

CHAPTER 3

PREVENTING SEXUAL AND GENDER-BASED VIOLENCE

Only by identifying factors that contribute to and influence the type and extent of sexual and gender-based violence can you develop appropriate and effective prevention strategies. Prevention activities are aimed at potential perpetrators, potential survivors, and those who may assist them. Activities must therefore target the refugee population, humanitarian aid staff, host country nationals, and government authorities. As with all programmes to combat sexual and gender-based violence, prevention strategies are most effective when all sectors, including refugees, are involved in designing, implementing and evaluating them.

Effective prevention strategies will include actions that focus on five key objectives: transforming socio-cultural norms, with an emphasis on empowering women and girls; rebuilding family and community structures and support systems; designing effective services and facilities; working with formal and traditional legal systems to ensure that their practices conform to international human rights standards; and monitoring and documenting incidents of sexual and gender-based violence.

Preventing sexual and gender-based violence involves identifying and removing those factors that make certain members of the refugee community vulnerable to this kind of violence and designing a range of strategies that improve protection for all refugees. These strategies will be most effective when they are designed, implemented and monitored by all sectors involved in protecting and assisting refugee communities and by the refugees, themselves.

To PREVENT sexual and gender-based violence, you must identify, understand and address its CAUSES and CONTRIBUTING FACTORS.

First, identify factors and issues that apply to your setting by conducting a needs assessment/situation analysis (see Chapter 6 for more details). A needs assessment/situation analysis will enable you to:

- Become informed about the refugee and host country or community culture, protection traditions, customs and gender/power relations.
- Identify areas where the people of concern are likely to be exposed to sexual and gender-based violence, e.g. at distribution points, detention centres, border points, bars serving alcohol, etc.

- Co-ordinate with organisations focusing on health, psycho-social, security, and legal services in the host country, NGOs, and UN agencies to develop prevention measures jointly.

Only by identifying factors that contribute to and influence the type and extent of sexual and gender-based violence can you develop appropriate and effective prevention strategies. Factors that can affect individuals, groups and institutions include:

- Demographic composition of the population (it is useful to have a statistical breakdown by age and gender).
- Social and cultural norms in the refugee community.
- Structure of family and community support systems before and after displacement.
- Knowledge, attitudes, behaviour of persons in leadership and decision-making positions.
- Services and facilities, including the physical environment, site layout, access to services.
- Legal framework, judicial practice and tradition, both formal and informal.

As with all aspects of sexual and gender-based violence programming, the refugee community must be centrally involved in identifying these factors and designing strategies to address them.

Prevention activities are aimed at potential perpetrators, potential survivors, and those who may assist them. Activities, therefore, should target the refugee population, humanitarian aid staff, host country nationals, and government authorities.

Prevention also includes continuous programme monitoring and evaluation and compiling and analysing data from sexual and gender-based violence incident reports.

Effective prevention strategies will include actions that focus on five key objectives:

- Transforming socio-cultural norms, with an emphasis on empowering women and girls.
- Rebuilding family and community structures and support system.
- Designing effective services and facilities.
- Working with formal and traditional legal systems to ensure that their practices conform to international human rights standards.
- Monitoring and documenting incidents of sexual and gender-based violence.

Transforming Socio-Cultural Norms

As discussed in Chapter 1, the causes of sexual and gender-based violence are rooted in socio-cultural norms of gender inequality and discrimination. Preventing sexual and gender-based violence thus requires changes in gender relations within the community - that is, the socially prescribed roles, responsibilities, expectations, limitations, opportunities and privileges assigned to persons in the community based on their sex.

Prevention activities targeting socio-cultural norms seek to influence changes in knowledge, attitudes, and behaviour. Goals to aim for in each of these areas include:

Knowledge:	Understanding human rights; appreciating reproductive responsibilities and domestic work; accepting alternative gender roles; using non-violent methods to express anger and frustration; being aware of services and support available for victims/survivors and perpetrators.
Community Attitudes:	Believing in equal human rights for all at both the community and the individual levels; respecting the worth of each individual's contribution to the community; involving all in decision-making processes; being supportive of victims/survivors of sexual and gender-based violence; showing zero tolerance for persons who abuse their power.
Behaviour:	Solving problems non-violently; treating all persons, regardless of their gender or gender roles, with respect; reporting all incidents of sexual and gender-based violence, denouncing both the perpetrator and the act, and supporting the victim/survivor.

