

CHAPTER 4

RESPONDING TO SEXUAL AND GENDER-BASED VIOLENCE

It is essential to understand the consequences of sexual and gender-based violence in order to design effective programmes for supporting victims/survivors. These consequences vary, depending on the form of violence perpetrated.

All members of the refugee community should be aware of how and where to report incidents of sexual and gender-based violence. If the victim/survivor does not report the incident, adequate support cannot be provided. The community should take the lead in designing ways to support victims/survivors. Response actions include: developing community education and awareness activities; training actors in how to respond to victims'/survivors' needs; establishing referral, reporting, monitoring and evaluation mechanisms; empowering refugee communities to respond; developing a response to the health/medical needs of victims/survivors; planning to meet the psycho-social needs of victims/survivors; developing a security and safety response; establishing a legal/justice response; identifying the roles of other potential actors; and developing a plan to work with perpetrators. The guiding principles on confidentiality, physical security and respecting the wishes, the rights and the dignity of the survivors, should be upheld in every activity.

It is essential to identify and understand the consequences of the various types of sexual and gender-based violence in order to develop appropriate responses. (See Chapter 1 for a list of the consequences of sexual and gender-based violence.) These consequences can be grouped into four main areas: health, psycho-social, safety/security, and legal/justice. Responses to sexual and gender-based violence should therefore focus principally on these four priority areas.

To RESPOND to the needs of victims/survivors of sexual and gender-based violence, you must understand the CONSEQUENCES of such violence.

Summary of Some Main Consequences of Sexual and Gender-Based Violence

HEALTH	EMOTIONAL/PSYCHOLOGICAL/SOCIAL
<ul style="list-style-type: none"> • Injury, disability, death • STIs and AIDS • Reproductive health disorders • Problem pregnancy, difficult labour • Miscarriage • Unwanted pregnancy • Unsafe abortions • Depression à chronic illness • Shock • Infection, chronic infections • Excessive bleeding 	<ul style="list-style-type: none"> • Anger, fear, resentment, self-hate • Shame, insecurity, loss of ability to function in family and society • Depression • Sleep and/or eating disorders • Mental illness • Social isolation • Suicide • Blaming the victim • Isolating/rejecting the victim • Strain on community resources and supports
LEGAL/PROTECTION	SECURITY/COMMUNITY ENVIRONMENT
<ul style="list-style-type: none"> • Strain on already overburdened police and court systems • Inadequate laws governing various forms of sexual and gender-based violence may translate into lack of judicial remedies for victim/survivor; no penal sanctions for perpetrator • Inappropriate judicial responses that further traumatise the victim/survivor, such as early and forced marriage to the perpetrator • Poor reporting of incidents as a result of lack of confidence in a dysfunctional judicial system • Increased incidence of repeat offences against the same victim/survivor or other women or girls in the community 	<ul style="list-style-type: none"> • Victim/Survivor feels insecure, threatened, afraid • Climate of fear and insecurity, either among the entire community or only among women • Community could feel inadequate or powerless for not preventing the violence through forming watch/security groups • Community resorts to vigilante 'justice' to protect itself against suspected perpetrators • Social workers and victims/survivors are ostracised

The actions required to respond to the needs of victims/survivors of sexual and gender-based violence are summarised on the following page. As with prevention strategies, these actions are most effective when they are designed through a multi-sectoral approach, including the involvement of the refugee community. When refugees/returnees are dispersed in urban settings, a greater number of actors may be needed to organise appropriate response packages.

Summary of Response Actions

- develop community education and awareness activities
- train actors in how to respond to victims'/survivors' needs
- establish referral, reporting, monitoring and evaluation mechanisms
- empower refugee communities to respond
- develop a response to the health/medical needs of victims/survivors
- plan to meet the psycho-social needs of victims/survivors
- ensure a security and safety response
- establish a legal/justice response
- identify the roles of other potential actors
- develop a plan to work with perpetrators

Developing Community Education and Awareness Activities

Launch public information campaigns about sexual and gender-based violence that reflect the cultural sensitivities, ethics and particular circumstances that prevail in your setting.

Topics covered in these campaigns could include: how and where to seek assistance if sexually attacked; the importance of reporting the incident and seeking assistance as soon as possible; the national and international laws that prohibit sexual and gender-based violence; and the penalties associated with acts of sexual violence. To spread these messages, you can use pamphlets, newsletters and posters; entertainment, such as songs and drama; presentations at community meetings, religious services, or other gatherings; radio and other mass media; and videos.

