

EXPERTS INITIATIVE ON THE GLOBAL COMPACT ON REFUGEES

On October 2-3, 2017, the Zolberg Institute on Migration and Mobility of The New School convened a meeting of experts on refugee law and policy to deliberate on, and to make concrete recommendations for, the Global Compact on Refugees (GCR). The meeting was convened with support from the Open Society Policy Center and held at the offices of the Open Society Foundations in New York City.

The following is a working paper prepared for the Experts Group.

Making the Global Compact on Refugees Work for all Women and Girls

(Prepared for the Experts Meeting on the Global Compact on Refugees,
Oct. 2-3, 2017)

Women's Refugee Commission

Background

Approximately half of the total number of refugees are women or girls¹. To meet the promise of the New York Declaration on Refugees and Migrants, the Global Compact on Refugees and its Programme of Action must specifically address the rights and the needs of over half the world's refugees at every stage in displacement and recovery.

Conflict and disaster threaten every aspect of women's and girls' lives, often in ways that are quite distinct from men and boys. For example, the way in which refugee women and girls are often viewed and treated, combined with gender discrimination, can put them in situations that exacerbate or create vulnerability. They face barriers to accessing the protections that should be available to all refugees, and equally importantly, barriers to participation in planning and decision making, economic empowerment and peace building. Their voices are not heard enough. Despite gains in policy and practice in recent years, the capacities and needs of refugee women and girls are too often overlooked. Their skills and abilities go unrecognized. They are underserved, poorly protected and excluded from decision-making processes. The barriers run the gamut from inaccessible asylum systems and gender-blind needs assessments, to limited access to education, reproductive health care and safe livelihood opportunities. The detention of migrants, including refugee women and children is on the rise as both a deterrent and control mechanism. Gender-based violence (GBV) is prevalent throughout the displacement cycle, yet

¹ http://refugeesmigrants.un.org/sites/default/files/in_safety_and_dignity_-_addressing_large_movements_of_refugees_and_migrants.pdf

remains under-reported and under-addressed. Intersecting factors such as age, disability, ethnicity and sexual orientation further compound the risks.

In the New York Declaration, States made a powerful commitment to action on behalf of and in partnership with refugee women and girls:

“We will ensure that our responses to large movements of refugees and migrants mainstream a gender perspective, promote gender equality and the empowerment of all women and girls and fully respect and protect the human rights of women and girls. We will combat sexual and gender-based violence to the extent possible. We will provide access to sexual and reproductive health care services. We will tackle the multiple and intersecting forms of discrimination against refugee and migrant women and girls.... We will work to ensure their full, equal and meaningful participation in the development of local solutions and opportunities. We will take into consideration the different needs, vulnerabilities and capacities of women, girls, men and boys”²

States must ensure that the Global Compact on Refugees (GCR) takes these pledges forward by integrating gender considerations into the four pillars of the Comprehensive Refugee Response Framework, which is the foundation for the GCR. This paper presents recommendations from non-governmental organizations (NGOs) committed to humanitarian action that is grounded in the principle of gender equality and to advancing humanitarian action that is fully responsive to the concerns of refugee women and girls. Extensive consultation with refugee women and girls throughout the development of the GCR is also vitally important.

Overarching Considerations for the Global Compact on Refugees

Incorporate implementation of existing agreements under international law regarding the human rights, empowerment and protection of women and girls³. Together these provide powerful normative frameworks, already agreed to by States, which recognize the gendered risks and barriers to participation for displaced women and girls. Ensure that the Global Compact has measurable indicators, including on gender and age, so that progress can be assessed.

Recognize that gender considerations must be addressed at every point in the displacement cycle—from initial flight, during protracted displacement, through to durable solutions—and that intersecting factors such as geographic location, age, disability, ethnicity and sexual orientation also impact opportunity and vulnerability.

² Paragraph 31, NY Declaration

³ These include but are not limited to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), UN Security Council Resolution 1325, 1820 and related resolutions, various UNHCR Executive Committee Conclusions including the 2006 Conclusion on Women and Girls at Risk, the 2015 Sendai Framework for Disaster Risk Reduction and the 2030 Agenda for Sustainable Development.

