

SUMMARY

(See full report at <http://www.unhcr.org/595259bd4>)

The Gender Audit of the preparatory meetings for development of the Global Compact on Refugees (GCR) is motivated by the recognition that many of the ground-breaking legal and policy advances designed to improve protection for refugee woman and girls are not implemented. This failure to implement crucial commitments to gender equality leaves women, young women and girls at ongoing risks of endemic sexual and gender-related violence (SGBV), which is directly linked to social and economic exclusion. The strong commitments to inclusion and gender equality outlined in the New York Declaration (NYD) provide a critical window of opportunity to change this. The audit is being undertaken for UNHCR by a team from the University of New South Wales, Australia. It involves two parts: 1. Monitoring the process of each meeting to assess gender inclusion and references to gender equality and 2. An analysis of the content of the panels and side meetings, with recommendations.

Part 1 -The process of the meetings with a focus on gender equality and the inclusion of women's voices and experience, and recommendations to improve this

In preparation for the November thematic meetings, UNHCR had worked tirelessly to ensure gender parity on panels, and invited an equal number of male and female refugee participants modelling gender balance, with some excellent people chosen to speak and include gender equality in their presentations. In the thematic discussions 2 and 3, women speakers were significantly under-represented on the formal panels and side events. Overall only 31% of all panel speakers were women. However, the thematic discussions 4 and 5, saw a very positive change in panel gender composition, and 51% of all panel speakers were women.

While there was not a huge increase in the number of interventions addressing gender equality and SGBV, we noted that there was a significant shift in the quality of the interventions, both from States and other key stakeholders, demonstrating a consciousness of gender issues and the implications of these. This is reflected in the recommendations below.

This positive shift was a reflection of the leadership taken by the assistant High Commissioner, Protection, Mr Volker Turk, and other senior UNHCR representatives, the excellent interventions made by the refugee participants, and by some of the chairs and panellists.

Interventions from refugee women and young people were very powerful in influencing other interventions and appeared to give permission to discuss issues that otherwise are uncomfortable to talk about. Discussion with other NGOs by the audit team also reminded them to include gender considerations in their interventions. This demonstrated two key issues, one being that articulating gender, the need to address different gender needs and SGBV can lead to others thinking about and making additional contributions to the discussion. Secondly, the value of refugee youth and women's self-representation, importantly of skilled not tokenistic participation or "sad stories", contributes meaningfully to the debate and to the identification of solutions. The closing rapporteur commented that the interventions from women and youth positively influenced the discussions towards an acknowledgement of the gender dimensions of issues under discussion.

It must be noted that not all female panellists mentioned gender issues, while some very strong recommendations on women's protection measures came from men. As noted above, young people and women from refugee backgrounds were active in the meeting and the importance of refugee participation in the Programme of Action (PoA) was frequently reaffirmed by many States. However, their presentations and interventions often lacked gender analysis¹. The different needs of women and girls, men and boys were seldom addressed. In a number of excellent and thoughtful interventions across both meetings, many States and other

¹ Gender analysis is a critical examination of how differences in gender roles, activities, needs, interventions, opportunities and rights/entitlements affect men, women, girls and boys in certain situation or contexts. (UNFPA et al, *Gender Equality, UN Coherence and You: Gender Mainstreaming in the UN System*. www.unicef.org/gender/training/content/resources/Glossary.pdf)

stakeholders referred to 'vulnerable groups'. There was an assumption that women and girls were included in that group but this was not articulated, and the agency, strength and capacity of women was not mentioned.

In order to ensure a major commitment to gender equality in the GCR we must ask ourselves what are the outcomes if we fail to do this? For example, if we do not identify the barriers to education that older girls face when they do not have access to sanitary materials, it means that one week a month they miss school. We miss the girls' accounts of being forced to have sex with teachers in exchange for grades and school books and their fear of rape as they walk to school. If we don't ask what are the risks that women and girl asylum seekers face at sea, we don't hear, as noted by UNHCR, that 100% have experienced rape and sexual violence². If we don't ask how single mothers, sometimes with a child of rape, survive alone on a single person's rations in a camp, we don't hear that that for most women survival sex is the only option for survival.