Because they have been displaced and their daily routines disrupted, most refugees have already begun to experience changes in traditional gender roles. Sexual and gender-based violence prevention programmes can support positive transformations in gender relations within a community over the long-term. Preventive actions can also contribute to ending harmful traditional practices, such as female genital mutilation.

STRATEGY

Develop Information, Education, Communication (IEC) Campaigns

Develop and conduct awareness campaigns to promote changes in community attitudes, knowledge, and behaviour. Topics can include:

- gender;
- human rights including women and children's rights;
- sexual and gender-based violence;
- gender roles and expectations in the community;
- support services available for survivors, and how to access them; and

- conflict resolution and peace building.

Target messages to specific community groups, including women, men, youth, children, religious groups, schools, businessmen/women, leaders/elders, traditional health practitioners, and others.

IEC methods should be designed and conducted with the active involvement of the refugee community. A range of techniques should be employed to encourage community mobilisation. These should focus on building confidence, trust and consensus among community members to embrace the issues being promoted. Refugees should be trained so they can be effective in leading these campaigns. Where applicable, new information technologies, including the Internet, can be used as part of IEC campaigns. Wherever possible, involve those staff members who have expertise in public information and mass information in designing and disseminating IEC messages.

Effective means of getting your message across include:

- printed posters and pamphlets;
- poster contests;
- drama, song and dance;
- radio discussions;
- public service announcements;
- video presentations;
- slogans printed on T-shirts;
- training workshops; and
- informal discussions.

When designing an IEC strategy, keep in mind any language barriers that may exist and the level of literacy among the population.

STRATEGY:

Strengthen Community Networks

The refugee community should play a significant role in designing, implementing and evaluating strategies to prevent sexual and gender-based violence. Humanitarian actors should work with different sectors of the refugee community – women's groups, youth groups, health workers, teachers, refugee leaders etc. – to identify volunteers from the community who will help run these activities. Efforts should be made to ensure a gender balance in the recruitment of community volunteers. These individuals can work as community/peer educators, counsellors, and, together, as crisis intervention teams.

NGOs, UNHCR, and host government authorities should provide volunteers with regular training and/or technical support.

See also:

- **How To Guide: Sexual and Gender-Based Violence Programme in Guinea (UNHCR 2001)**
- **How To Guide: Sexual and Gender-Based Violence Programme in Liberia (UNHCR 2001)**
- **How To Guide: Building a Team Approach to the Prevention and Response to Sexual Violence, Kigoma, Tanzania (UNHCR 1998)**
- **How To Guide: A Community-Based Response to Sexual Violence Against Women, Ngara, Tanzania (UNHCR 1997)**

STRATEGY:**Ensure Gender Balance in the Leadership Structure and in Decision-Making**

Refugee women must be involved in decision-making and leadership. A real gender balance in the community's leadership structure will ensure that the needs of women, men, girls and boys are addressed and that males and females will enjoy equal access to and control of resources and benefits.

Sometimes it may be necessary to provide separate spaces for discussions according to sex and age. This allows for freer discussions from which important information about sexual and gender-based violence within the community may emerge. Allow for separate meetings, when appropriate or necessary; but ensure that women participate fully when decisions that affect the community are being debated and made. In situations where the culture of the refugee community is resistant to allowing women and children to participate in the same meetings with men, ensure that the views of women and children inform decisions that are taken by men. At the same time, try to build constituencies among those men who support women's participation with the aim of encouraging a gradual change of attitude among all men within the community.

STRATEGY:**Empower Women**

Although men and boys can be targets of sexual and gender-based violence, it is more often women and girls who are subjected to this particular violation of their basic human rights. In most cultures, women are regarded as subordinate to, and are rendered dependent upon, men. These unequal power relations leave women at a double disadvantage: women are at greater risk of physical and psychological abuse; and, if subjected to such abuse, they generally have few options for redress and/or economic self-sufficiency.