These factors will require targeted actions to address the specific needs of women and girls in diverse situations as well as effective mainstreaming of gender considerations throughout the response. Both targeted actions and mainstreaming should acknowledge that refugee women and girls are not a homogenous group; their priorities, needs, and concerns vary. A rights-based approach requires accounting for this diversity.

Ground the Global Compact on Refugees in the understanding that effective humanitarian action requires partnerships with refugee women and girls as leaders and contributors.

Considering refugee women and girls solely as victims, members of a “vulnerable group,” or beneficiaries is neither accurate nor effective in responding to their needs. A successful humanitarian response must be guided by, and support the leadership and participation of women and girls. It must recognize and tap their skills and capacities for programs and potential solutions.

Ensure that the Global Compact on Refugees requires the collection and use of sex and age disaggregated data (SADD) at all stages of the refugee response to inform planning and programming. All monitoring and evaluation indicators must incorporate gendered and age based considerations. SADD reporting should be a standard element of all responses, allowing for the comparative analysis and dissemination that enables more informed and equitable decision-making.

Recommended Actions by Phases of Displacement

1. RECEPTION AND ADMISSION

Suggested Commitments:

- 1) **Create gender-responsive international minimum standards for reception conditions.** Throughout the reception and admissions process, take account of the equal rights, specific needs, contributions, and voices of refugee women and girls. Mobilize women as equal partners. Take action to prevent and counter gender-based violence and discrimination. Develop tools to assess women’s formal and informal skills and identify areas where support is needed to ensure maximum participation. Set best practices with guidance on timelines and financial and human resources required. These standards would include many of the following recommendations.
- 2) Detention or family separation should not be used as a deterrent or in any cases of refugees or asylum seekers unless based on individualized determinations for security

reasons. Children should never be detained. Where detention is used, conditions must take into account women and children's needs including pregnancy, sanitary needs, risk of sexual assault and trauma.

- 3) **As a priority, conduct a thorough gender analysis as early as possible in a refugee movement.** Gender analysis should include an analysis of any discrimination across society and consider the diversity of refugees, using the UNHCR Heightened Risk Identification Tool⁴ to ensure that the most marginalized and at-risk women and girls are identified and supported appropriately. This requires the active participation of refugees.
- 4) Recognizing that refugee movements present persistent risks, challenges and vulnerabilities for women and girls, **anticipate and be prepared to address refugee women's and girls' needs.** This includes but is not limited to access to sexual and reproductive healthcare services, GBV prevention and response programming, access to education, access to livelihoods, and addressing the risks of smuggling and trafficking. Provide information and services that meet the immediate needs of women and girls upon reception in an easily accessible manner, taking account of varying literacy and language abilities.
- 5) **Register women and girls as individuals upon arrival in the country of asylum.** Women should not be seen as an "dependent" of the family, but as individuals separate from their husbands or other male household members. Identify unaccompanied and other girls traveling alone, given their particular needs and risks of violence and exploitation.
- 6) **Implement existing international standards on birth registration,** including ensuring registration of children born during flight. Work to ensure the immediate birth registration for all refugee children born on the territory of the receiving country. Provide adequate assistance at the earliest opportunity to refugees in obtaining other necessary documents, as appropriate, relating to civil status, such as marriage, divorce and death certificates, and ensuring women and girl's, men and boys' equal and independent ability to acquire civil documents.
- 7) **Receive refugees and assess their needs in a sensitive manner.** Interview women and girls in a safe environment with female interviewers and interpreters, trained in interviewing potential survivors of trauma and age-sensitive interviewing techniques. Give them time to relay stories and make them feel comfortable to communicate their needs and concerns.

⁴ <http://unhcr.org.ua/img/uploads/docs/24%20The%20Heightened%20Risk%20Identification%20Tool.pdf>

- 8) **Ensure social workers and caseworkers for refugee women and girls are trained, present, and accompany them throughout the registration process.** Appropriate training should be inclusive of the rights of and diverse risks for women and girls, including those who have disabilities, married adolescents, unaccompanied girls, older women, and those who are gender nonconforming. Where possible, hire staff who have cultural competencies, including appropriate language skills, and experience working with women and girls, including refugee women themselves.

