not have access to family lands or homes. Inheritance laws may favor male family members with patriarchal structures, passing property to brothers and uncles and excluding surviving wives and daughters. Equitable property rights need to be in place prior to return to ensure that women have equal access and an opportunity to provide for themselves and their families.

LANDMINES/UNEXPLODED ORDNANCES

There are more than 100 million anti-personnel landmines scattered in 64 countries around the world.⁵⁹ At least two-thirds of the world's 35 million refugees and internally displaced persons come from countries that have a severe or significant threat of death or injury from the presence of landmines. It is impossible to discuss repatriation

without first discussing the indiscriminate risks of antipersonnel mines for those who return to their homes. Women, who often have primary responsibility for tending family gardens and farming plots, and children, who play indiscriminately in the fields and open areas, are at considerable risk for death and injury due to the presence of landmines and unexploded ordnances.

PROTECTION SOLUTIONS IN THE CONTEXT OF RETURN AND REINTEGRATION

“Protection needs do not disappear when people repatriate. On the contrary, they tend to resurface in more complex forms in the country of origin...”⁶⁰

PROTECTION OF HUMAN RIGHTS

Crucial to protection in the context of return are human rights legislation and practices in the region or country of origin. The country should be signatory to the major human rights conventions and covenants and have national legislation in place for their implementation. The country must be dedicated to the human rights of its citizens, including returnees, and must have policies and practices in place for securing such.

CROSS-BORDER ANALYSIS AND INFORMATION SHARING

Substantive cross-border information and the analysis and subsequent sharing thereof with the displaced communities can greatly facilitate voluntary repatriation under informed conditions. The information should be concrete – the availability of jobs, schools and health services – and targeted to areas and communities of return. Potential returnees want specific information about the condition of their village and their homes, including the presence of landmines and other risks that may persist.

“Go and see” visits can be an effective means of

assisting the displaced in making informed decisions about return. Counseling on options, videotape of returnee areas and cross-border message services can also be helpful. Often return is premature – based on limited or even a complete lack of information – and such return frequently is not sustainable, resulting in returnees doubling back across borders or filtering back into refugee and IDP camps.

Displaced women must be involved in the consultation and decision-making processes regarding return, lest they be forced to follow their husbands against their will. The needs and wishes of women and their families may be different from those of their husbands and must be given full consideration prior to return. Voluntary return should be made on an individual basis, with women given an opportunity to participate in all return discussions and processes and, hence, provided with the opportunity to make their own informed decision.

RETURNEE MONITORING

“In any voluntary repatriation where UNHCR plays a part, the principle of return in safety and with dignity does not cease to apply once the return movement is completed, but applies and should be monitored until such time as the situation in the country of origin can be considered stable, national protection is again available and the refugee is reintegrated.”⁶¹

The importance of returnee monitoring cannot be over-emphasized. Returnees may be at consider-

able risk due to their ethnicity or simply due to the fact that they fled and did not participate in the conflict. Regular monitoring can enhance protection, especially among those most at risk. In Croatia in the late 1990s, for example, as elderly Serb men and women began returning to their home communities, regular visits by national and international organizations no doubt saved many of their lives as some locals were bent on revenge and attempted to intimidate members of ethnic minority groups to impede the return process.

Returnee monitoring does not seek to grant privileges to the returning refugees or to elevate their standard above that of the resident population. Rather, it seeks to ensure that returnees are not targeted for harassment, intimidation, punishment, violence or denial of fair access to public institutions or services, or discriminated against in the enjoyment of any basic rights.⁶²

COMMUNITY-BASED SOLUTIONS

The most effective protection involves the community – when the community participates in its own protection solutions, they are more likely to be sustained, culturally appropriate, accepted and adhered to. As in camp settings, community-based solutions may involve establishing their own security patrols or neighborhood watches, devising mechanisms for the monitoring and care of those with specific needs within their communities, engaging women in caring for women and child survivors of violence and re-establishing the authority of a village council or elders' committee.

ENGAGEMENT OF LOCAL CIVIL SOCIETY GROUPS

Local civil society groups should also be engaged to assist and build upon the community-based protection solutions implemented. Local human rights groups, for example, can be involved in human rights monitoring. Local women's groups might be engaged to assist in the prevention and response of gender-based violence and local men's groups in the protection of women and children. As international organizations conclude their work and pull out, local organizations must be in place to continue needed reconstruction and protection work.

