

## **Conclusion on Women and Girls at Risk**

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*The Executive Committee,*

*Recalling* its Conclusions Nos. 39 (XXXVI), 54 (XXXIX), 60 (XL) and 64 (XLI) on refugee women; Nos. 47 (XXXVIII), 59 (XL) and 84 (XLVIII) on refugee children and/or adolescents; Nos. 73 (XLIV) and 98 (LIV) on refugee protection and sexual violence and protection from sexual abuse and exploitation respectively, and No. 94 (LIII) on the civilian and humanitarian character of asylum,

*Recalling* that Security Council resolution 1325 (2000) on women and peace and security and the subsequent Action Plan (S/2005/636) provide an integrated framework for a consolidated international and UN-wide response to this challenge, that Security Council resolution 1261 (1999) and five subsequent resolutions on children and armed conflict, call on governments, parties to a conflict and other organizations, including UN bodies, to take wide-ranging action to protect children in armed conflict and afterwards, and that Security Council resolutions 1265 (1999), 1296 (2000) and 1674 (2006), similarly call on parties to armed conflict to ensure the protection of affected civilians, including women and children,

*Acknowledging* that, while forcibly displaced men and boys also face protection problems, women and girls can be exposed to particular protection problems related to their gender, their cultural and socio-economic position, and their legal status, which mean they may be less likely than men and boys to be able to exercise their rights and therefore that specific action in favour of women and girls may be necessary to ensure they can enjoy protection and assistance on an equal basis with men and boys,

*Recalling* that the protection of women and girls is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable UNHCR to fulfil its mandated functions; and that all action on behalf of women and girls must be guided by obligations under relevant international law, including, as applicable, international refugee law, international human rights law and international humanitarian law,

*Bearing in mind* Conclusion No. 75 (XLV) on internally displaced persons and *noting* that the protection challenges for internally displaced persons (IDPs) and refugees may differ, that the normative legal frameworks for their protection are different, that humanitarian access to internally displaced persons can be more difficult, that internally displaced women and girls are more likely to be caught in armed conflict and may face specific protection risks as a result and that the responses and solutions available to refugee and internally displaced women and girls may be different,

*Recognizing* that, while women and girls may be exposed to certain risks, such as trafficking, in any location, the different nature of camp and urban environments can expose women and girls to different protection risks and that in camps, for example, their freedom of movement and capacity to earn a livelihood may be more restricted and they may be more exposed there to sexual and gender-based violence (SGBV), whereas in urban situations, they may be less able to exercise their rights effectively, to access protection and services or reach UNHCR or implementing partner offices,

*Acknowledging* that the challenges involved in securing the protection of women and girls at risk must be addressed in a holistic manner and that protection partnerships with governments, UNHCR, other UN agencies, other international organizations and non-governmental organizations, together with displaced and host communities, are integral to

effective identification, responses, monitoring and solutions,

*Acknowledging* that each community is different and that an in-depth understanding of religious and cultural beliefs and practices is required to address the protection risks women and girls face in a sensitive manner while bearing in mind obligations under international refugee, human rights and humanitarian law,

*Reaffirming* its call to the international community, in cooperation with UNHCR and other international organizations, to mobilize the financial and other resources necessary, including in support of host communities, to ensure the provision of protection and material assistance, and of durable solutions, based on international solidarity, cooperation, burden and responsibility sharing and the understanding that inadequate protection, or inadequate, inappropriate or poorly distributed assistance can increase the risks women and girls face,

*Acknowledging* that forced displacement tends to expose individuals to particular risks, *recognizing* the specific needs of women and girls, *noting* that this Conclusion applies to women and girls who are refugees, asylum-seekers or IDPs assisted and protected by UNHCR, who find themselves in situations of heightened risk, and *further* that it could also be applied, as appropriate, to returnees of concern to UNHCR,

(a) *Adopts* this Conclusion regarding the identification of women and girls at risk, prevention strategies and individual responses and solutions and *recommends* that UNHCR include a more detailed elaboration of these issues in the UNHCR Handbook on the Protection of Women and Girls.

### **Identification of women and girls at risk**

(b) Forced displacement can expose women and girls to a range of factors which may put them at risk of further violations of their rights. These can be present in the wider protection environment and/or be the result of the individual's particular circumstances, as outlined below.

