

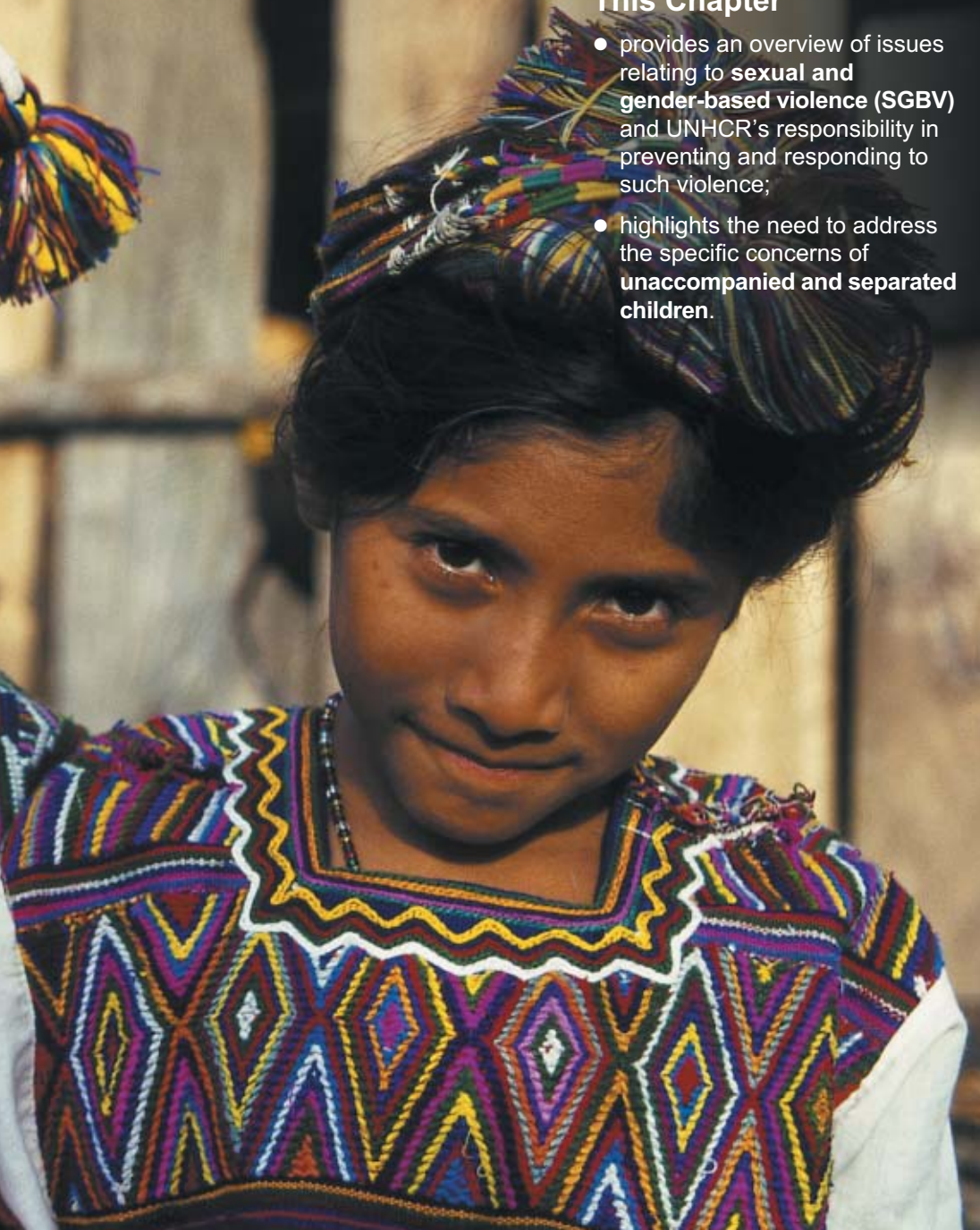
UNHCR & **International
Protection**
A Protection Induction Programme



Chapter 6: SGBV; Unaccompanied and Separated Children

This Chapter

- provides an overview of issues relating to **sexual and gender-based violence (SGBV)** and UNHCR's responsibility in preventing and responding to such violence;
- highlights the need to address the specific concerns of **unaccompanied and separated children**.