PARTICIPATION IN LOCAL AND NATIONAL STRUCTURES AND DECISION-MAKING

Gender equality rights realized in exile are often diminished upon return, where both returnee men and some women expect all women to return to their traditional roles. Women and adolescents will, however, be better protected when they have a voice, are able to participate fully in local and national structures and when their input and concerns are taken seriously. When women and adolescents participate in decisions affecting their lives, those decisions will be fairer, more focused on their protection needs and more likely to address the specific concerns affecting them – such as gender-based violence, access to reproductive health and education for their children.

EQUITABLE INHERITANCE AND PROPERTY LAWS

A key resource for returning displaced persons is access to land for residential as well as agricultural use. Special attention needs to be paid to the question of access to land for returnee female heads of household. Equitable inheritance and property laws are vital for widows, divorced and separated women to have access to family land, homes, bank accounts and other family resources. Access to these resources allows women to start re-building their lives and provides them with the potential for self-reliance and self-sufficiency and the resultant ability to care for their children. Without access to these resources, returnee women and their families are more vulnerable and at risk for further displacement and exploitation.

“In principle, all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile...and any restitution and compensation framework should take into account the situation of refugee women, in particular, where women, especially female heads of households, are prevented from securing property rights in accordance with inheritance laws or where inheritance procedures prevent them from recovering their property within a reasonable period of time.”⁶³

EQUITABLE CHILD CUSTODY LAWS

Equitable child custody laws must also be in place to allow divorced and widowed women to keep custody of their children when such is in each child's best interest. Returning children to the deceased husband's family, often a practice, is seldom in the longer-term protection interest of either the child or the child's mother, who may have to rely on the child in later life for support.

REHABILITATION PROGRAMS FOR EX-COMBATANTS

Girls and women associated with demobilized soldiers may be assumed to be legitimate family members or followers and thus may be deprived of any independent benefits associated with the demobilization process – even though they may have been abducted, recruited or forced into combatant or combatant support roles. Rehabilitation programs for ex-combatants must include equitable services for women and girls who served as combatants, cooks, sex slaves, labor and family members of the fighting factions. Women and girls associated with the ex-combatants in any capacity may be discriminated against upon return and may be traumatized following the voluntary or involuntary roles they served with the armed groups. Allowing full and equal participation in all services for ex-combatants will assist with these women and girls with successful transition and reintegration. If they are not included, women and girls associated with ex-combatants are more likely to turn to activities that will place them at further risk to personal safety and well-being.

TRANSITIONAL JUSTICE SYSTEMS

The rapid establishment of transitional justice systems, which are in line with international norms and standards, are vital to the protection of returning women and girls. Situations of lawlessness and chaos often place women and girls at high levels of risk for exploitation which can be at least partially addressed through the re-introduction of policing and judicial systems.

ECONOMIC OPPORTUNITIES

Without economic opportunities, return can neither be dignified nor sustainable for women and

adolescents. The timely creation of work and training programs can enhance protection, improve security and enhance the potential for self-reliance. Early on in a post-conflict/return situation, there may be few jobs or means of income generation. The international community must address this quickly through food for work and food for training programs, reconstruction programs that include and hire women, micro-credit programs and job creation programs that target women on an equal basis with men.

EDUCATIONAL OPPORTUNITIES FOR CHILDREN AND YOUTH

The lack of educational facilities and opportunities in communities of origin often inhibits return. Functional school systems and access to both primary and secondary schools for all children and youth is a vital protection component that promotes both normalcy and development. In preparing for return, both the displaced and those assisting them must ensure that adequate educational facilities, teachers and resources are in place to allow for a continuum of education – from displacement to reintegration.

ACCESS TO HEALTH SERVICES

As with education, the existence of health care facilities and access to health care is vital for return to be safe and sustainable. These services must include those that address the specific needs of women and adolescent girls, such as reproductive health programs.

LANDMINE AWARENESS

Many regions and countries that emerge from conflict are left with a legacy of landmines and unexploded ordnances. The presence of such can prohibit the clearing of land and the resumption of agricultural activities. Landmine awareness campaigns and landmine clearance are necessary both pre- and post return to enhance the protection of those going home.

CONCLUSION

As this paper notes, many of the protection risks facing displaced women and girls are the same or similar during the pre-flight, flight, displacement, return and reintegration phases that women and girls go through during the life cycle of displacement. The risks are both serious and multiple; the solutions perhaps less forthcoming.