Training Actors in How to Respond to the Needs of Victims/Survivors

While engaging the community in discussions about sexual and gender-based violence and encouraging community members to report cases, the actors involved in responding to victims'/survivors' needs must be getting ready to provide a service.

All staff involved in providing care should be sensitive to gender and receive training on gender issues. Priority training for sexual and gender-based violence should focus on the following:

- **Health staff** should conduct initial medical examinations and provide treatment and follow-up services.
- **Psycho-social/community counsellors** must be able to provide psycho-social support and relevant referrals.

- **Security personnel** must be able to provide a safe haven for a victim/survivor who feels threatened and afraid.
- **Legal/protection staff** should be able to support the victim/survivor in pursuing a case against the perpetrator, if she so decides.

If the victim/survivor reports an incident and there is no service or the care is not provided in a timely, compassionate and confidential manner, then her trust in the services is destroyed and others will not report.

If the victim/survivor does not inform someone of the incident, adequate support cannot be provided.

Establishing Referral, Reporting, Monitoring and Evaluation Mechanisms

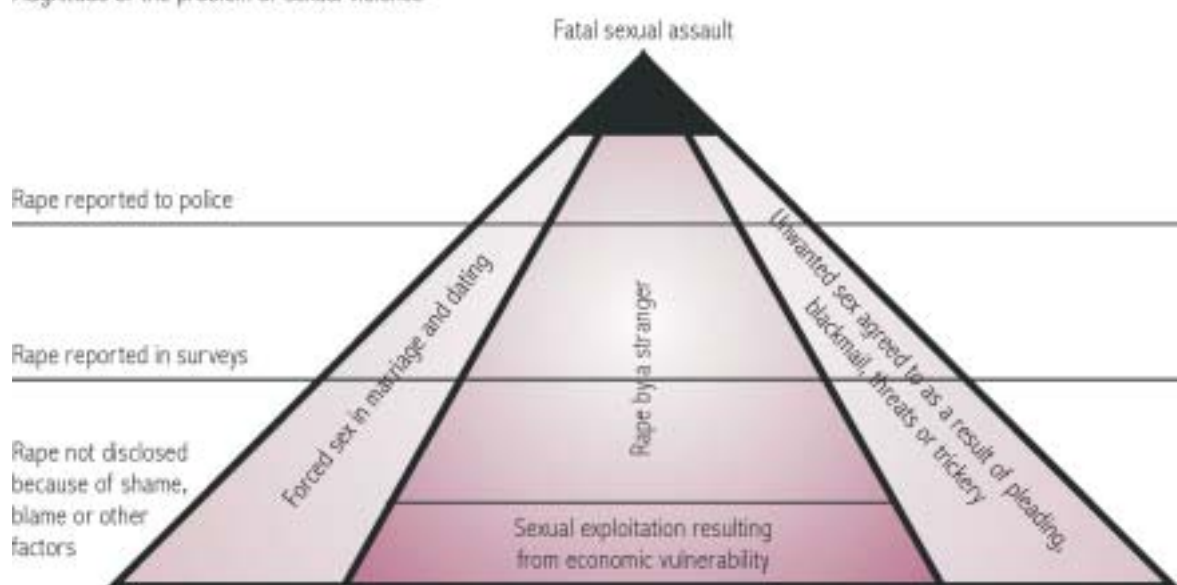
A clear referral system should be established in each setting so the victim/survivor knows where to go to receive assistance and receives that assistance in a timely manner.

This system, which should be developed by both humanitarian workers and members of the community, should be familiar to all members of the community and to all actors involved in providing services to victims/survivors. Inter-agency reporting and referral procedures should be written and translated into the appropriate local languages.

As the diagram below shows, most cases of sexual and gender-based violence go unreported:

FIGURE 6.1

Magnitude of the problem of sexual violence



Source: World report on violence and health: WHO 2002

All actors should agree to a single reporting system.

One important element of an effective reporting system is the use of a common sexual and gender-based violence Incident Report form. This form should be translated as needed and all actors should be trained in how to use it. See Chapter 7 for details on how to develop a common reporting system and on what information should be included on sexual and gender-based violence Incident Report forms. See Appendix 2 for a sample Incident Report form.

Actors should develop a mechanism to monitor and evaluate response actions and the effectiveness of reporting and referral systems.