- The local legal system may not consider sexual and gender-based violence a crime.
- A woman's report of violence may be ignored or mocked.
- A woman may choose not to report the incident for fear of retribution or further sexual violence against herself or family members.

- If the perpetrator is her husband, she may feel trapped into staying with him, and possibly suffering more abuse, because she cannot provide for herself and her children.

You can begin to change women's roles in society and women's perceptions of themselves by offering activities that promote their independence and economic self-reliance and their leadership and decision-making abilities. These activities can include:

- Offering literacy programmes.
- Providing vocational training.
- Developing income generating and micro-credit projects.
- Ensuring balanced representation of women on refugee management and assistance delivery committees.
- Applying a gender balanced approach when providing employment opportunities to refugees.
- Providing equal access to education for refugee girls.
- Supporting women's groups and associations.
- Offering leadership training.

In addition to promoting women's role in the community's leadership structure and decision-making processes, refugee women should also be encouraged to mobilize and establish networks to advocate for equal rights within the community.

See also:

- **Guidelines on the Protection of Refugee Women (UNHCR 1991)**

STRATEGY:

Get Men Involved

- Focusing prevention and response strategies only on women ignores the fact that men perpetrate most incidents of sexual and gender-based violence. Men must therefore be part of the solution to this problem. Men must take a decisive stand against sexual and gender-based violence before real progress can be made.
- Men in leadership positions have the power and authority to influence change. They can act as role models for others.
- Men must be made to understand that perpetrators of crimes related to sexual and gender-based violence will be punished. This, in turn, will adversely affect their families and their communities.

Help establish and support groups of men who are committed to ending sexual and gender-based violence in their community. These groups can reinforce the idea that sexual and gender-based violence is not only a "women's issue". Important lessons can be learned from those who work with men in family planning programmes. When men are seen to be working to prevent sexual and gender-based violence, they give the issue the credibility that can convince other men to join them.

Be sensitive to the fact that men and boys can also be victims/survivors of sexual and gender-based violence. Create the space and conditions that allow men to discuss this issue and to work towards ending this kind of violence. Be aware that male victims/survivors will be much more reluctant to talk openly about sexual and gender-based violence than women will be.

Start early: provide training to parents about gender, equality and the dangers of violence so they can pass these messages on to their young children. Classes on sexual and reproductive health, human rights and gender awareness should be offered to adolescents in schools or through other community-based programmes.

See also:

- **Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations: Inter-Agency Lessons Learned Conference Proceedings (UNHCR 2001)**
- **Population Reports: Ending Violence Against Women (John Hopkins University School of Public Health 1999)**

STRATEGY:

Engage Children and Youth

Changing knowledge, attitudes and behaviour is easier when you begin early.

- Encourage parents who have been trained in human rights, gender awareness and non-violent conflict resolution to pass these messages on to their children.
- Train teachers so they can incorporate these subjects into their curricula.
- Establish and support youth and children's groups involved in peer education and awareness raising about sexual and gender-based violence.
- Encourage the formation of girls' groups in schools to provide mutual support and advice and counselling to younger girls.
- Incorporate discussions about gender, relationships and sexual and Gender-based violence into activities already underway in the community, such as in education and vocational programmes and in HIV/AIDS campaigns that target youth.
- Design imaginative ways to re-shape children's thinking about what it means to be a boy or girl through such media as drama, poetry and art.
- Give children and youth opportunities to express their needs and concerns.

See also:

- **Action for the Rights of Children (ARC) Critical Issues: Abuse and Exploitation (UNHCR, OHCHR, UNICEF, Save the Children Revised 2002)**
- **Refugee Children: Guidelines on Protection and Care (UNHCR 1994)**

Re-Building Family and Community Support Systems

When populations flee conflict, their family and community support systems frequently break down. Families are often separated during conflict and while fleeing. Most refugees are children and women living without husbands and extended families. Out of necessity, many refugee women probably have assumed some traditional “male” roles in order to provide for themselves and their families. Male refugees may feel powerless, confused and resentful: their traditional role as provider and protector of the family has been temporarily usurped by the humanitarian organisations that provide food and shelter.

