

CHAPTER 2

GUIDING PRINCIPLES

Sexual and gender-based violence is a problem that affects individuals, communities, and institutions. Given its complexities, sexual and gender-based violence is best addressed when multiple sectors, organisations, and disciplines work together, identifying and designing joint strategies to address this human rights violation. All actors involved in developing these strategies should agree to adhere to a set of Guiding Principles and understand that SGBV is a human rights violation. The Guiding Principles that should underpin all programme activities are: engage the refugee community fully; ensure equal participation by women and men, girls and boys in planning, implementing, monitoring and evaluating programmes; ensure co-ordinated, multi-sectoral action by all actors; strive to integrate and mainstream actions; and ensure accountability at all levels. The Guiding Principles that should underpin all actions with individuals are: ensure the physical safety of the victim(s)/survivor(s); guarantee confidentiality; and respect the wishes, the rights, and the dignity of the victim(s)/survivor(s), and consider the best interests of the child, when making any decision on the most appropriate course of action to prevent or respond to an incident of sexual and gender-based violence.

Tackling the complex problem of sexual and gender-based violence requires co-operation among and concerted efforts by multiple sectors, organisations and disciplines. All actors involved in developing strategies to prevent and respond to sexual and gender-based violence should agree to adhere to a set of Guiding Principles that will underpin their work. These Principles can be divided into those which guide the development, implementation and monitoring of programmes and those which govern protection and assistance for individuals who are victims/survivors of violence, whether they are men, women or children. (See Chapter 5 for more specific Guiding Principles related to children).

Guiding Principles

Programme

- Engage the refugee community fully.
- Ensure equal participation by women and men, girls and boys in planning, implementing, monitoring and evaluating programmes.
- Ensure co-ordinated, multi-sectoral action by all actors.
- Strive to integrate and mainstream actions.
- Ensure accountability at all levels.

Individual

- Ensure the physical safety of the victim(s)/survivor(s).
- Guarantee confidentiality.
- Respect the wishes, the rights, and the dignity of the victim(s)/survivor(s), and consider the best interests of the child, when making any decision on the most appropriate course of action to prevent or respond to an incident of sexual and gender-based violence.
- Ensure non-discrimination.

Guiding principles enshrined in other documents, such as in codes of conduct, should also be used and shared with all parties involved in the programme.

Programme Guiding Principles

Engage the refugee community fully. The refugee community should be central to all programme activities that address sexual and gender-based violence. Community involvement in decision-making is essential. It requires research to obtain an understanding of gender power relations and other power dynamics at play within the community.

Ensure equal participation by women and men, girls and boys in planning, implementing, monitoring and evaluating programmes. A wide range of groups and individuals in the community should participate in all stages of programming for prevention and response to sexual and gender-based violence.

Strive to integrate and mainstream actions. Actions to prevent and respond to sexual and gender-based violence should be mainstreamed and integrated into existing programmes and sectors. They should not be established as special programmes or projects, as this undermines their sustainability over the long term.

Ensure co-ordinated multi-sectoral action by all actors. Involvement of key sectors (community services, health, protection, security) is crucial if programmes targeting sexual and gender-based violence are to succeed. Actors (governments, NGOs and UNHCR) must be willing to co-ordinate, co-operate and collaborate.

Ensure accountability at all levels. All those involved in programmes targeting sexual and gender-based violence should be held accountable for their actions and for accomplishing agreed-upon tasks and responsibilities.

Individual Guiding Principles

Ensure the safety of the victim/survivor and her family at all times.

Remember that the victim/survivor may be frightened and need assurance of her individual safety. In all cases, ensure that she is not at risk of further harm by the assailant or by other members of the community. If necessary, ask for assistance from camp security, police, or other law enforcement authorities, field officers, or others. Be aware of the safety and security of the people who are helping the victim/survivor, such as family, friends, community service or sexual and gender-based violence workers, and health care workers.

At all times, respect the confidentiality of the affected person(s) and their families.

This means: share only the necessary information, as requested and as agreed by the victim/survivor, with those actors involved in providing assistance. The confidentiality of the perpetrator should also be respected. Information about victims/survivors should never be shared if it includes the individual's name. Information concerning the victim/survivor should only be shared with third parties after seeking and obtaining the victim's/survivor's (or their parents', in the case of children) explicit consent in writing.

