

Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons

Guidelines for Prevention and Response

May 2003



UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES

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FOREWORD

In every community in the world there are people who have been affected by acts of brutality. Atrocities committed by armed groups in conflict situations are often well publicized, while abuses committed behind closed doors in the confines of one's own home often remain completely hidden. Refugees and internally displaced people, who do not enjoy the protection of their own governments, are among those most vulnerable to acts of violence, including sexual and gender-based violence.

We have learnt that sexual and gender-based violence is most prevalent in environments where there is a general lack of respect for human rights. Sexual and gender-based violence is, of course, itself a human rights violation. Women and children, who are often most vulnerable to human rights abuses, are also the ones who suffer most from sexual and gender-based violence.

These Guidelines offer practical advice on how to design strategies and carry out activities aimed at preventing and responding to sexual and gender-based violence. They also contain information on basic health, legal, security and human rights issues relevant to those strategies and activities.

The Guidelines were developed in consultation with UNHCR's partners in refugee protection: governments, inter-governmental agencies and non-governmental organisations. They are intended for use by UNHCR staff and members of operational partners involved in protection and assistance activities for refugees and the internally displaced. They have been tested in 32 countries around the world with the participation of more than 60 partners.

Sexual and gender-based violence is a serious problem, and one which we must tackle head-on. We have developed a number of tools to help to prevent it, and to assist survivors when we are unable to prevent it. It is up to all of us who work with refugees and internally displaced people to use these tools effectively.



Ruud Lubbers
United Nations High Commissioner for Refugees

INTRODUCTION

Background

UNHCR first published *Sexual Violence against Refugees: Guidelines on Prevention and Response* in 1995. By that time, it had become clear that the magnitude of the problem called for a focused approach and considered, concerted actions that had not, until then, been adequately formulated and compiled in any of UNHCR's earlier publications. The 1995 *Guidelines* helped create a greater awareness and understanding of this serious human rights violation and laid the foundations for developing programmes to prevent and respond to it. Yet sexual and gender-based violence against refugees, especially women and children, continues unabated. It has been exacerbated by unequal gender relations within communities of concern; it has been used as a weapon of war and as a means of exercising power; it has been both a cause of forced displacement and a terrible consequence of the breakdown of family and community structures that accompanies displacement. It has also been perpetrated by some of the very people who have been entrusted with the task of protecting refugees and displaced persons.

Since 1995, many lessons have been learned concerning individual, institutional and national responsibilities for implementing the *Guidelines* and for providing protection to uprooted persons. Throughout those years, UNHCR, other UN agencies, governmental and non-governmental organisations, refugees, returnees and internally displaced persons have evaluated the programmes and activities suggested in the *Guidelines* in the context of complex emergency situations. The culmination of this evaluation process was the Inter-Agency Lessons Learned Conference on Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations, which was held in Geneva in March 2001.

Participants at the Conference identified areas for improvement and highlighted the importance of revising the 1995 *Guidelines* to reflect progress made over the years and to refine an inter-agency, multi-sectoral approach to addressing sexual and gender-based violence against refugees, returnees and internally displaced persons. Recommendations from the Conference included strengthening institutional commitment by developing a Code of Conduct for humanitarian workers; setting common minimum standards for addressing sexual and gender-based violence; supporting the allocation and management of adequate funding and staff; and integrating a gender-equality perspective in institutional practices. Participants emphasised the need to engage the refugee community in all stages of programme delivery: design, implementation, monitoring and evaluation.

Following up on Conference recommendations, these new *Guidelines for the Prevention of and Response to Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons* were developed through inter-agency consultations. They have been field-tested in 32 countries around the world, involving the participation of more than 60 key operational partners.