Several State and Civil Society representatives from both the Global South and North made strong interventions which highlighted the importance of recognising and responding to the different needs of women and girls and called for a strong focus on gender equality in the PoA. It was noted that if one state raised gender in their intervention, it would often flow on to other states. In informal discussions, several states from both the both the Global South and North indicated to members of the audit team that clear guidance on how to address issues of gender equality would be welcomed. There were some excellent interventions from faiths based organisations about their role in the prevention and response to SGBV and promotion of women's equality.

Process Recommendations

Two of the five process recommendations from thematic meetings 2 and 3 carry over to meeting 4 and 5, and are relevant to the High Commissioners Dialogue. These are:

Recognising that over 50% of refugees are women and girls, request all panellists to address the gender dimensions of their topic and ensure that at least one panellist on every panel speaks directly and comprehensively to the gender dimensions of the topic, including the direct link between gender equality and SGBV.

Brief all chairs to pick up gender concerns, and provide them with a pre-prepared gender question, which addresses the different needs of refugee women and men, girls and boys to pose to panellists in the opening plenary. This is essential for as is noted below, it was identified that introducing gender concerns early in the meeting is one of the keys to ensuring that they are more comprehensively discussed.

Additionally, it is recommended that:

Prior to the High Commissioner Dialogue, a meeting be arranged for refugee representatives from the Audit team to brief youth delegates on the importance of addressing gender equality and an effective response to SGBV in their interventions.

That in order to fulfil the obvious goodwill and commitment to promoting gender equality and the different needs of women and girls, men and boys, in particular the impacts of SGBV, an expert meeting of representatives of states, donors, refugees, gender experts from UN partner agencies to come together as part of the drafting process to prioritise areas for action and to suggest sustainable and achievable programs and practice for inclusion in the PoA and the community of practice. These should support transformation on the ground to genuinely address the endemic sexual violence which is a key barrier to achieving gender equality.

Actions to promote gender equality, acknowledging the specific needs of women and girls, men and boys, inclusion at all levels of decision-making and protection from sexual and gender based violence should be mainstreamed across all recommendations and actions tabled in the four pillars of the PoA. These should be clearly articulated, not assumed, and include the provision of practical support for States and non-state actors. Informed by the UNHCR Age, Gender and Diversity framework, significant work has already been done by UN Women, Women's Refugee Commission, UNSW and others to achieve this outcome, and can inform the PoA³. The final draft should be audited to ensure this has happened before it is released for final discussion and debate.

² UNHCR, 'Side event: Protection at sea', GCR Thematic discussion two (17 October 2017)

³ UNHCR Written Contributions, 'Women and girls', Available at <http://www.unhcr.org/search?cid=49aea93aa7&scid=49aea93a57&tags=women>

Thematic Discussion Four: Measures to be taken in the pursuit of solutions (14 November 2017)

Key Points Raised in the Panel Sessions

The increased regard for gender issues was reflected in the recommendations made. Many of the recommendations from Thematic Discussions Two and Three were re-iterated, but additional significant note was made of gender issues related to solutions and cross-cutting issues. However, the majority of these are still statements of principle, rather than concrete recommendations. Concern was expressed from some States from the Global South about how to address these issues at a National level, and how to resource them. A major challenge for the High Commissioners Dialogue is to translate these into sustainable and viable action-based recommendations for the Programme of Action (PoA).

Recommendations from States, UNHCR and other NGOs regarding solutions included that:

- i. All solutions must recognise the strong links between gender inequality, SGBV and access to other forms of protection and inclusion for refugee women and girls.
- ii. Gender and age disaggregated data (SADD) must be incorporated into every aspect of planning and delivery of services and durable solutions.
- iii. Gender-sensitivity in screening procedures is critical to the protection of women and girls. Access for women and children to individual registration, and the need for child appropriate procedures, were emphasised. It was suggested that gender-appropriate guidelines be developed for asylum decision-makers.
- iv. Women and girls must be involved in peace and security processes and recognised as effective agents of change, from high level participation at peace forums, to local community levels, (UN Security Council Resolution 1325).
- v. There is a need to increase self-reliance in asylum contexts, especially for women and youth, as this will improve the situation both in asylum and in return to country of origin.
- vi. Returnees to have equal rights with all other citizens including democratic rights.
- vii. Diverse groups be included in decision-making, including women and youth to participate in all decisions relating to returns.
- viii. Special consideration must be given to finding durable solutions for women which continue to offer protection, their rights must not be hampered by discriminatory norms, and must be recognised in the development of national mechanisms, including justice frameworks.
- ix. Women to be provided with sufficient information to enable them to make informed decisions about return. Return needs to be gender sensitive and recognise that women have often developed new skills, livelihoods, independence and power in displacement and can contribute to the growth and development in the country of return.
- x. Reintegration must foster and support the economic empowerment of women, as it is an important step towards reducing poverty. It must be acknowledged that group gender composition in returns processes requires careful consideration, and a community-based approach is very important for successful integration.
- xi. Women must have individual identity documents, land deeds and passports, land and property
- xii. rights, independent of their relationship with any man.
- xiii. Resettlement must include protection measures which can respond to urgent protection needs especially for women and girls, and not a selective migration pathway.
- xiv. There must be increased use of the Heightened Risk Identification Tool to identify those most in need of resettlement, more resettlement to be available to women and girls, and a focus on innovative practice in both sending and receiving countries.
- xv. The response to climate displacement needs to have a strong focus on women and girls as they are disproportionately affected by climate change, and experience many of the same abuses as refugee women.

- xvii. It is important that women and men equally have opportunities that facilitate access to complementary pathways, including gender sensitive education and training. This must include specific support for women and girls previously denied access to basic education, and ensure that apprenticeships and traineeships suitable for women girls, appropriate to their informal skills, are also accessible. Specialist assistance and opportunities for family reunion are critical in such pathways, and that the benefits as well as the costs to host countries be quantified and acknowledged.
- xvi. Good quality sexual and reproductive health services must be part of all solutions.

Thematic Discussion Five: Issues that cut across all four substantive sections of the comprehensive refugee response, and overarching issues (15 November 2017)

Key Points Raised in the Panel Sessions

The acknowledgement of the importance of a strong gender perspective across the four pillars of the Comprehensive Refugee Response Framework (CRRF) can be summarised in the following quotes:

“Peace can only be sustained through inclusive processes, as the international community we must do all we can for supporting women and young people in peace processes. Everywhere in the world we need more women when we talk peace.”

-Ambassador Nicola Clase, Coordinator for Migration and Refugee Issues, Swedish Ministry for Foreign Affairs

“If we add the gender dimension to our work then whatever you do in the refugee response it will be a massive investment in the peace and stability of countries- not just in country of origin but in the region as well.”

-Mr. Volker Türk, Assistant High Commissioner (Protection)

“I think there is real consensus that this Global compact has to be informed by those gender considerations going forward, and we heard that from our youth participants and from those refugees.”

- Ms. Caroline Sergeant, Fragility, Conflict and Violence Group, World Bank

Recommendations from States, UNHCR and NGOs included that:

- i. Gender equality must be reflected in all sections the PoA and we must call on all actors to respond to and prevent SGBV.
- ii. We must continue to develop and build the existing capacity of women and young people to ensure their effective participation in peacebuilding processes.
- iii. Legal systems need to be strengthened to ensure justice for women and young people.
- iv. We must take steps to enable transformation from recommendations and policy into immediate, concrete actions.
- v. Financial planning for situations of conflict must also support local women’s networks and organisations.
- vi. Effective and achievable prevention and response mechanisms to SGBV are an essential part in all four pillars of the GCR
- vii. An integrated coherent comprehensive approach, moving from humanitarian, to development to peace and security aspects should be developed as a key principle of the PoA.
- viii. A rights-based approach must be utilised, guiding language, action, practical action and application, reflecting a strong gender dimension, acknowledging the differentiated impacts that actions can have on women and girls, by an age dimension, and by diversity dimensions to ensure that we are responding to people from every specific vantage point and addressing their specific needs and rights.
- ix. The PoA must reflect the Best Interest of the Child Determination process (BID).
- x. Gender is not just pertinent to the different needs of men and women. It equally applies to children, youth the elderly, people with a disability the LGBTI community and other minority groups and this should be reflected in the PoA. Gender analysis is needed in all situations of mass displacement.
- xi. The PoA must include recommendations for regional institutions to include gender frameworks in line with existing international standards.