(c) Identification and analysis of the presence and severity of these different factors help determine which women and girls are at heightened risk and enable targeted responses to be devised and implemented. Identification can present particular challenges because women and girls are often less visible in displaced populations than men and boys, they may not be or feel able to report protection incidents, particularly if these occur in the private domain. It is therefore important to ensure an enabling environment which supports continuing identification and analysis of the situation.

(d) In certain cases, the presence of one factor or incident may alone be sufficient to require an urgent protection intervention. In others, the presence of a combination of individual and wider protection environment factors will expose women and girls to heightened risk. In still others, if women and girls have been subjected, for instance, to SGBV in the area of origin or during flight, this may leave them at heightened risk in the place of displacement. Continuing assessment is required to monitor threat levels, as they may change over time.

(e) Risk factors in the wider protection environment can arise as a result of and after flight for women and girls and may include problems resulting from insecurity and armed conflict threatening or exposing them to SGBV or other forms of violence; inadequate or unequal access to and enjoyment of assistance and services; lack of access to livelihoods; lack of understanding of women's and men's roles, responsibilities and needs in relation to reproductive healthcare, and lack of understanding of the consequences of SGBV on women's and girls' health; the position of women and girls in the displaced or host community which can result in their marginalization and in discrimination against them;

legal systems, which do not adequately uphold the rights of women and girls under international human rights law, including those relating to property; those informal justice practices which violate the human rights of women and girls; asylum systems which are not sensitive to the needs and claims of female asylum-seekers; and mechanisms for delivering protection which do not adequately monitor and reinforce women's and girls' rights.

(f) These factors related to the wider protection environment may be combined with individual risk factors which increase the risks for these women and girls. Individual risk factors can be grouped non-exhaustively under factors relating to their individual civil status or situation in society; their having already been subject to SGBV and/or their risk of exposure to SGBV or other forms of violence; and their need for specific health and/or other support services, including in the case of women and girls with disabilities.

(g) Responding more effectively to protection problems faced by women and girls at risk requires a holistic approach that combines preventive strategies and individual responses and solutions. It involves collaboration between, and the involvement of, all relevant actors, including men and boys, to enhance understanding and promote respect for women's and girls' rights.

### **Preventive strategies**

(h) Recommended preventive strategies to be adopted by States, UNHCR, other relevant agencies and partners may include the identification, assessment and monitoring of risks.

(i) Identification, assessment and monitoring of risks faced by women and girls in the wider protection environment are to be strengthened by partnerships and actions to:

- i. provide disaggregated data by sex and age; ensure registration on an individual and ongoing basis for refugees, recognizing the need to protect the confidential nature of personal data, and promote mechanisms to identify the internally displaced; strengthen protection monitoring of individuals by working with the community; monitor access to and enjoyment of protection, assistance and services by women and girls;
- ii. incorporate gender issues into early warning mechanisms, alerts and contingency plans, conduct a rapid situation analysis at the start of a new emergency and integrate gender-based risk analysis into inter-agency assessments;
- iii. mobilize women, men, girls and boys of all ages and diverse backgrounds as equal partners together with all relevant actors in participatory assessments to ensure their protection concerns, priorities, capacities and proposed solutions are understood and form the basis of protection strategies and solutions;
- iv. mainstream age, gender and diversity analysis into all programmes, policies and operations to ensure all can benefit equally from activities and inequality is not perpetuated;
- v. promote gender balance in staff recruitment and take active measures to increase the number of female professionals working in the field;
- vi. identify and prevent SGBV and strengthen the capacity of national and local authorities to carry out their protection functions more effectively.

(j) Secure environments are to be established and strengthened, including by partnerships and actions to:

- i. prevent and respond to SGBV in accordance with international standards set out in UNHCR and other relevant guidelines,<sup>1</sup> including through provision of quality health services to address the specific needs of women and girls at risk;
- ii. maintain the civilian and humanitarian character of asylum, which is a primary responsibility of host States;
- iii. ensure the individual documentation of refugee women and separated and unaccompanied refugee girls and register births, marriages and divorces in a timely manner;
- iv. strengthen dispute resolution skills in the displaced community and take measures to assure confidentiality, so as to enable women and girls at risk to remain safely in their community and build relations between host and displaced communities to create a safe and non-exploitative environment;
- v. strengthen justice systems to uphold the rights of women and girls and bring perpetrators of SGBV to justice, combat trafficking and protect victims; and
- vi. establish and/or implement codes of conduct, including on the elimination of sexual exploitation and abuse, for all humanitarian staff, including those working in the delivery of services and for other staff in authority, such as border guards, and ensure that confidential and accessible complaints systems are in place which include investigation and follow-up, so as to encourage the reporting of abuse and exploitation where codes of conduct are breached.

