
prima facie

The Newsletter of UNHCR's Department of International Protection

April 2002



Third Track

During the planning phase for the Global Consultations, governments and NGOs specifically requested a Third Track meeting devoted to protecting refugee women and children. That meeting, the final Third Track session of the Global Consultations process, which will also cover the issue of protection-based solutions, will be held in Geneva from 22 to 24 May.

In light of recent allegations of sexual exploitation of refugee girls by, among others, humanitarian workers and peacekeepers in West Africa (see page 5) and growing concern about the safety of female asylum-seekers and refugees everywhere, the urgency to confront the shortcomings in the implementation of the current protection regime—and to take concrete steps to improve the situation—is obvious. While both refugee women and refugee children share the problems common to all refugees, each group faces obstacles to protection that are unique to that group. The goal of the May meeting is not only to take a closer look at some of these obstacles, but also to win commitments from States and HCR to do everything possible to dismantle those obstacles.

Protecting Refugee Women

From being at-risk of sexual violence during flight, to being effectively silenced during asylum hearings because of a lack of appropriately trained female asylum officials, to having their claims to property denied upon return because they lack proper identity and marriage documentation, female refugees and asylum-seekers face barriers to protection at all stages of their lives as refugees. Part of the problem, says Katharina Samara, of HCR's

Refugee Women/Gender Equality Unit, is that the laws and guidelines crafted to protect refugee women are often not translated into action on the ground. "We need to see protection as something beyond law," Samara says. "We need to think outside the box."

Following last June's Dialogue with Refugee Women, the culmination of a process involving 500 refugee women in more than 20 local and regional consultations, the High

Commissioner committed HCR to implementing five measures that would practically and immediately improve protection for refugee women:

HCR will work to ensure that women participate in all refugee management and leadership committees in urban, rural and camp settings, including in return areas.

Strategies to ultimately achieve 50 per cent representation of women in these committees can include setting quotas for female representatives, providing incentives to improve the gender balance, offering childcare arrangements that would allow women to participate, and providing women with training in negotiation, mediation and election campaigning. Refugee women should also be involved in designing the layout of camps, as the location of latrines and access to cooking materials are security issues for women. The first step for any of these strategies is to talk with the refugees, both male and female, to build support for broader female representation.

Male and female refugees will be registered individually and will receive individual documentation.

Lack of adequate registration and personal documentation has re-



Securing the Safety of Refugee Women: Another Call to Action

“If there is no security for women, there is no security.” So concluded participants at an international expert seminar on Improving the Security of Refugee and Displaced Women held in Oslo, Norway, in late January. The seminar, organized by the Norwegian Institute of International Affairs in cooperation with the Norwegian Ministry of Foreign Affairs, the International Peace Research Institute and the Norwegian Refugee Council, was attended by humanitarian workers, researchers, policy-makers, and refugee and displaced women. During their discussions, participants developed a set of recommendations covering such general themes as physical security, legal security, sexual and gender-based violence, including sex trafficking, training and accountability. Among the recommendations:

- **Women’s and men’s security should be seen as interwoven. Assuring the security of women is essential to ensuring the security of their families and communities.**
- **Persons who have been exposed to sex trafficking and gender-based violence should be offered access to asylum on that basis.**
- **There should be female staff, trained in gender issues, based in all camps.**
- **Refugee and displaced women should be involved in planning and managing camps and projects.**
- **Women must be given a central role in the distribution and management of food.**
- **Each person should be furnished with individual identity cards. Lack of individual papers equals lack of autonomous legal status.**
- **A uniform Code of Conduct, with strict guidelines governing the behavior of peacekeeping personnel/humanitarian workers, should be established.**
- **There should be no tolerance of sexual relations by international personnel with minors under the age of consent.**
- **Sexual and gender-based violence should not be the concern of gender advisors only, but should be the responsibility of all international and national personnel working with refugees and displaced persons.**
- **Complaint and reporting mechanisms for sexual and domestic violence should be established in refugee and internally displaced persons’ camps.**
- **Women should be trained in their legal rights and basic human rights.**
- **Local officials, including police and soldiers, should be trained in gender awareness.**
- **International and non-governmental organizations should accelerate efforts to reach a 50/50 per cent women/men composition, including at senior levels and in field operations.**

The set of recommendations that emerged from the seminar will be used to help formulate guidelines on protecting civilians, including refugee and displaced women, which are now under discussion at the Security Council, and will feed into May’s Third Track Global Consultations meeting.

sulted in infringements of refugee women’s freedom of movement. Refugee women have reported being arrested and detained by police simply because they had no individual documentation while they were going about their daily activities. When only male heads-of-households are registered and issued ration cards, women may be forced to remain in abusive relationships for fear of losing access to food and other assistance. Last autumn, HCR’s Executive Committee adopted a Conclusion calling for individual registration of all refugees. While that was a good start for promoting State responsibility for registration, detailed guidelines for registration should now be developed jointly by governments and HCR.

HCR will develop integrated country-level strategies to prevent and respond to sexual and gender-based violence.