Community-based structures that determine moral and social standards and behaviour are also often weakened or destroyed during flight. In this climate, sexual and gender-based violence can flourish. It is important, then, to try to re-establish, as quickly as possible, those structures and systems that uphold respect for the equal rights of all members of the community.

STRATEGY:

Develop Social and Recreational Programmes

When designing a site for refugees, allocate enough space for sports, recreation and social activities and for the buildings that will accommodate them. Work with refugees, particularly women and girls, to develop recreational and social activities. Schools provide more than education; they also can protect children against sexual and gender-based violence. Therefore, ensure that girls and boys have equal access to education.

STRATEGY:

Encourage Resumption of Religious and Spiritual Activities

During site planning, allocate land for churches, mosques and other houses of worship. Encourage community members to resume religious and spiritual activities. Religious leaders should be targeted as partners for dissemination of messages on women and children's rights and on prevention of sexual and gender-based violence within the community.

See also:

- **Handbook for Emergencies – Second Edition (UNHCR 2000)**

Creating Conditions to Improve Accountability Systems

During your situation analysis, identify power relations within the refugee community and among those who provide assistance to refugees. Persons with power include potential perpetrators, those who are in a position to influence social and cultural norms, and/or those who provide assistance to survivors of sexual and gender-based violence. Important questions to ask are:

- Who is making decisions for the community?
- Whom do humanitarian aid organisations consult and include when planning, implementing, monitoring and evaluating interventions?
- Who receives the assistance?
- Who controls the resources in the community and in the family?

STRATEGY:

Raise Awareness

Staff of all organisations should receive regular training and sensitisation on human rights, gender, relevant national and international laws and policies, and guidelines on prevention of sexual and gender-based violence. Regularly scheduled “refresher” workshops should be offered. Include UN staff, NGOs, host government authorities and other partners in these sessions.

Provide human rights education and gender awareness training to the community, police, courts, and national and international humanitarian actors.

STRATEGY:

Ensure Compliance with Standards of Accountability and Codes of Conduct

No humanitarian worker should be permitted to abuse his/her power. Responsibilities, expectations, norms, and standards for staff should be written into codes of conduct and job descriptions, and there must be sanctions imposed when humanitarian staff do not comply with these standards and duties.

Codes of Conduct are preventative tools. They are a demonstration of a resolve to self-police and to set and uphold proper standards and discourage behaviours that can re-victimise vulnerable members of our populations of concern, violate human rights, undermine the mandate and bring the organisation into disrepute.

Ruud Lubbers, United Nations High Commissioner for Refugees, 2002

Through information and education activities, inform the refugee community about standards for humanitarian interventions and about any codes of conduct that may be applicable. Create a system through which incidents of abuse by humanitarian staff can be reported and investigated in confidence. **Those who report such**

incidents and survivors of the incidents must be guaranteed confidentiality. Be sure that members of the refugee community know where to go to report such incidents. Investigations into reports of abuse by humanitarian workers must begin promptly and should be conducted professionally. (See Appendix 1 for UNHCR's Code of Conduct and Appendix 1.1 for the IASC Core Principles of a Code of Conduct).

Designing Effective Services and Facilities

A carefully designed camp layout and access to basic needs can help prevent sexual and gender-based violence. When designing camp facilities and planning services for refugees:

- Avoid overcrowding and multi-household dwellings.
- Provide interim separate housing for unaccompanied children until a foster care arrangement has been identified.
- Provide housing to female-headed households without adult male family members.
- Try to ensure that unrelated families do not share communal living and sleeping space.
- Be sure that essential items, such as food, water and cooking fuel, are either given directly to women or are distributed through women. Make sure that these items are easily accessible so that women do not have to go into isolated areas to collect them.
- Locate latrines a safe distance from living spaces and ensure clear demarcation of male and female facilities.
- Be sure the area is well lit, especially on paths used by women to access services and facilities.
- Ensure that locks are fitted on latrine doors and that privacy is assured for women and girls in communal wash areas.
- Encourage women to be equal participants in camp leadership and decision-making structures.
- Arrange for police protection and security patrols in the camp and ensure that police receive regular training so they are effective partners in preventing sexual and gender-based violence.
- Be sure there is a regular UNHCR and/or NGO presence in the camp.
- Ensure that all refugees are registered.
- Advocate to ensure that governments provide identity documents to refugees.
- Be aware of the local population's attitudes towards refugees. Some members of the host community may regard refugees as materially privileged, since they are receiving aid, and may be resentful.

STRATEGY: Register All Refugees

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. It is therefore essential to register refugees individually and to provide every individual with the appropriate, individual registration cards. When it is not possible to provide separate documents to each family member, adult women should be given high priority for receiving the documents needed to establish eligibility for assistance.

See also:

- **UNHCR EXCOM Conclusion on Registration of Refugees and Asylum-Seekers No.91 (LII) (UNHCR 2001)**
- **Handbook for Emergencies – Second Edition (UNHCR 2000)**
- **Guidelines on the Protection of Refugee Women (UNHCR 1991)**

STRATEGY: Inform Refugees about their Rights, Entitlements and Benefits

Refugees should be aware of their rights, benefits, and responsibilities. Through community meetings and/or printed materials, using words and/or pictures, you should inform refugees about:

- The services, benefits and rights to which every refugee is entitled.
- The way to access and/or participate in the delivery of assistance and services, and the regulations governing access and participation.
- The reporting mechanisms, counselling and advice centres that are available to individuals who have been subjected to sexual and gender-based violence.
- The national laws that protect the rights guaranteed under international human rights law and the constitution of the country in which they are living.
- The legal procedures and administrative mechanisms for reporting complaints about or incidents of sexual and gender-based violence.
- The actors who deliver assistance and services, their roles and responsibilities towards the community, and future programme plans.
- The government representatives, humanitarian agencies, human rights and women's groups, and civil society associations working in the area.
- Existing UNHCR policies and guidelines that enhance the protection of women and children against sexual and gender-based violence.

Be sure this information is disseminated to all members of the refugee community: men, women, youth and children, both literate and illiterate, through the medium they understand. The message should be

disseminated through established channels that are most accessible and convenient for different groups within the community, such as women's committee meetings, youth committee meetings, etc.

STRATEGY:

Include the Community when Planning, Designing and Implementing Activities

Programmes to prevent sexual and gender-based violence will only be successful when the community is actively involved in all stages of their development, from identifying and discussing the problem at the outset, to monitoring and evaluating activities designed to prevent such violence. The community is best equipped to identify causes of sexual and gender-based violence, to advise how best to disseminate information about the problem, and to know what preventive measures will work.

- Seek the participation of male and female refugee leaders, influential community members, such as elders or religious leaders, and any other interested refugees in the first meetings after an emergency.
- Listen to the refugees. Allow them to speak freely about their needs and concerns, even if this means holding separate discussions for different groups of refugees. Women may not feel free to talk in front of men; adolescents may not feel free to talk in front of adults.
- Consider and use recommendations made by refugees for:
 - Designing the camp layout.
 - Allocating housing.
 - Distributing food and non-food items.
 - Creating specific measures to prevent sexual and gender-based violence.
 - Establishing reporting and referral systems.

Life in camps often creates immense frustration and boredom among refugees. Work with the refugees to develop safe channels through which they can direct their energy, such as recreational and sports activities. Rules governing drinking clubs, guesthouses and related social activities in the camp should minimise protection risks. Working with the local authorities, consider measures to prevent alcohol abuse. Organise education campaigns on how alcohol abuse can lead to sexual and gender-based violence.