2. SUPPORT FOR IMMEDIATE AND ONGOING NEEDS

- 1) **Ensure services are planned, designed and implemented to ensure equitable access** for women and girls from the start of the response by consulting with a diverse range of refugees. This must include actions to:
- **Increase support for market-based, protective, gender-sensitive and graduated livelihood interventions,** as well as linkages to financial services for refugee women and girls to promote economic empowerment. Recognise the need for – and provide – childcare and other services so that women can pursue livelihoods.
 - **Provide prompt access to safe and appropriate labor market opportunities for all refugees** in order to promote integration, refugee self-reliance, women’s economic empowerment, and to contribute to host economies.
 - **Support cash-based programming for basic needs and protection** using tailored, targeted approaches that reach all those in need, including the most marginalized and vulnerable, such as older women and women with disabilities. Include a financial literacy component for those women who have not had experience with financial services, as well as gender discussion groups for all households receiving cash assistance in order to mitigate women’s risks of violence.
 - **Provide access to comprehensive healthcare services that meet women’s and girls’ needs,** especially to sexual and reproductive health care⁵. Adolescent-friendly services for girls are fundamental.
 - **Provide access to sanitary materials** including necessary hygiene products to enable them to fully participate in all activities.
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- **Provide access to mental health and social services for women and girls.** Consider culturally and linguistically appropriate ways to deliver these services without stigma.
 - **Provide prevention of sexual abuse and exploitation (PSEA) training** to all actors engaged in the refugee response effort and in asylum processing.
 - **Mitigate GBV risks in all programming, across all sectors** in line with the Inter-Agency Standing Committee Guidelines for Integrating GBV Interventions in Humanitarian Action (2015)⁶. **Establish respectful, safe, confidential and non-discriminatory GBV response services** and functioning referral pathways that are applicable and accessible for refugees and host-country nationals. Ensure access to targeted services including psychosocial support, trauma counselling, legal advice, safe spaces, and comprehensive healthcare.
 - **Design and Implement Safe Access to Fuel and Energy (SAFE) programming in all relevant contexts⁷ to help avoid environmental degradation and deforestation while preventing sexual violence.⁸**
 - **Provide access to safe, quality, and inclusive education for refugee women and girls at all levels. In addition to formal education,** early childhood education, life skills, vocational training, and language classes are essential and must be inclusive of those with disabilities. National and local service providers should be compensated appropriately. Refugees should be included in National Education Plans as early as possible.
 - **Ensure access to justice** including the provision of free legal aid and access to gender-responsive and culturally/linguistically appropriate legal representation, counselling, and information, including interpretation and translation services.
- 2) **Mobilize and support community-based protection interventions,** social protection networks, and national protection systems to ensure the needs of marginalized refugees are considered and met. This includes refugee-led groups and organizations (formal or informal), as well as relevant host-community/local civil society and human rights organizations, including women’s rights organizations.
- 3) **Ensure access to information and communication with refugees.** Strategies for two-way communication are important, including early preparation of information and materials in appropriate languages and means to enable communication, including female

⁶ www.gbvguidelines.org

⁷ Including camps, rural, and peri-urban areas that lack access to national energy grids

⁸ Add citation for IASC SAFE Guidance

interpreters. Provide multiple avenues of communication with refugees to take into account restrictions on females' movement, illiteracy, disability, and other factors.

- 4) **Ensure program planning is based on consultation with refugees, including a diverse representation of refugee profiles** (i.e. persons with disabilities, LGBTI individuals, adolescents, youth, elderly individuals).