(k) The empowerment of displaced women and girls is to be enhanced including by partnerships and actions to:

- i. strengthen women's leadership, including by enhancing their representation and meaningful participation in displaced community and camp management committees, in decision making, and in dispute resolution systems, by enhancing their access to and control over services and resources, promoting their rights and leadership skills and supporting implementation of UNHCR's Five Commitments to Refugee Women;
- ii. strengthen women's and girls' capacities, including by enabling their access to quality education, including secondary education, in safe school environments and by enhancing food security, livelihood opportunities, freedom of movement and economic independence, including where appropriate through access to labour markets; and
- iii. work with the displaced community, including men and boys, to rebuild family and community support systems undermined by conflict and flight and to raise awareness of the rights of women and girls and understanding of gender roles.

(l) Financial and other necessary resources should also be mobilized, as appropriate, including by action to ensure the provision of protection and material assistance and timely durable solutions based on international solidarity, cooperation and burden and responsibility sharing.

### **Individual responses and solutions**

(m) Recommended actions by States, UNHCR, other relevant agencies and partners to respond to the situation of individual women and girls at risk are listed non-exhaustively

below.

(n) Ensuring early identification and immediate response involves partnerships and actions to:

- i. establish mechanisms, based on an analysis of the risk factors outlined above, to identify individual women and girls at risk, determine and implement appropriate immediate responses and subsequent solutions;
- ii. provide women and girls at risk with information, counselling, medical and psychosocial care, as well as access to safe houses if they face domestic violence and abuse or attack by other members of the community, especially where there are no mechanisms to remove perpetrators; provide emergency voluntary relocation, e.g. to another town or camp, or emergency resettlement;
- iii. determine the best interests of girls at risk, provide alternative accommodation, physical protection and interim foster care as required, as well as initiate family tracing and ensure family unity wherever possible and in their best interests; and
- iv. ensure that refugee status determination procedures provide female asylum-seekers with effective access to gender-sensitive procedures and recognize that gender-related forms of persecution in the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees may constitute grounds for refugee status.

(o) Developing medium-term responses for individuals includes partnerships and actions to:

- i. monitor on an ongoing basis initiatives taken with regard to individual safety, well-being and needs and ensure accountability for actions taken;
- ii. help secure the access of women and girls at risk to justice and reduce impunity, including by advising, accompanying and supporting them through initiatives such as women's legal clinics, local women's associations, witness relocation programmes and mobile courts in remote areas; and
- iii. strengthen identified individuals' access to education, vocational training and recreational programmes with childcare and promote community-based livelihood strategies which target women and girls at risk, especially in prolonged displacement situations.

(p) Recommended longer-term responses and solutions include partnerships and actions to:

- i. promote respect for women's and girls' equal rights to make a free and informed choice to return voluntarily and to their equal access to land and property in the country of origin, and incorporate measures to ensure adequate ongoing assistance and support in the country of origin for those at risk into tripartite voluntary repatriation agreements;
- ii. strengthen the use of resettlement as a protection and durable solutions tool for refugee women and girls at risk; enhance identification of refugee women and girls at risk for resettlement, including through training; streamline processing further, including by establishing measures to enable the speedier departure of refugee women at risk and their dependants;
- iii. consider using special evacuation programmes for internally displaced women and

girls at risk, if necessary, given that resettlement is very rarely available to them;

- iv. establish mechanisms, where voluntary repatriation for individual refugee women and girls at risk is not a safe option and resettlement is not available, to enable them, where appropriate, to integrate locally and safely in the country of asylum, including by examining possibilities for voluntary relocation elsewhere in the country; for internally displaced women and girls at risk, examine possibilities for allowing them to relocate elsewhere in their own country if they wish and if their safety cannot be ensured where they are; and
- v. ensure support, such as medical and psychosocial care, is available to women and girls at risk to facilitate their recovery and integration, whether this be in the context of local integration, return, resettlement or other humanitarian programmes.

(q) Efforts to ensure the progressive implementation of the above-mentioned mechanisms and standards can benefit greatly from partnerships and the development of relevant public policies, supported as appropriate by the international community.

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<sup>1</sup> See for example UNHCR "[Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response](#)", 2003; Inter-Agency Standing Committee (IASC) "[Guidelines for Gender-based Violence Interventions in Humanitarian Settings](#)", 2005.