You may need to adapt prevention strategies somewhat so they are effective when working with returnee populations and urban caseloads. Unlike camp-based populations, which are restricted to a limited space, returnees are often dispersed within the community. To be sure these populations are protected against sexual and gender-based violence:

- Mobilise women from returnee and urban caseloads to form associations and support networks that can play a lead role in prevention activities.
- Target prevention programmes not only at returning refugees but also at leaders and community representatives residing in areas to which refugees are returning.
- Convene awareness raising and rights awareness training on preventing sexual and gender-based violence to build the capacity of established local organisations and associations in the returnee areas.

STRATEGY:

Create Gender-Balanced Distribution Systems

Distribution systems for food and non-food items must be carefully planned and monitored to prevent corruption, abuse and exploitation. All available channels should be employed to inform refugees, especially women and children, of their entitlements. Equal access to and control of resources by both heads of household helps ensure that all members of the family enjoy these resources, reduces gender inequalities by empowering women, and can reduce the risks of domestic violence. Consider the possibility of providing women with separate ration cards, if practical. Women should be encouraged to play a central role in the management, distribution and monitoring of food assistance delivery. This will help to ensure that all family members benefit from the food rations provided, and can also act to prevent exploitation of women through the illegal practice of sex for food. Ensure an equal representation of female staff during the distribution process. Refugee women's committees should be involved in monitoring distribution and post-distribution activities. Non-refugee aid workers should always be present at the distribution sites to monitor the process.

STRATEGY:

Implement Reproductive Health Programmes

Most activities addressing sexual and gender-based violence implemented by the health sector will focus on responding to such violence and assisting victims/survivors. However, the health sector can help prevent sexual and gender-based violence by:

Screening health care patients to identify those most at risk of sexual and gender-based violence and to prevent further trauma and harm to victims/survivors.

Implementing reproductive health activities, including discussions about gender, relationships, and sexual and gender-based violence, that target men and adolescents as well as women (awareness raising about HIV/AIDS prevention should also be included as part of this effort).

Engaging traditional birth attendants as partners in reproductive health activities. Traditional birth attendants can be a valuable source of information and can help disseminate prevention and protection messages.

See also:

- **Inter-Agency Field Manual on Reproductive Health in Refugee Situations (Inter-Agency 1999)**

STRATEGY:**Implement Security and Safety Programmes**

Security affects several levels of society: the home, the refugee/displaced setting, the local community, and the national environment. In principle, the primary responsibility for ensuring the security of refugees or displaced persons rests with the host government. But in situations of failed, marginalised or collapsed states, humanitarian actors must often step in to protect refugees and displaced persons. To ensure refugee security, it is important to:

- Empower both male and female community leaders and the refugee guard networks in camp settings.
- Sensitise and increase the capacity of the local police to discharge its responsibilities effectively.
- Create a camp layout that reduces women's exposure to attacks.
- Recruit a number of female security personnel to work with the police or with other relevant law enforcement agencies posted in or near the camps.
- Ensure safe movement for refugee women when they collect firewood or water or trade or engage in other income generating activities.
- Establish community guard units, drawn from the refugee community, and ensure that an adequate number of women are included in those units.
- Analyse incident data and discuss security risks and issues with all actors and the community.
- Resolve identified problems by, for example, constructing fencing, improving lighting, using radios.
- Work with refugees to prevent further risk and danger to victims/survivors by designing plans to protect survivors immediately after an incident (e.g. by relocation, establishing a "protected" area in the camp, creating safe houses, etc.)
- Ensure regular police patrols in high-risk areas.
- Determine whether perpetrators should be moved from the community in order to assure a victim's/survivor's safety and to prevent a re-occurrence of the crime.

See also:

- **Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations: Inter-Agency Lessons Learned Conference Proceedings (UNHCR 2001)**
- **Guidelines on the Protection of Refugee Women (UNHCR 1991)**

STRATEGY:**Be Sensitive to the Host Population**

Many host populations live in conditions of relative deprivation and may resent the services and assistance that are provided to the refugees living among them or nearby. Hold discussions with the local population about the refugees - why they are there, how long they may stay, why they need assistance - to prevent tensions from developing between the two groups. When possible, extend programmes and services to the local population, as well. Health services are often the most appropriate services to extend and are generally well appreciated.