The purpose of a monitoring system is to ensure that response interventions are developing as planned. Evaluation helps actors to identify good practices, the effectiveness of response actions, and whether there are victim/survivor needs that are not being met. All actors should be involved in developing these monitoring and evaluation mechanisms. See Chapter 7 for details on how to develop effective monitoring, reporting and evaluation mechanisms.



Empowering Refugee Communities to Respond

Working with the community is essential in developing sustainable programmes and actions.

Those programmes developed jointly by humanitarian actors and refugee communities have proven to be the most effective. To engage the community:

- Build knowledge and understanding of gender relations and sexual and gender-based violence within the refugee community through awareness campaigns.

These campaigns should target all members of the population: men, women and children from all ethnic and religious groups. Men involved in peer counselling and awareness raising can help influence traditional courts' attitudes towards victims/survivors, help develop community-based security systems that both respond to and prevent sexual and gender-based violence, and can help other men understand how such violence hurts the entire community.

- Maintain and strengthen existing social support networks.
- Support the role of women as equal decision-makers and community leaders.

Female community leaders have played a critical role in encouraging victims/survivors to come forward and seek assistance. When trained as awareness campaign promoters or peer counsellors, female community leaders ensure that gender issues, including sexual and gender-based violence, are raised and examined.

- Provide safe shelter and immediate emergency assistance to victims/survivors.
- Escort victims/survivors to seek social, medical and legal assistance.
- Ensure the safety of the victim/survivor, the perpetrator, their families, and the community.

Response activities should also be targeted at perpetrators. Victims/survivors of domestic violence will most often choose to remain with the perpetrator for economic reasons. If the perpetrator is not helped, he is likely to continue abusing.

- Co-ordinate within the refugee community and with other actors to promote effective prevention and response activities.
- Advocate to involve refugees in deciding what services should be provided, at what location, by whom, and in what language(s).

In refugee camps, services can be provided at "drop-in centres", women's centres, community or youth centres, or other locations where victims/survivors feel comfortable enough to report the incident. Services should be provided at a location where confidentiality and the dignity of the victim/survivor can be maintained.

- Advocate for culturally sensitive services.

- Advocate for the rights of victims/survivors and for the rights of women in general.

Most host governments do not allow refugees to be involved in political activities, such as advocating for changes in the law. This limits the ability of refugees to form women's social movements to advocate on their own behalf. Establishing links with NGOs in the host nation that are involved in advocacy work enables the refugee population to benefit from public advocacy without violating the laws of the host country.

Developing a Response to the Health/Medical Needs of Victims/Survivors

The type of violence and the length of time between the incident and the time the victim/survivor arrives at the health facility will determine the type of care that can be provided.

It is most important for the survivor to visit the health facility as early as possible after the incident so as to receive the best possible care.

Provide comprehensive health care that is easily accessible.

- Medical examination and treatment should be performed by trained staff, ideally from the same sex as those in need of the service. Appropriate protocols and adequate equipment, supplies, and medicine should be used to:
 - prevent disease (sexually transmitted infections and others);
 - prevent unwanted pregnancy;
 - treat injuries;
 - collect forensic evidence;
 - provide counselling and treatment for psychological trauma;
 - screen health care patients for sexual and gender-based violence.
- Refer and provide transport to appropriate levels of care, when needed.
- Provide follow-up care.
- Provide medical evidence (testify where appropriate) in court proceedings arising from a victim/survivor opting to seek legal redress.
- Collaborate with traditional health practitioners to identify, report, refer and provide adequate primary level support to victims/survivors.
- Document, collect and analyse data.

- Monitor health care services, including equal access for women, men and adolescents and quality of service provided.
- Monitor the health needs of victims/survivors.
- Identify and design strategies to address contributing factors, such as alcoholism.
- Advocate on behalf of victims/survivors.
 - for protection, security, safety;
 - for changes in host country laws and policies that may conflict with victim/survivor rights and/or needs.
- Collaborate with health facility staff, traditional health practitioners, and the community on training and sensitisation.