6.1 Introduction

Uprooted people face a range of problems at each phase of their quest to obtain protection: during flight, during their time in exile, and upon returning home. Two acute problems that are of concern to humanitarian workers and the uprooted community, and that this chapter addresses are:

- **preventing and responding to sexual and gender-based violence and**
- **protecting unaccompanied and separated children**



6.2 Sexual and gender-based violence

Sexual and gender-based violence (SGBV) refers to a range of actions by which an individual is exploited because of her/his sex or gender. This includes physical, emotional, psychological and socio-economic abuse such as rape, female genital mutilation, domestic violence, forced marriage, exploitation, threats, confiscation of money or identity cards, and restrictions on freedom of movement and liberty.

Anyone of any age can be subject to such violence, but women and girls are the main targets. This violence may take place at any time: during conflict, while fleeing persecution, when living in exile or even after returning home. Boys can also be survivors of sexual abuse. This is largely under-recognised, under-reported and under-treated due to cultural restrictions, extreme shame and myths or taboos concerning homosexuality.

Persons subject to SGBV face long-term emotional and physical harm. Cultural traditions and feelings of shame may lead individuals to conceal what has happened, even from their families. SGBV is damaging to families and entire communities and can result in unwanted pregnancies and/or HIV infection. In some communities, those who have been sexually abused or raped are ostracised and punished rather than being supported, cared for and protected. This is particularly distressing for young girls who are affected by the consequences of sexual violence — such as forced marriage, polygamy, female genital mutilation, and trafficking — for their whole lives.



6.2.1 SGBV and displacement

SGBV often occurs in situations where people can abuse the power they exercise over others, such as:

- *when people are caught in armed conflict:* rape and other forms of sexual abuse are widely used as weapons of war to humiliate the enemy;
- *when people flee persecution and armed conflict:* refugees and the internally displaced are at risk of sexual abuse or rape during flight when they are smuggled or trafficked. Because uprooted people often do not have identity documents, money, or access to justice, those with authority may take advantage of their situation and exploit them;
- *in the family and the community:* rape, including within marriage, forced early marriage, sexual abuse, female genital mutilation (FGM), sexual harassment, trafficking of women, and forced prostitution are some types of SGBV that can occur in a family or in the community;
- *in the daily lives of asylum-seekers, refugees, the internally displaced and returnees:* SGBV can occur in the workplace, at border check-points, in detention centres and prisons, in educational institutions, classrooms, health centres, places where assistance and/or documentation is provided, areas for firewood or water collection outside a camp, and at latrines located in poorly designed camp settings.

The perpetrators of sexual and gender-based violence are mainly men who use violence to assert or maintain their privileges, power, and control over others. Generally, the perpetrators have no regard for the rights of women and children and resort to violence and abuse to show “who is in charge”.



Box H



Preventing SGBV

- Talk with women, men, girls and boys to understand the community's culture, family norms, and their attitudes towards each other.
- Identify areas where violence can easily occur within the community, for example, during firewood collection, walking to school, in school or late-night social events.
- Work with the persons of concern, host communities, health organisations, police, legal services, NGOs, and government officials to find ways to prevent violence.
- Raise awareness among women, men, girls and boys on their rights and responsibilities.

Box I



Responding to the needs of survivors

Survivors of SGBV usually need one or more of the following responses:

- **Medical attention:** A survivor of rape needs to see a doctor within 72 hours to receive treatment, which may include prevention of unwanted pregnancy and HIV infection.
- **Psycho-social support:** A survivor may be traumatised and will require emotional and social support, which includes a non-blaming and supportive attitude from the immediate family.
- **Legal counselling:** Most forms of SGBV are punishable crimes under relevant national law. If a survivor wishes, s/he should be supported in reporting the case to the police and prosecuting the perpetrator(s).
- **Physical security:** Survivors may be threatened with retaliation for reporting cases and therefore need a safe place to stay. In some situations, resettling them to another country is one way of protecting them.

Box J



Whenever assisting survivors of SGBV:

- always respect the confidentiality of the survivor.
- always let the person decide what s/he wishes to do.

Box K



No UNHCR staff member or partner is permitted to engage in any form of abuse or sexual exploitation as explained in UNHCR's *Code of Conduct* and in the *Secretary-General's Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse*.

UNHCR's *Code of Conduct* states:

Prevent, oppose and combat all exploitation and abuse of refugees and other persons of concern.

I undertake not to abuse the power and influence that I have by virtue of my position over the lives and wellbeing of refugees and other persons of concern. I will never request any service or favour from refugees or other persons of concern in return for protection or assistance. I will never engage in any exploitative relationships – sexual, emotional, financial or employment-related – with refugees or other persons of concern.