STRATEGY:**Mainstream Gender Issues into All Stages of Programme Planning and Implementation**

All humanitarian actors, including UN agencies, NGOs, host governments, and other implementing partners must apply a gender analysis when planning programmes. Those programmes must be gender sensitive, taking into account the particular needs of both men and women. UNHCR staff should ensure that Country Operations Plans reflect the gender/age sensitive priorities of the office.

International and non-governmental organisations should accelerate efforts to reach gender equity (women and men comprising fifty per cent each of total staff) at senior levels and in field operations. This will contribute to ensuring that gender issues are addressed throughout their programming.

See also:

- **UN GA Resolution on Mainstreaming Gender (A/52/3 1997)**

Influencing the Formal and Informal Legal Framework

The extent of sexual and gender-based violence within a community is sometimes influenced by the existence of laws that proscribe such violence or the extent to which laws in the host country and country of origin are enforced. Sexual and gender-based violence can be perpetrated with impunity where:

- Laws and policies support gender discrimination and condone sexual and gender-based violence.
- There is limited legal protection for women's rights.
- There are no laws against sexual and gender-based violence.
- Poor administration of justice has resulted in a lack of trust in law enforcement authorities.
- Law enforcement and judicial practice reinforce gender-based discriminatory practices.

As a first step, **familiarise yourself with both the formal and traditional or customary legal systems in the host country and country of origin.** Determine whether there are laws and policies in place that protect against gender discrimination and sexual and gender-based violence. Determine how those laws can be strengthened. Network with human rights and women's rights organisations in the country.

STRATEGY:

Work with Traditional Legal Systems

Traditional or customary legal systems, usually administered by elders, operate in many refugee communities. The rules, procedures, and decisions of these groups reflect the society's norms, beliefs, and attitudes. These groups may pass judgements in sexual and gender-based violence cases, including incidents of domestic violence. In situations where such tribunals or committees pass judgements that are offensive to international human rights standards relating to the rights of victims, you should take steps to educate the members of such bodies about existing international human rights standards.

Target these groups for awareness raising campaigns and training programmes on human rights and gender. Suggest that strengthening respect for the human rights of all persons and ensuring that sexual and gender-based violence is not tolerated will benefit the community as a whole. As the elders who administer justice in these systems hold great authority within the community, their attitudes will also influence the attitudes of others. Encourage participation by women and youth in these traditional structures. Such committees should be encouraged to report cases of sexual and gender-based violence to the formal legal system, where such violence is considered to be criminal behaviour.

STRATEGY:

Work with National Justice Systems

Establish relations with local magistrates, judges and courts. Offer training programmes on international human rights law. Invite national judicial officers and civil society rights advocates to address the issue of human rights protection under national law, and criminal and civil procedures relating to sexual and gender-based violence. In countries where the judicial authorities are constrained by lack of resources, build networks with judges, prosecutors and police to ensure that national laws are upheld.

When courts are not accessible, such as in remote locations, consider using mobile courts funded by UNHCR or other agencies. In some areas, the availability of such courts has led to increased reporting of sexual and gender-based violence, more convictions, and greater community awareness about the legal system.

STRATEGY:

Strengthen National Laws and Policies that Protect Human Rights

Work with national human rights organisations, such as female lawyers' groups and civil society organisations, to lobby for improvements in host country laws and policies against sexual and gender-based violence. A national legal framework that proscribes sexual and gender-based violence is essential for creating a successful legal prevention strategy.

Network with organisations that advocate for legislative reform to address the problem of sexual and gender-based violence and other rights violations against refugees. Ensure that host country laws, procedures and policies do not discriminate against refugees.

In collaboration with other UN agencies and civil society groups, encourage the host State to accede to and ratify international human rights instruments. By doing so, the legal status of refugee victims/survivors of sexual and gender-based violence will be improved.