See also:

- **Clinical Management of Survivors of Rape (UNHCR/WHO 2002)**
- **Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations: Inter-Agency Lessons Learned Conference Proceedings (UNHCR 2001)**
- **A Practical Approach to Gender-Based Violence: A Programme Guide for Health Care Providers and Managers (UNFPA 2001)**
- **Inter-Agency Field Manual on Reproductive Health in Refugee Situations (Inter-Agency 1999)**

Planning to Meet the Psycho-Social Needs of Victims/Survivors

After an incident of sexual and gender-based violence, the victim/survivor may experience many different emotional and psychological responses, including fear, shame, guilt, depression and anger. She may adopt strong defence mechanisms, such as forgetting, denial and deep repression of the traumatic event she survived. Family members may also experience a variety of emotions and need to receive support during this traumatic period.

Victims/survivors should be treated with empathy and care.

Community-based activities are most effective in helping to relieve trauma. These activities may include:

- Identifying and training traditional, community-based support workers.
- Developing women's support groups or support groups specifically designed for victims/survivors of sexual violence and their families.
- Establishing "drop-in" centres where victims/survivors can receive confidential and compassionate care, information and counselling.

- In addition, psycho-social workers should:
 - offer crisis counselling (listening, emotional support, reassurance) for victims/survivors and their families, with referrals for longer-term emotional support;
 - encourage the resumption of positive traditional healing or cleansing practices used successfully in the home country in response to traumatic or painful events;
 - advocate on behalf of victims/survivors with health care providers, police/security forces, the legal/justice system, and other service providers;
 - develop group activities for victims/survivors and other women that focus on building support networks, reintegrating into communities, building skills and confidence and promoting economic empowerment. Launch income generation and micro-credit projects to help (re-)establish a sense of self-sufficiency.

See also:

- **How to Guide: A Community-Based Response to Sexual Violence Against Women, Ngara, Tanzania (UNHCR 1997)**
- **Mental Health of Refugees (UNHCR/WHO 1996)**

Developing a Security and Safety Response

In some cases, a victim/survivor may be in need of a safe place to go after the incident. She may not be able to return to her home if, for example, the perpetrator is a member of the family, a neighbour or members of her community. **The family and the community must take the lead in providing safe spaces and security for victims/survivors.**

- Design strategies and options for the immediate protection of victims/survivors, such as relocation, establishing a safe zone in a camp, and offering safe spaces. Creating safe houses should be a last resort, since, if located away from the community and run by operational partners, they can further isolate the victim/survivor.
- Involve refugee elders in assisting victims/survivors.
- Analyse incident data and communicate with all actors and the community about security risks and issues.
- Ensure the rule of law prevails by maintaining an effective law enforcement presence and ensuring fair and rapid trials of perpetrators.
- Engage the community in all aspects of community policing. Be sure that female refugees are part of the community police force and/or neighbourhood watch.
- Consider alternative solutions to protect the victim/survivor, including relocation to another camp or resettlement, where appropriate.

- Ensure trained female police officers are part of all refugee security contingents.
- Conduct training sessions for police and security officers on sexual and gender-based violence.

See also:

- **Prevention and Response to Sexual and Gender-Based Violence in Refugee Situations: Inter-Agency Lessons Learned Conference Proceedings (UNHCR 2001)**

Establishing a Legal/Justice Response

Establish a system with local authorities so that those victims/survivors who wish to seek legal redress for the crimes committed against them can do so in a timely manner.

This involves creating and maintaining strong working relationships with local law enforcement agencies, such as the police, the judiciary, and public prosecutors. In addition, work with the community's traditional courts to ensure that victims/survivors receive appropriate redress.

Know the applicable legal regime.

- The protection officer should know the relevant national law on the following issues:
 - What is the applicable national law and procedures? What are the legal definitions of the various forms of sexual and gender-based violence? Is domestic violence a penal offence, distinct from common assault/battery offences?
 - If the country's constitution incorporates a bill of rights, can the relevant provisions be invoked to address certain forms of sexual and gender-based violence?
 - What are the laws concerning abortion? If abortion is generally illegal, are there any special circumstances (exceptions), for example, when a woman becomes pregnant as a result of rape, when the life of the woman is endangered, or when there are reasons related to the psychological welfare of the woman, under which it may be allowed? What is the evidentiary requirement to satisfy the special circumstances?

Know how to handle a complaint of sexual and gender-based violence.