In practice, however, community involvement in risk identification, prevention and intervention are the most successful means of reducing the protection risks faced by displaced women and girls. Women and girls must be involved in their own protection, and their communities, including the men, must be similarly engaged. For enhanced effectiveness, these community-based responses should be supported by additional interventions, such as the provision of security personnel, the presence of female staff and the availability of requisite health, livelihood and education services.

It is, however, only through individual assessments and individualized responses that we can adequately address the unique protection concerns facing women and girls. Clearly we are not doing enough, well enough. We continue to fail displaced women and girls leaving them exposed to unacceptable levels of risk. Large numbers of displaced women and girls continue to be abused, raped and exploited. We must do more and we must do it better. The tools that follow have been developed to assist us in this process.

Finally, while this document focuses on women and girls at extreme risk, it is important to highlight that women are not just victims or vulnerable – in need of protection and assistance. Women and girls are also resilient survivors, strong and able caretakers for their families, and courageous leaders, peacemakers and providers.

TOOLS

IDENTIFICATION OF WOMEN AND GIRLS AT UNACCEPTABLE RISK⁶⁴

- ❖ Rape victim/survivor
- ❖ Mixed marriage/relationship (across ethnic, religious or clan lines) when conflict is inter-ethnic, inter-racial, inter-religious or inter-clan
- ❖ Female head of household
- ❖ Unaccompanied and separated girls
- ❖ In same sex relationship
- ❖ Widow
- ❖ Single woman alone
- ❖ Trauma/torture survivor
- ❖ Victim of gender-based violence, including domestic abuse
- ❖ Victim or potential victim of harmful traditional practices, such as FGM
- ❖ HIV+
- ❖ Physical, mental or medical disability
- ❖ Victim of trafficking
- ❖ Lack of male, familial or community support systems
- ❖ Escaping forced or early marriage
- ❖ Victim of frequent harassment and intimidation
- ❖ Former combatant, forced laborer or sex slave with armed factions
- ❖ Victim of coerced family planning practices – forced abortion or sterilization – or at risk of such

Many women and girls at risk may meet the criteria in two or more of the above mentioned categories which should make them priority cases for implementation of immediate protection solutions.

GOOD PRACTICE IN PROTECTION DURING DISPLACEMENT

- ❖ Assure that a gender-sensitive interpretation is given to each of the Convention grounds when determining whether a particular claimant has fulfilled the criteria of the refugee definition.
- ❖ Interview women asylum seekers separately, without the presence of male family members.
- ❖ Provide same sex interviewers and interpreters to female asylum seekers.
- ❖ Ensure participation of refugee and displaced women and children in the planning and implementation of all assistance and services, including all aspects of program planning, implementation, monitoring and evaluation. Refugee and internally displaced women play a key role in camp planning and decision-making so that gender issues are taken into account in all aspects, including food and non-food distributions, security and protection.
- ❖ Train all peacekeeping and security enforcement personnel in international human rights laws, gender awareness, prevention of gender-based violence, and children's rights, as well as their responsibilities for the protection of displaced women and girls.
- ❖ Strive for gender balance amongst UN and NGO field-based staff, including female protection officers.
- ❖ Establish programs that address and seek to reduce domestic and sexual violence, including confidential reporting mechanisms.
- ❖ Ensure access to legal assistance and judicial mechanisms, especially for cases of gender-based violence, and robust prosecution of those who commit acts of sexual and gender-based violence.
- ❖ Guarantee the availability of quality reproductive health care services, including condoms and treatment for STIs.
- ❖ Ensure that the Minimum Initial Services Package (MISP), which includes protocols for prevention and treatment of gender-based violence, safe birthing kits, HIV/AIDS prevention and emergency obstetrics to reduce maternal mortality, is in place from the onset of an emergency.
- ❖ Ensure that camp residents have access to sufficient water and supplies through secure distribution networks that are predictable and not easily disrupted.
- ❖ Provide adequate camp lighting and placement of key services in well-lit, monitored areas.
- ❖ Mobilize camp women, men and youth to identify, map and monitor risk areas and engage in services that reduce sexual exploitation.
- ❖ Establish protection monitoring mechanisms and support services for female heads of household, single females and the unaccompanied elderly as soon as possible.
- ❖ Ensure that women are individually registered and provided with proper documentation. Registration data should be collected and disaggregated by gender and age, with early recording of vulnerable individuals.
- ❖ Establish tracing and reunification mechanisms for unaccompanied and separated children as well as a trained and monitored foster family system.