Purpose of the Guidelines

These *Guidelines* are intended to be used by the staff of UNHCR, UN agencies, inter-governmental and non-governmental organisations and host government agencies who provide protection and assistance to refugees and persons of concern to UNHCR. They are also intended to guide activities initiated by refugee communities themselves to prevent and address the problem. They examine the root causes of and factors contributing to sexual and gender-based violence and suggest practical actions to be taken to help prevent and respond to this kind of violence. In recognising that sexual and gender-based violence is perpetuated by unequal power relationships between women and men, the *Guidelines* provide a fresh approach to the problem, calling for strategic partnerships - including between men and women, national and international human rights NGOs, UNHCR, other UN agencies and States - to promote change. They also emphasise the importance of involving the refugee community, especially women and girls, in planning, implementing and evaluating activities designed to prevent and respond to sexual and gender-based violence.

Adaptable to different contexts and settings, the *Guidelines* provide a framework for developing effective prevention and response strategies; they do not offer an exhaustive set of activities to fit every possible situation. Since preventing and responding to the complex problem of sexual and gender-based violence require inter-agency, inter-disciplinary, and multi-sectoral collaboration, the *Guidelines* also encourage reflection and discussion among organisations and colleagues. They are intended to complement, rather than replace, other training materials.

Contents of the Guidelines

Chapter 1	Presents an overview and basic information about sexual and gender-based violence, its root causes, contributing factors and consequences.
Chapter 2	Provides guiding principles that underlie all efforts to prevent and respond to sexual and gender-based violence and a framework for a multi-sectoral and collaborative approach.
Chapter 3	Recommends prevention strategies to reduce or eliminate the causes of and factors that contribute to sexual and gender-based violence.
Chapter 4	Describes how to establish multi-sectoral response systems to address sexual and gender-based violence.
Chapter 5	Details the special considerations required when assisting children who have been subjected to or are at risk of sexual and gender-based violence.
Chapter 6	Gives step-by-step guidance on developing a plan of action that builds on existing strengths in any given situation.
Chapter 7	Discusses monitoring and evaluation mechanisms and provides examples of indicators to measure the impact of actions designed to protect against sexual and gender-based violence.
Chapter 8	Explains the concept of gender-related persecution and how to apply it when working with asylum-seekers.

Wherever appropriate, readers are directed to additional sources for more detailed information on specific topics. The titles of these reference materials are provided in shaded boxes throughout the text **“See also:”** . Sample forms that can be adapted for use in specific situations are included as Appendices. A detailed list of suggested resources appears after the appendices. Electronic versions of selected documents have been included on the CD-ROM that accompanies these Guidelines.

Key Terms

These Guidelines apply to situations in which there are refugees, returnees, internally displaced persons, and/or asylum-seekers. Although UNHCR's mandate and actions may differ depending on whether the persons of concern are refugees or internally displaced persons, other bodies, such as host country authorities, NGOs, or other UN agencies, may protect and assist both refugees and internally displaced persons.

For the sake of convenience, the term **refugees** refers also to asylum-seekers, returnees and internally displaced persons, both female and male, children and adults. Similarly, the term refugee settings refers to transit facilities, reception centres, refugee camps, places of detention for asylum-seekers, way-stations during repatriation movements, and centres for communities of internally displaced persons. While most of the recommendations for refugee settings apply in both rural and urban contexts, whenever necessary, specific actions to be taken in specific circumstances are highlighted.

The term **victim(s)/survivor(s)** refers to individuals or groups who have suffered sexual and gender-based violence. While victims should be treated with compassion and sensitivity, referring to them as survivors recognises their strength and resilience. Sometimes, however, a victim of sexual and gender-based violence remains a victim, despite personal efforts and external support. In certain legal contexts, the term victim may be appropriate and/or required to conform to relevant laws when seeking legal redress. In non-legal settings, however, the word victim may imply powerlessness and stigmatisation, characterisations that are to be avoided by all concerned parties. To recognise all of these contingencies, both terms are used.

While men and boys are often victims/survivors of sexual violence, statistics confirm that the majority of victims/survivors are women and girls. As an acknowledgement of this reality, **the Guidelines use feminine pronouns to describe victims/survivors.**

The term **actors** refers to individuals, groups, organisations and institutions involved in preventing and responding to sexual and gender-based violence. Actors may be refugees, local populations, employees or volunteers of UN agencies, NGOs, host government institutions, donors and other members of the international community.