While guidelines on this issue were published in 1995, and HCR is in the process of revising those guidelines, they are of little use unless applied by personnel on the ground. HCR staff and government workers must receive better training in identifying, preventing and responding to sexual and gender-based violence. HCR is developing a multi-sectoral approach to the issue, encouraging psychosocial, health care, security and protection personnel to work as teams when responding to or trying to prevent incidents of sexual violence. In addition, clear and accessible complaint and reporting mechanisms for sexual and domestic violence should be established in refugee camps. States should also ensure that refugee women have access to national police forces and the judiciary when their personal safety is

threatened, including by sexual and gender-based violence and by domestic violence.

Refugee women will be encouraged to participate directly in managing and distributing food and non-food items.

Male refugees have, on occasion, been responsible for diverting food to the military or selling or exchanging it for items unrelated to the family's welfare. Putting food relief directly into the hands of women will help stem this outflow of food from the family; it will also reduce women's risk of being forced to provide sexual favors in exchange for food. As refugee women are encouraged to play a greater leadership role, men should be sensitized to how gender equality can benefit the whole community. Together with the World Food Programme, HCR is committed to ensuring that, to the extent possible, 80 per cent of all relief food is directly distributed to and controlled by females in the household.

Sanitary materials will be provided to all women and girls as standard practice in all HCR assistance programs.

States share the responsibility for protecting refugee women and, as partners in protection, should also

commit themselves to implementing these measures. They can also do much more:

■ States can safeguard the rights of female asylum-seekers by providing trained female border police officers.

■ States can ensure that their status determination procedures and interviewing officers are sensitive to the particular problems faced by women, including sexual and gender-based violence.

■ States, in collaboration with HCR, can offer comprehensive gender-awareness and sensitization training to humanitarian workers and government officials concerned with refugees, especially law enforcement agents, the police and members of the judiciary.

■ In addition to registering all refugees individually, States should register refugees' births, deaths, marriages and divorces as they do for their nationals.

"The challenge," says Samara, "is to show people that these are concrete protection issues. They're not something additional, something you do only if you have extra time and extra money. They are core to our mandate."

Between 75 and 80 per cent of the approximately 50 million refugees and displaced persons around the world are women and children.

Women and children account for 80 per cent of casualties from small arms, far exceeding the number of military casualties in armed conflict.

Between 25 and 50 per cent of all women have been abused by a partner. One in five women has been raped, often by a known assailant.

Nearly 170 countries are party to the Convention on the Elimination of All Forms of Discrimination Against Women.

Of the 1.3 billion people around the world who live on less than one US dollar a day, 70 per cent are women and girls.

Eighty per cent of all senior and policy-making posts at UN agencies are held by men.

Protecting Refugee Children

"We want to focus on relatively few issues on which we can move forward," says Christina Linner, head of HCR's Children's Unit, about the upcoming Third Track session. Linner named five areas in which urgent action could improve protection for the 45 per cent of refugees around the world who are under the age of 18.

Education

"Education is a protection tool," Linner says bluntly. "It must be part of any assistance program, including during the emergency phase." In addition to being a right for all children, stipulated as such in the Convention on the Rights of the Child, and to offering the opportunity to learn skills and acquire knowledge that will help refugee children survive while in asylum and when they return to their home countries, education can provide refugee children with a secure place to gather, where their physical and emotional well being can be monitored, and where they can be protected from forced labor, military recruitment and sexual exploitation. Refugee pupils' school achievements should also be certified, and systems should be established to validate students' and teachers' certificates. UN agencies, NGOs

***"Education is a protection tool.
It must be part of any assistance program,
including during the emergency phase."***

and governments of both countries of asylum and of origin should be involved in setting up these systems. States should ensure refugee children's access to education and the right of the child to freedom of thought, conscience and religion.

Family reunification

Experience has shown that many refugee children become separated from their parents or previous legal or customary caregiver during flight. Often, they arrive in asylum countries with members of their extended family. Though living with an adult or adults, these children may face risks similar to those who arrive in a country of asylum "unaccompanied", risks such as being forced into servitude or marriage. Yet because they are accompanied by an adult or adults,

tracing their nuclear families may not be perceived as a high priority. HCR is working with UNICEF, ICRC, Save the Children, World Vision and IRC to develop a set of guiding principles on unaccompanied and separated children and to improve tracing of and reunification with their nuclear families. States must recognize the protection needs of separated children as well as unaccompanied children. Family tracing and reunification are essential for both groups of children.