- ❖ Involve displaced women in all decisions affecting their security.
- ❖ Provide equal access to education for displaced girls and address factors that inhibit equal access through targeted gender equity programs.
- ❖ Confirm that schools provide safe environments for girls.
- ❖ Include displaced women on an equal basis as men for vocational and skills training programs, micro-credit loans and self-reliance activities and ensure that these activities meet real market needs in areas of displacement or communities of return. Diversify income generation projects targeted at refugee women to promote the learning of new skills and the marketability of goods.⁶⁵
- ❖ Ensure that single heads of household, widows, single females and unaccompanied children are housed in safe areas of refugee and IDP camps.
- ❖ Conduct participatory assessments and needs assessments with displaced populations and specifically target women and girls at risk for inclusion in focus groups and individual interviews, conversations and discussions.
- ❖ Develop comprehensive strategies involving men to address the widespread problem of sexual and gender-based violence, including domestic violence and HIV/AIDS.⁶⁶

GOOD PRACTICE IN PROTECTION IN THE CONTEXT OF LOCAL INTEGRATION

- ❖ Continue providing humanitarian assistance until the integrating displaced population has achieved a sustainable level of self-reliance including those most marginalized such as female heads of household.
- ❖ Link the integration needs of the displaced with national and regional development plans to ensure appropriate inclusion and targeting.
- ❖ Ensure the transition between humanitarian assistance and development is carefully planned out with all actors appropriately engaged to address continuing needs.
- ❖ Target host communities for inclusion in all assistance and services provided to the integrating displaced population thereby making local integration mutually beneficial to both populations.
- ❖ Ensure that health, education and livelihoods programs and services are operational and assisting women and girls on an equal basis as men and boys.
- ❖ Address host community discrimination issues through tolerance building programs aimed at teachers, parents, community and religious leaders.
- ❖ Communicate the benefits of accepting the displaced population for local integration to the host communities and the host government.

GOOD PRACTICE IN PROTECTION DURING RETURN AND REINTEGRATION

- ❖ Women involved in all aspects of repatriation planning and implementation. Special measures are in place to ensure women's security and to ensure voluntary, unhindered repatriation, and that it takes place under conditions of safety and dignity with full respect for human rights and the rule of law.
- ❖ Displaced women have the same access as men to information and procedures for voluntary repatriation.
- ❖ Women who are survivors of torture, exploitation and abuse during pre-flight, flight or displacement may have good reasons for not wishing to return home to communities of origin and other durable solutions may need to be identified.
- ❖ Women participate in "go and see" visits.
- ❖ Women and girls at risk, such as female heads of household and widows, are individually counseled on return options and their reintegration plans.
- ❖ Appropriate human rights legislation is in place and in practice in countries and regions of return.
- ❖ Robust returnee monitoring mechanisms have been developed and are operational.
- ❖ Returnee monitoring includes a special focus and concerted emphasis on vulnerable individuals or people with specific needs. Monitoring activities should include identification of the specific needs and concerns of various categories of returnee women and girls, such as female heads of household, child-headed households, widows, unaccompanied elderly women and single women alone.
- ❖ Local civil society organizations are present and engaged in the reconstruction and human rights promotion efforts.
- ❖ Reconstruction aid that supports the economic, cultural and social rights is distributed equitably among men and women. Equal access to reintegration assistance, as well as services, resources and opportunities, is provided for returnee women.
- ❖ All reconstruction aid incorporates a gender analysis.
- ❖ All reconstruction and reintegration programs take into account, and encourage the full expression of the changed roles and enhanced skills that women may have acquired during their displacement.
- ❖ UN Security Council Resolution 1325, which mandates consultation with women in the peace process, is implemented.
- ❖ Widespread landmine education and awareness campaigns that target those most at-risk are in place.
- ❖ Health and educational services are widely available.
- ❖ Economic opportunities exist for women and girls, including job and skills training on equal

basis as those for men.

- ❖ Equitable laws are in place and in practice regarding access to land, property and inheritance rights.
- ❖ Transitional systems of justice are established.
- ❖ Law enforcement and security systems are operational.
- ❖ Women and girls who were combatants, laborers or sex slaves for armed factions are included in all disarmament, demobilization and rehabilitation programs, and receive the same package of incentives and services as male ex-combatants.

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