- Staff dealing with the victim/survivor who decides to seek legal redress must be sensitive and compassionate. At the same time, they have to provide full information about the legal process in the country of asylum.
- The survivor/victim should be informed about what to expect from the legal process. Protection and community services staff should collaborate to ensure that the complainant is adequately informed

of her rights, the procedures and time involved in the legal process. They should be prepared to answer any queries the complainant may have. The complainant should be counselled on the nature of the crime under the law, the time it may take to investigate and prosecute the crime, the possible outcomes from the judicial process, the roles of UNHCR and collaborating agencies in the process.

- Protection staff should also counsel the victim/survivor on what reproductive health services are available, including access to counselling and procedures to treat injuries, prevent disease and terminate unwanted pregnancy, as authorised under national laws.
- Protection officers should also:
 - ensure that the survivor and perpetrator have registration documents and identity cards;
 - work closely with local lawyers familiar with national laws and procedures concerning sexual violence;
 - ensure that the complaint report is recorded with the local police;
 - ensure that the medical report and a statement from the survivor/victim are recorded and communicated to the relevant national authorities (police or prosecutor);
 - ensure that crucial witnesses from the refugee community comply with the legal procedures by providing statements and attending court when required;
 - in liaison with the security officer and police, ensure that parties to sexual violence are protected against intimidation and other threats to physical security;
 - ensure that UNHCR or implementing partners/agency staff accompany all refugee victims/survivors to court hearings.

Know the role of UNHCR and national legal service providers.

- Protection officers should identify local women's rights organisations and lawyers associations working on issues of sexual and gender-based violence and develop partnerships to address the problem. In areas where UNHCR provides legal aid, it should ensure that qualified legal practitioners represent victims/survivors. Representatives of NGOs working with UNHCR protection staff to provide legal services should:
 - provide the complainant with all the necessary information on the legal and criminal procedure with the aim of preparing the complainant and her family members for the court process;
 - assist the complainant in applying for legal aid funding, if this assistance is available under the national law (if this assistance is not available, UNHCR should ensure that budgets include an item to cover the costs of legal representation for victims of sexual and gender-based violence);

- accompany the complainant to the police station and court and be present during all interviews and court appearances;
- apply to the court for observer status in all cases in order to be allowed to address the court (this is particularly helpful in cases involving children);
- explore the possibility of conducting the court hearing in camera to protect victims/survivors and their families from further trauma;
- maintain confidential records of all cases and regularly update UNHCR protection staff.

Know the rights of the accused.

- The accused is entitled to be treated with the rights accorded to a person whose guilt is not proven. UNHCR has an obligation to the accused to ensure that they have a fair trial and are subjected to humane treatment in the course of interrogation and incarceration. UNHCR protection staff will ensure that the rights of an accused person are respected during investigations and during the trial. In particular, UNHCR should ensure that:
 - delays in the trial are minimal;
 - the accused is not tortured while in custody;
 - the accused is treated humanely while in custody;
 - if the accused is treated inhumanely, UNHCR will make representations to the relevant authorities to ensure that they are treated in accordance with the law.

Know applicable sentences and punishment.

UNHCR protection staff should ensure that refugees convicted of sexual and gender-based violence are punished in the same way that nationals would be punished, i.e. in accordance with relevant national sentencing guidelines. UNHCR and its national legal services NGO partner should ensure that perpetrators are sanctioned in a manner that does not discriminate against them because of their refugee status. Sentencing of child offenders should take into account the need to rehabilitate them. Wherever possible, minor offenders should not be jailed in the same facilities as adult offenders.

Know about compensation.

If the victim/survivor seeks compensation in a civil action against the perpetrator, she should be provided with legal assistance to do so. Where UNHCR is unable to provide such assistance, efforts should be made to facilitate a victim's/survivor's access to free legal counsel from legal aid clinic or women's rights organisation within the civil society.

Know alternative ways of resolving disputes.

In some communities, victims/survivors may be more comfortable with seeking recourse from traditional or customary dispute resolution mechanisms. In some instances, victims and their families are pressured

to make use of such processes for fear of being ostracised if they do not. UNHCR protection staff should monitor these procedures to ensure that they are consistent with national laws and international human rights standards. When these alternative structures violate national law, protection staff should conduct training and awareness raising sessions with the community, encouraging community members to adapt their conflict resolution practices so they conform to international human rights standards. Changing these practices take time, so patience and a non-judgmental attitude are required.