See also:

- **Protecting Refugees: A Field Guide for NGOs (UNHCR 1999)**

STRATEGY:

Develop Appropriate Sanctions for Perpetrators

Strong penal sanctions against convicted perpetrators of sexual and gender-based violence can act as a deterrent. Refugees who perpetrate these acts have to be treated the same way as nationals would be treated: with due process safeguards and penal sanctions. Penalties for convicted perpetrators of sexual and gender-based violence should, in general, respect the fundamental principle of non-refoulement, or no forced return to the country of origin.

Wherever possible, sanctions should also incorporate efforts to support rehabilitation of perpetrators through, for example, education/awareness raising on human rights and gender, and victim compensation.

Monitoring and Documenting Incidents of Sexual and Gender-Based Violence

In order to develop effective prevention measures, it is essential to have a clear picture of the problem in your particular setting. Monitoring incidents of sexual and gender-based violence should be the responsibility of all actors: health, protection, psycho-social and security personnel and members of the refugee community. (See Chapter 7 for more details on monitoring and evaluation.) During the initial stages of programme planning, be sure to dedicate financial and human resources to monitoring and evaluation.

Data on the incidence of sexual and gender-based violence should be compiled and analysed each month by one central agency. Protection officers should take the lead in ensuring that data on these human rights violations are maintained in the same manner that data on other rights violations is compiled and stored.

To ensure that the information collected is consistent and useful, arrange a meeting with all actors to define terms (to ensure that all actors label the same type of violence with the same name) and to determine methods for counting incidents. Information collected should include such relevant facts as the type of incident, location where the incident occurred, demographics about the perpetrator and the victim/survivor, and potential risk factors. The monthly reports should answer the following questions:

- What happened this month?
- What preventive strategy worked? What didn't work? Why?
- What should be done next, in light of this month's report?

Agree with all partners on what reporting methods and report formats will be used and how and to whom the reports will be distributed (see Appendix 2 for a sample Incident Report Form).

Convene multi-sectoral meetings, which should include refugees, to review the data. In these meetings, identify factors that may contribute to sexual and gender-based violence and design plans to eliminate those factors (see Chapter 6 for more details.)

By closely monitoring cases of sexual and gender-based violence you will be able to evaluate the success of your prevention strategies, consolidate learning, inform advocacy efforts and gather reliable, consistent statistical data to help monitor trends and produce comparative analyses.

See also:

- **How To Guide: Monitoring and Evaluation of Sexual Gender Violence Programmes, Tanzania (UNHCR 2000)**

Key Points to Remember

When trying to influence changes in socio-cultural knowledge, attitudes and behaviour:

- Develop information, education and communication campaigns.
- Recruit community volunteers.
- Ensure gender balance in the leadership structure and in decision-making.
- Empower women.
- Get men involved.
- Engage children and youth.

When family and/or community support systems have collapsed:

- Develop social and recreational programmes.
- Work with religious and other community leaders to promote the re-establishment of social values that uphold equal rights and respect for all community members.

When trying to change the attitudes and behaviour of persons in power:

- Adopt a non-confrontational and non-judgmental attitude.
- Raise awareness about human rights and gender.
- Develop accountability systems, including implementation of codes of conduct.

When designing services and facilities for refugees:

- Ensure that all key service providers are involved, i.e. protection, community services, health, security, police and relevant authorities and refugees themselves.
- Provide registration cards to all adult refugees (male and female).
- Inform refugees about their rights, entitlements and benefits.
- Include the community when designing, planning and implementing activities.
- Create gender balanced distribution systems.
- Implement reproductive health programmes.
- Implement security and safety programmes.
- Be sensitive to the host population.
- Mainstream gender issues into all stages of programme planning and implementation.

When trying to influence formal and traditional legal systems:

- Familiarise yourself with both the formal and traditional legal systems in the host country and country of origin.
- Work with the administrators of traditional legal systems to encourage change.
- Work with personnel from the national justice system to increase refugee confidence in the legal system.
- Strengthen national laws and policies that protect human rights.

When monitoring incidents of sexual and gender-based violence:

- Compile and analyse data on sexual and gender-based violence each month.
- Define terms and determine methods for counting incidents among all actors.
- Agree with all partners on what reporting methods and report formats will be used.
- Convene multi-sectoral meetings, which should include refugees, to review the data.