Additional suggestions for the Programme of Action with an added gender equality lens:

In order to respond to issues and questions States, refugee participants, and other key stakeholders at the Thematic meetings on how to fulfil the potential of the GCR to address gender inequality and protection from SGBV, it is recommended that:

- i. That a strong community of practice be resourced and developed as a matter of urgency and directly linked to the PoA. This would include an evaluation of all current guidelines and programs to ensure that the often-unmanageable amount of material available is rationalised and that the material included is both proven to be good practice, doable, resource sensitive and includes the participation of refugees in the delivery of services, both women and men.
- ii. That the participation of both refugee women and men be mandated/strongly encouraged at all levels of refugee protection, in flight, camps, urban sites, resettlement, peacebuilding and conflict resolution. Active and effective support needs to be provided to all refugees as they take their place at the decision-making table, to ensure that they can contribute their maximum potential. Women may need particular support to overcome the historic barriers to women's participation and barriers to achieving this. Measures should be taken to ensure that other minority groups such as people with a disability, youth, children, the elderly and LGBTI are also given the same opportunities for self-representation and decision-making.
- iii. That the GCR requires the collection and use of sex and age disaggregated data (SADD) at all stages of refugee response to better inform planning and programming, and that it incorporates implementation of existing agreement under international law regarding the human rights, empowerment and protection of women and girls.
- iv. That as part of their consideration of an effective response to refugees, regional bodies draw on their collective experience to suggest local and effective solutions to address gender inequality and sexual and gender-based violence.
- v. That an accountability framework, indicators and viable monitoring mechanisms, informed by existing good practice such as the UN Women Evaluation Handbook: How to manage gender-responsive evaluation and the UNIFEM Gender Budgeting Initiatives, be developed to ensure that commitment to gender equality is transformed into effective protection for all refugees.
- vi. It was noted that if clear and explicit language about human rights violations is not included in the GCR, there are implications for services, responses, policy and law development. Abuses which are not named are often not addressed. This is especially true of rape, sexual abuse, torture, discriminatory practices. It is a way of silencing survivors, even if that is unintended. It was therefore recommended that these violations be named and addressed wherever appropriate.

The Gender Audit was proposed as one strategy to support UNHCR in its efforts to ensure that the NYD commitments to gender equality are fully reflected across the Global Compact on Refugees (GCR). This summary report of the November meeting and the full report from which it is drawn, build on the summary and final report of the October meetings, several reports already produced by the UNSW ⁴ and available on the Global Compact Website ⁵. Additional reports will be prepared following the High Commissioners Dialogue in December.

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⁴ Pittaway, E., Bell, C., Bartolomei, L. (July 2017) *Strengthening the Response To Refugee Women And Girls In The Comprehensive Refugee Response Framework*. Available at: <http://www.unhcr.org/en-au/events/conferences/595b7f344/strengthening-response-refugee-women-girls-comprehensive-refugee-response.html>; The Forced Migration Research Network, University of New South Wales (October 2017), *The World's Biggest Minority?: Refugee Women and Girls in the Global Compact on Refugees*. Available at <http://www.unhcr.org/59e5bcb77.pdf>, Pittaway, E. and Bartolomei, L. (July 2017) *Gender Notes on the First Thematic Discussion on the Global compact on Refugees*, Available at https://www.arts.unsw.edu.au/media/FASSFile/Thematic_Discussion_1_Gender_NotesPittaway_and_Bartolomei.pdf

⁵ Towards a global compact on refugees: written contributions. <http://www.unhcr.org/search?cid=49aea93aa7&scid=49aea93a57&tags=women>