Should I find myself in such a relationship with a beneficiary that I consider non-exploitative and consensual, I will report this to my supervisor for appropriate guidance in the knowledge that this matter will be treated with due discretion. I understand that both my supervisor and I have available to us normal consultative and recourse mechanisms on these issues.

I will act responsibly when hiring or otherwise engaging refugees or other persons of concern for private services. I will report in writing on the nature and conditions of this employment to my supervisor.

6.3 Unaccompanied and separated children

Families are easily and often separated when fleeing war, violence and persecution. Girls and boys who have lost all that is familiar to them — their home, families, friends and stability — are at risk of being abused and exploited and even their very survival may be threatened. For instance, they may be trafficked and forced into prostitution or they may be forcibly recruited into armed groups where they would be obliged to perform such acts as combat, portering, or as messengers or 'wives' of soldiers.

They also face a greater risk of detention, child labour or lack of access to education and basic assistance. This is why unaccompanied and separated children need to be given special attention.

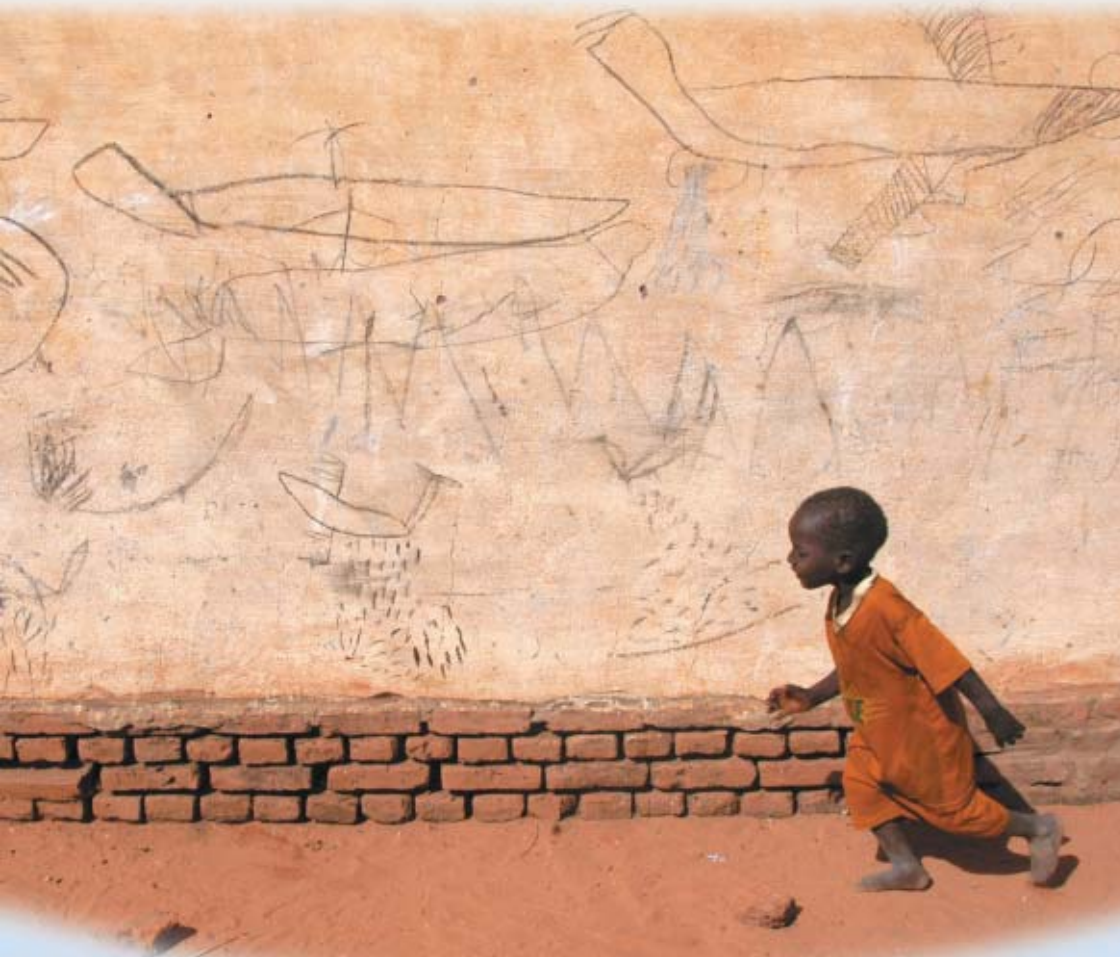
Box L



Unaccompanied children: Children who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Separated children: Children who are separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other family members.