See also:

- **Step-by-Step Guide for Protection Officers, Prevention of and Response to Sexual and Gender-Based Violence (UNHCR 1998)**
- **Refugee Children: Guidelines on Protection and Care (UNHCR 1994)**
- **Guidelines on the Protection of Refugee Women (UNHCR 1991)**

Identifying the Roles of Other Potential Actors

In addition to actors from the health, community services, security and protection sectors, other people have important roles to play in responding to the needs of victims/survivors. **All those who work with refugees should know their own responsibilities and those of others involved in providing support to victims/survivors of sexual and Gender-based violence.**

Field Staff

- Receive and review sexual and gender-based violence incident reports.
- Ensure safety of victim/survivor and referrals for compassionate, caring assistance from all actors.
- Advocate for victim/survivor and family to receive assistance from all actors, as needed.
- Develop administrative responses to victim/survivor safety needs, such as by dividing the household ration card and allocating separate housing and non-food items to the victim/survivor.
- Maintain records in order to monitor trends in sexual and gender-based violence, analyse problems, and develop strategies for prevention and response.
- Co-ordinate with all other sectors and actors.

Programme Staff

- Assist and support all sectors in establishing a multi-sectoral prevention and response plan.
- Allocate resources to support appropriate activities.

- Receive and review summary reports with data, trends, analysis of prevention and response activities and needs.
- Encourage international NGO partners to allocate resources for supporting prevention and response programmes.
- Co-ordinate with all sectors and actors.

Head of Office

- Receive and review reports and analyses of sexual and gender-based violence data, programme activities and outcomes.
- Support UNHCR staff in designing, implementing, monitoring, and evaluating prevention and response strategies.
- Participate in inter-sectoral and inter-agency co-ordination.
- Engage all UNHCR staff, refugees, partners, and host government in programme development.
- Provide high level advocacy and support for prevention and response activities; assist in problem solving and advocate for adequate resources.
- Collaborate with colleagues in other UNHCR offices and other UN agencies to maximise use of available resources and share information.

Police

- Receive the complaint and conduct investigations, following the legal and criminal procedures as laid out in the law.
- In accordance with the standard police procedures, arrest the accused person(s), conduct investigations, prepare charges, serve summons to and ensure that all potential witnesses appear in court.
- Advocate, when necessary, for the expeditious investigation and prosecution of cases of sexual and gender-based violence.
- Explain the legal and criminal process to the victim/survivor.
- Be sensitive to the victim's/survivor's needs for privacy, confidentiality and respect.
- Participate in legal and rights awareness education campaigns conducted by protection staff for the benefit of the refugee community.

Courts

- Prepare the weekly case register indicating which matters involve refugees as parties (complainant or accused).
- In accordance with standard procedures, administer legal proceedings in cases of sexual and gender-based violence, such as admitting cases, presiding at hearings and trials, summoning witnesses, passing judgements and sentences.
- Participate in workshops and awareness raising initiatives organised by protection staff.

Developing a Plan For Working with Perpetrators

Working with perpetrators of violence is difficult but necessary. Perpetrators' human rights, including their own safety, must be respected. If the perpetrator is also a refugee, he is deserving of international protection. **The multi-sectoral team should develop plans for working with perpetrators.**

- Consult with national authorities on what actions are taken locally to work with violators of sexual and gender-based violence.
- Engage security personnel and police, including community security guards, to work with and monitor the actions of known perpetrators.
- Where possible, separate perpetrators from the rest of the community.

Key Points to Remember

The community should take the lead in designing ways to support victims/survivors.

Develop community education and awareness activities

- Launch public information campaigns about sexual violence aimed at all members of the community.

Establish referral and reporting mechanisms

- A clear referral system should be established in each setting so the victim/survivor knows where to receive assistance and receives that assistance in a timely manner.

Empower the refugee community to respond

- Working with the community is essential in developing sustainable, effective response strategies.

Develop a response to the health/medical needs of victims/survivors

- Provide health care, referrals and follow-up care that are easily accessible.

Respond to the psycho-social needs of victims/survivors

- Victims/survivors should be treated with empathy and care.

Develop a security and safety response

- The victim/survivor must be provided with security after the incident and the community must take the lead in providing her with a safe space.

Establish a legal/justice response

- Establish a system with local authorities so that those victims/survivors who wish to seek legal redress for the crimes committed against them can do so in a timely manner.

Identify the roles and responsibilities of other potential actors

- Field, programme and management staff can play crucial roles in responding to the needs of victims/survivors.

Develop a plan for working with perpetrators

- Perpetrators' human rights, including their own safety, must be respected.