Sexual violence, exploitation and abuse

Unaccompanied and separated children are particularly at risk of sexual exploitation, violence and abuse during forced population movements. The findings of an assessment mission to West Africa (*next page*) revealed extensive exploitation of refugee children by locally employed staff of national and international NGOs and UN agencies. Throwing light on this problem can only help. Says Linner, "With this sense of outrage, we have an opportunity to bring some conclusions forward. We now have a momentum to look further, not just in Africa, but all over the world." HCR is revising its guidelines on sexual violence against refugees and is adding a Step by Step Guide for Protection Officers on the subject. HCR and its operational partners are already using education and awareness-raising

campaigns to try to prevent exploitation and abuse; victims of violence receive counseling, follow-up treatment for sexually transmitted disease and HIV/AIDS, and legal assistance. States should ratify and implement the Optional Protocol to the Convention on the Rights of the Child,

on the Sale of Children, Child Prostitution and Child Pornography. Training should also be provided to humanitarian workers and peacekeepers on children's human rights. All parties should be held accountable for violating those rights.

Military recruitment

Most child soldiers are adolescents, but there are also many who are under the age of 10. Secure schools in asylum countries can protect children from forced recruitment as can family reunification. Equally important is protecting children once they return home. Pending reunification with family members, children should be offered care either in camps or foster homes where basic assistance, psychosocial support and education are provided. States

"Tragic Testimonies": Refugee Children in West Africa Allege Exploitation by Humanitarian Workers

If there was ever any doubt about the urgent need to improve protection for refugee women and children, that doubt was dispelled this February when HCR and Save the Children-United Kingdom released the findings of a joint assessment mission on sexual violence and exploitation of refugee children in West Africa. Declaring the sexual exploitation of refugee children in Guinea, Liberia and Sierra Leone "extensive," the report alleged that locally employed staff of national and international humanitarian NGOs and UN agencies, including HCR, international peacekeepers and community leaders used "the very humanitarian aid and services intended to benefit the refugee population as a tool of exploitation."

Based on children's testimonies gathered over a 40-day mission to the region, the authors of the report painted a disturbing picture in which humanitarian services and goods, including food, were provided in exchange for sex with girls under 18. More than 40 organizations and agencies and nearly 70 individuals were cited in the testimonies. Incidents of exploitation most frequently occurred in the refugee camps in Guinea and Liberia.

A team of inspectors was dispatched to the region to determine how best to investigate the allegations without further endangering the children involved. The team is composed of special UN investigators from New York, staff from the office of HCR's Inspector-General, and an outside expert on the sexual abuse of children.

Describing the children's testimonies as "tragic", High Commissioner Ruud Lubbers said, "There is absolutely no place in the humanitarian world for those who would prey on the most innocent and vulnerable of the world's refugees: the children." HCR is conducting its own internal investigation and has proposed a series of remedial measures to combat child abuse in the region. Measures already in place or under consideration include:

- increasing security and international presence in camps
- deploying more female staff
- creating a reporting system that gives refugees a secure channel for raising complaints with senior HCR staff
- requiring that camp leaders report abuses by agency staff to senior HCR officials
- improving the distribution of aid and services to ensure it reaches refugees
- increasing refugee access to the legal system to ensure that violators are prosecuted
- identifying refugee girls most at risk of exploitation and providing them with assistance, education, health care and training to improve their chances of becoming self-sufficient
- informing refugee children of their rights and entitlements

"A refugee camp - no matter how well it is run - is no place to spend a childhood. But those children who do escape the horrors of war to reach our camps deserve at the very least a safe, decent and secure sanctuary where they are provided the basic necessities of life. Anything less is nothing at all."

High Commissioner Ruud Lubbers, in a statement addressing the allegations of exploitation of refugee children in West Africa, 1 March 2002

should sign, ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Refugee camps should be located a reasonable distance from the frontiers of countries of origin and the civilian character of those camps must be preserved.

Registration and birth certificates

Proper registration, both birth registration and refugee registration, ensures that refugee children can enjoy their basic human rights. Registration can help identify the different needs of refugee children according to their age and can identify which children are separated from their parents or customary caregivers, which are disabled, and which are heads-of-households. All children, including refugee children, have the right to proper documentation, in-

cluding birth registration and certificates. Without proper documentation, children have no access to humanitarian aid and to basic services such as education and health care. A lack of birth registration can also result in statelessness. Although national birth registration systems exist in most countries, children born to refugee parents are not always officially registered and issued an official birth certificate. States should work toward ensuring that their national laws and administrative mechanisms allow for registering the births of, and providing official birth certificates to, children of refugee parents.

Says Linner, "Most of these issues are not new. There are enough standards and guidelines out there. What is important now is focusing on implementing those guidelines."

More than 300,000 children around the world, many younger than 10 years, serve as child soldiers. Girl soldiers are often forced into different forms of sexual slavery.

An estimated 45,000 households in Rwanda today are headed by children, 90 per cent of them girls.

The Convention on the Rights of the Child is the most widely adopted of any international treaty; every country, except the United States and Somalia, has ratified it.

At any one time there may be up to 100,000 separated children in western Europe alone.

Each year, approximately 40 million children are not registered at birth, depriving them of a nationality and a legal name.

QuoteUnquote

"Refugees, especially refugee women, still tend to be approached as 'recipients' of assistance more than as agents of change."

DIP Director Erika Feller, in her Statement to the International Expert Seminar on "Improving the Security of Refugee and Displaced Women", in Oslo, Norway, 24 January 2002.