All written information must be maintained in secure, locked files. If any reports or statistics are to be made public, only one officer in the organisation should have the authority to release the information. That person should disclose only general information about the victims/survivors. Any identifying information (name, address, etc.) should be removed.

Staff dealing directly with sexual and gender-based violence cases should sign confidentiality oaths.

Sometimes, interpreters or translators may be needed during interviews with victims/survivors. In these instances, it is advisable to engage translators from outside the community and to establish terms of reference for their work. Since trained, independent interpreters/translators are not always available, organisations should allocate adequate financial and human resources to ensure that quality interpreting/translating services are accessible.

All actions taken will be guided by respect for the wishes, the rights, and the dignity of the victim/survivor.

- Conduct interviews in private settings and with same sex translators, wherever possible.
- Always try to conduct interviews and examinations with staff of the same sex as the victim/survivor (e.g., woman victim/survivor to woman interviewer).
- Be a good listener.
- Maintain a non-judgmental manner.
- Be patient; do not press for more information if the victim/survivor is not ready to speak about her experience.

- Ask victims/survivors only relevant questions.
- The status of the virginity of the victim/survivor is not an issue and should not be discussed.
- Avoid requiring the victim/survivor to repeat the story in multiple interviews.
- Do not laugh or show any disrespect for the individual or her culture, family or situation.
- The victim/survivor should be referred to appropriate/relevant actors when there is no qualified individual available to conduct an interview.
- Ask the victim/survivor separately whether they want their married/unmarried partner to be present during the interview.

If the victim/survivor is a child, **the best interests of the child** principle should inform decisions about what type of care and support is provided. See Chapter 5 for more details.

Ensure non-discrimination. Every adult or child, regardless of his/her sex, should be accorded equal care and support. Victims/survivors of violence should receive equal and fair treatment regardless of their race, religion, nationality or sexual orientation.

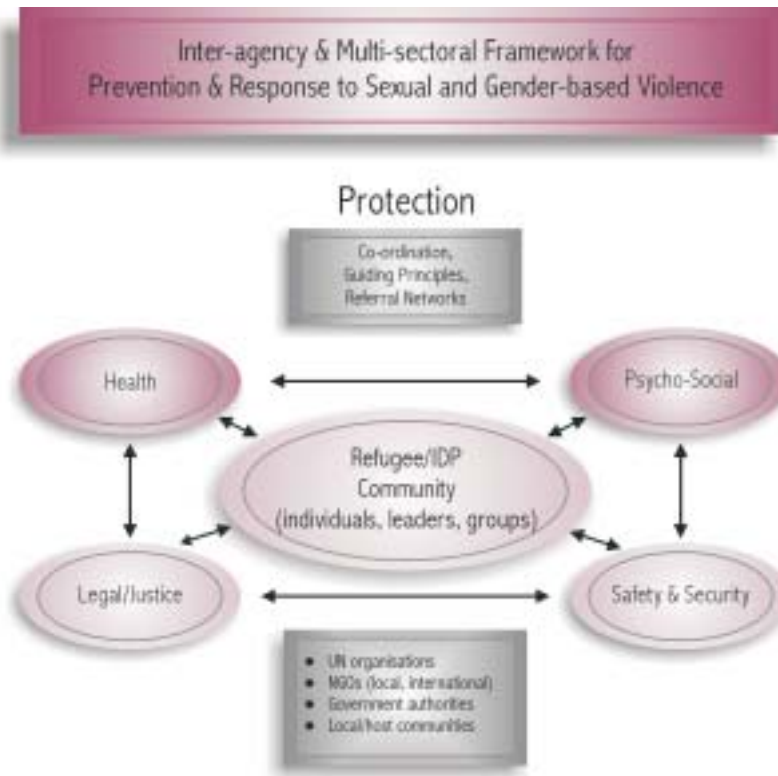
UNHCR's Five Commitments to Refugee Women