Orphans: Children both of whose parents are known to be dead. In some countries, a child who has lost one parent is called an orphan.



6.3.1 Identification, registration, documentation, tracing and family reunification

At all times, UNHCR and its partners should ensure that:

- unaccompanied and separated girls and boys are identified as early as possible — when they enter the country or even when they are in the camps;
- all children — including unaccompanied and separated children - should be individually registered and provided with individual documentation;
- information that will help to meet the specific needs of the child, including tracing, and to make plans for the future is recorded;
- family members should be traced as soon as possible.



6.3.2 Providing a safe and caring environment

During the time they remain separated from their families, children must be able to live in a safe environment where they are properly cared for. Interim care may include fostering, other forms of community-based care, or as a last resort, institutional care, which should provide them with the emotional and physical care that their parents would normally provide them. This environment should also ensure that their health and educational needs are addressed. They may even need counselling to deal with the trauma that they have faced.

It is important that siblings remain together and that specific attention is given to child-headed households, which are at a heightened risk of discrimination, exploitation and abuse.

UNHCR and its partners should carefully and continuously monitor these care arrangements to ensure that the best interests of the child are respected.

6.3.3 Best interests determination

In all actions regarding children of concern to UNHCR, their best interests should be a primary consideration at all steps of the displacement cycle.

The identification of the best interests of unaccompanied and separated children requires particular attention and must be an ongoing process — from the identification of unaccompanied and separated children through the implementation of a durable solution for them (*best interests assessment*) as well as specific actions for which higher procedural safeguards are required (*formal best interests determination*).

Box M



The importance of **Best Interests Determination**

A formal 'best interests determination' is required in making:

- decisions to identify durable solutions for unaccompanied and separated children who have been uprooted;
- decisions on temporary care arrangements for unaccompanied and separated children — especially in emergency and complex operations;
- decisions that may involve the separation of the child from parents against their will, e.g. in cases of child abuse, including sexual abuse.



Box N



The Triangle of Rights

There are three fundamental child rights that form the basis for all other rights that children possess and that reinforce each other to ensure their survival and development.

- **Best Interests:** In all actions concerning children, their best interests should be a primary consideration.
- **Non-discrimination:** No child should be discriminated against because of her/his nationality, ethnicity, social origin or any other status.
- **Participation:** Children should participate in every decision that affects them. They should participate in the family, the community and in other forums that affect them.

Box O



UNHCR's Five Priorities for Girls and Boys

- Preventing the separation of children from their families and caregivers; responding effectively to protect children who have been separated and reuniting them with their families;
- Protecting boys and girls from sexual exploitation, abuse and violence;
- Preventing girls and boys from recruitment into armed groups or forces; disarmament, demobilisation and reintegration programmes for girls and boys;
- Ensuring that girls and boys of all ages have equal access to quality education in a safe environment;
- Ensuring that the specific concerns of adolescents are addressed.





Further Reading









Electronic copies of these documents in English have been provided in the accompanying Protection Induction Programme CD-ROM. Click on the 'Library' button to access them.





General

-  *The UNHCR Code of Conduct.*
-  *Special Measures for Protection from Sexual Exploitation and Sexual Abuse, Secretary-General's Bulletin, ST/SGB/2003/13 of 9 October 2003.*


Children

-  *Refugee Children, Global Consultations on International Protection, Fourth Meeting, document EC/GC/02/9, 25 April 2002.*
-  *Refugee Children: Guidelines on Protection and Care, UNHCR, 1994.*
-  *Inter-Agency Guiding Principles on Unaccompanied and Separated Children, ICRC, IRC, Save the Children, UNHCR, UNICEF, WVI, 2004.*
-  *Policy on Refugee Children, UNHCR, EC/SCP/82 of October 1993.*
-  *Summary Note on UNHCR's Strategy and Activities for Children of Concern to UNHCR, UNHCR, revised 2005.*
-  *Refugee Teenagers, UNHCR, 1999.*


Women

-  *Refugee Women, Global Consultations on International Protection, Fourth Meeting, document EC/GC/02/8, 25 April 2002.*
-  *Five Commitments to Refugee Women, UNHCR, 2001.*
-  *Policy on Refugee Women, UNHCR, 1990.*
-  *UNHCR Guidelines on the Protection of Refugee Women, UNHCR 1991.*

Older Persons

-  *Policy on Older Refugees, UNHCR, 2000.*

SGBV

-  *Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons – Guidelines for Prevention and Response, UNHCR, May 2003.*