3. SUPPORT FOR HOST COUNTRIES AND COMMUNITIES

- 1) **Ensure training is provided to both government officials and border management agencies** to be able to conduct gender-responsive reception and admissions exercises, ongoing needs assessments based on thorough gender analysis, and comprehensive programming to meet refugee women's and girls' needs.
- 2) **Incorporate the needs of refugee women and girls in national development plans and other appropriate national policies⁹.**
- 3) **Work with, and appropriately resource civil society organizations, including women's rights organizations, that already serve typically marginalized groups in host communities.** These organizations can offer essential expertise and support, but must be resourced appropriately to do so. This support should include cost sharing as well as training and technical assistance for those not familiar with humanitarian response systems. Ensure that resource allocations for civil society partners is accessible to and inclusive of civil society organizations representing marginalized and/or hard-to-reach populations, such as women and girls with disabilities, adolescent girls, trans women, those with intellectual disabilities, fostering protective peer networking between refugee and host populations.
- 4) **Appropriately resource the national structures that provide essential health, education, livelihood, legal, and other support services to the host community so that they can also serve refugees.** In urban and non-camp contexts, support for municipal services and host city organizations is essential. Training and sensitization initiatives may be needed for local health and education service providers to recognize and respond to the particular needs of refugee women and girls.

⁹ This will include, but is not limited to national gender plans and National Action Plans on Women, Peace and Security. Gender issues in National Development Plans must be included in regional/local levels detailed development plans. Implementation of the National Development Plan at regional/district levels should be based on the Sphere, Minimum Standards for Child Protection in Emergencies, Inter-Agency Network for Education in Emergencies Standards on Education in Emergencies, and Guidelines for Safer School Environments standards.

4. DURABLE SOLUTIONS

- 1) **Ensure refugee women and girls have access to information**, which is essential to make informed choices about all potential durable solutions (voluntary repatriation, resettlement, or local integration) and the intermediate decisions they must make. This includes equal access to the same information provided to men and/or boys, as well as additional information relevant to the particular rights, priorities, and protection concerns of women and girls.
- 2) **Put policies and programs in place for voluntary repatriation that specifically consider women's and girls' needs and capacities and the unique risks they may face upon return.** Protection monitoring systems for returnees should ensure that the particular protection needs of women and girls are assessed.
- 3) **Aim local assistance programs to support the conditions for women's self-reliance and access to basic services when local integration is the only solution available.** Programs to support women's self-reliance through livelihoods, education and access to financial services should be developed and regularly assessed in terms of outcomes. The integration of refugee women and girls into existing development programs should be a priority; coordinating with development actors to ensure this inclusion is considered a priority and part of responses.
- 4) **Reform nationality laws that discriminate on the basis of gender to ensure the rights and protection of displaced women and girls.** These discriminatory laws harm women and girls at multiple stages during crisis and displacement. By impeding access to nationality as well as identity and civil documents, gender discrimination in nationality laws can inhibit women and their families from fleeing conflict and crisis contexts, and exacerbate the vulnerability of refugee women and girls. Gender-discriminatory nationality laws also create barriers to the repatriation of displaced women and their families.
- 5) **Create or expand resettlement opportunities for women and girls at risk.** Criteria for resettlement should incorporate their specific protection risks including domestic violence and other forms of GBV. UNHCR, working with States and other partners, should ensure that gender-sensitive resettlement mechanisms are in place, and in particular should strengthen partnerships with community-based organizations and NGOs for the identification and referral of women, girls and female headed-households who qualify for resettlement under the women-at-risk criteria. UNHCR should further ensure that resettlement officers have the necessary training, skills and capacities to identify, screen, and refer women and girls for resettlement. Actors receiving resettled refugees in third

countries should strengthen their capacity to ensure attention to the specific needs of women and girls (including women at risk cases) in their integration plans, recognizing that women and girls are often dependent on male family members for information regarding their legal status during resettlement and may therefore be less willing to seek available services when needed.

- 6) **Ensure refugee women and girls' equitable access to new and increased pathways, such as humanitarian visa programs, educational visas, employment programs, to access safe countries where they can realize their rights and live in dignity.** UNHCR, NGO partners, and governments should work together to recognize refugee women's and girls' skills and carry out thorough analysis and recommendations for complementary and alternative pathways to be part of expanded solutions options.