UNHCR has committed itself to implementing five key commitments that will advance the rights of refugee women, mainstream gender equality, and help prevent and ensure compassionate responses to sexual and gender-based violence. Whilst these five commitments do not constitute an exhaustive list of priorities for refugee women, they nevertheless form critical building blocks for eliminating the vulnerability of refugees to SGBV. The commitments are:

1. Develop integrated country level strategies to address sexual violence, including domestic violence, against refugee women.
2. Register refugee women individually and provide them with relevant documentation to ensure their individual security, freedom of movement and access to essential services. Refugee women and men are to participate equally in the registration process.
3. Ensure that 50 per cent of representatives in all management committees and other bodies representing refugees to UNHCR in urban, rural and camp settings are women.
4. Ensure refugee women's direct and indirect participation in the management of food and non-food item distribution so that these goods are directly controlled by adult female household members.
5. The provision of sanitary materials to all women and girls of concern to UNHCR should become a standard practice in UNHCR's assistance programmes.

Multi-Sectoral Approach

The multi-sectoral approach is the framework upon which actions to prevent and respond to sexual and gender-based violence are built. The schematic diagram below represents how different actors work together to respond to the needs of victims/survivors.



Protection	International protection entails taking all necessary steps to ensure that refugees are adequately protected and can exercise and enjoy their rights. UNHCR should lead efforts to prevent and respond to sexual and gender-based violence against refugees.
Refugee Community Action	Refugees should be actively engaged in designing, planning and implementing all activities, including those intended to prevent and respond to sexual and gender-based violence. It is particularly important to involve men and adolescents, as well as women, in prevention and response activities. Most leadership structures in refugee situations are dominated by men. Male leaders have great influence within the general male population and can thus help spread the message about combating such violence. They can also ensure that issues of sexual and gender-based violence are addressed in local or traditional courts. By involving adolescents, you can begin to change attitudes and assumptions that may underlie sexual and gender-based violence. When all members of the community are involved in prevention and response, the community assumes a greater sense of responsibility and accountability towards those at risk of violence and towards victims/survivors of violence.
Co-ordination Function	The box at the top of the chart represents the principles and operational norms agreed upon by all actors that guide all actions. These are methods for co-ordination, guiding principles, and systems for referral among and between the various actors.
Involvement of all Key Actors	The box at the bottom indicates that there are many other actors whose contributions are necessary, but they are not specifically included either in the refugee group or in the sectoral groups. Their roles and responsibilities need to be clearly defined.

Prevention of and response to sexual and gender-based violence involves actions taken by many actors, most of whom represent one of four key sectors: health, psychosocial, safety and security, and legal/justice.

Health actors include: health facility staff, doctors, nurses, midwives, traditional birth attendants, community health workers, traditional health practitioners, health managers, administrators and co-ordinators, host country health ministry officials and staff.

Psycho-social actors include: staff and volunteers in the community, members of the community, NGOs implementing SGBV programme activities, educational staff, refugee groups, vocational training staff, income generation and micro-credit personnel, and host country social services/welfare ministry officials and staff.

Safety and security actors include: police, security forces, security and field officers from UNHCR and NGOs, refugee security workers, and refugee leaders/community members.

Legal/justice actors include: protection staff of UNHCR and human rights organisations, host country judges and other officers of the court, legislators and lawmakers, community leaders, including sub-committees of refugee Committees overseeing community-initiated policing and sanctions, law enforcement bodies, NGOs and advocacy groups working to improve national laws and policies concerning sexual and gender-based violence.

Key Points to Remember

All actors should adhere to the following guiding principles:

Programme

- Engage the refugee community fully.
- Ensure equal participation by women and men, girls and boys in planning, implementing, monitoring and evaluating programmes.
- Ensure co-ordinated multi-sectoral action by all actors.
- Strive to integrate and mainstream actions.
- Ensure accountability at all levels.

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- Ensure the physical safety of the victim(s)/survivor(s).
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- Respect the wishes, the rights, and the dignity of the victim(s)/survivor(s), and consider the best interests of the child, when making any decision on the most appropriate course of action to prevent or respond to an incident of sexual and gender-based violence.
- Ensure non-discrimination.

Use a multi-sectoral approach in all efforts to prevent or respond to sexual and gender-based violence.