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World Refugee Council Research Paper No. 3 – August 2018

From Rhetoric to Reality

Achieving Gender Equality for Refugee Women and Girls

Eileen Pittaway and Linda Bartolomei



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The logo for the World Refugee Council, featuring a purple square with a white box containing the text "WORLD REFUGEE COUNCIL" and a purple pentagon shape to its right.

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About the Series

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About the Authors

From 1999 to 2013, [Eileen Pittaway](#) was director of the Centre for Refugee Research, University of New South Wales (UNSW), and associate professor in the School of Social Sciences and International Studies, coordinating and teaching in the master programs of International Social Development, and Refugees and Forced Migration. She now continues her research activities and involvement with the university in an honorary capacity. The major focus of her work has been the prevention of and response to the rape, sexual abuse and gender-based violence experienced by refugee women, both overseas and following resettlement to Australia.

Over the past 20 years, she has conducted research; provided training to refugees, United Nations and non-governmental organization staff in refugee camps and urban settings; acted as technical adviser to a number of projects; and evaluated humanitarian and development projects in 18 different countries. She is currently working with the UN Refugee Agency (UNHCR), conducting an audit into gender aspects of the global compact on refugees being negotiated with states for presentation at the United Nations General Assembly in 2018.

In 2001, Eileen was awarded a Human Rights Medal by the Australian Human Rights and Equal Opportunities Commission for her work with refugee women and children. In 2005, she received a New South Wales Premier's Award for services to refugee education. In 2011, on the centenary of International Women's Day, she was named one of 100 women who have shaped

Australia. In 2012, she was made a member of the Order of Australia for her work with refugees.

[Linda Bartolomei](#) is the immediate past director of the UNSW Centre for Refugee Research, a co-convenor of the Forced Migration Research Network, and a senior lecturer in social work and international development. Since 2002, Linda has been involved in a series of action research projects exploring the challenges associated with identifying and responding to refugee women and girls at risk in camps and urban settings. This work has involved research at multiple sites across Africa, Asia and the Middle East, and in Australia. The results have had significant impact on research and policy and were instrumental in the introduction of the UNHCR's Conclusion on the Protection of Women and Girls at Risk in 2006. She is currently working with UNHCR Geneva and a team of women from refugee backgrounds to advocate for and monitor the inclusion of refugee women and girls' protection needs and rights in the new global compact on refugees.

Since 2001, Linda has co-convened several major international refugee conferences, the most recent in February 2016, and made regular presentations of research at UNHCR Geneva. Her research work has made contributions to policy development in the areas of women at risk and community development. In November 2008, she attended the inaugural meeting of the Asia Pacific Refugee Rights Network, at which she established the Women and Girls at Risk Working Group. She is particularly interested in the nexus between refugee communities' experiences of conflict and displacement, including women's experiences of sexual violence, and their impacts on settlement outcomes.

We should not mainstream gender into the oblivion — it should be exactly the opposite. We take it to heart and want to bring it forward.

— Filippo Grandi, UN High Commissioner for Refugees (2017)

Executive Summary

This paper addresses the failure of the international protection regime to address the protection needs of refugee women and girls and to promote gender equality in policy and service provision. This failure results in serious human rights abuses and squanders the enormous potential and social capital that women and girls can bring to achieving solutions. Current negotiation by United Nations member states, led by the UN Refugee Agency (UNHCR), of a global compact on refugees has provided an opportunity to examine the reasons for this failure, and its impacts for women and girls, men and boys, youth, families and communities, in host countries and countries of asylum. It is both a humanitarian and a political issue, and includes the contentious debate about whether refugees are a burden on host and other countries, or a universal responsibility. Tensions between the Global North and the Global South, and ideological positions held by stakeholders, all impact adversely on refugee women and girls. Anthony Giddens's theory of structuration (1984) is used to analyze the phenomenon, and to unpack the structural and operational responses needed to effect change. Recommendations are made to address the structural and operational responses necessary for change to occur.

Introduction: The Need for Gender Equality

Refugee women and girls are consistently let down by the international protection system. As detailed below, they are marginalized, and suffer endemic sexual violence and discrimination. The goal of gender equality¹ is still an elusive dream. Despite significant international law and policy developed over the past 30 years, the protection needs of refugee women and girls are not addressed and their voices and capacities are ignored (Pittaway, Bell and Bartolomei 2017). This gap was highlighted by extensive evidence presented at the 2011 ministerial meeting of the UNHCR, held to mark the sixtieth anniversary of the 1951 Convention Relating to the Status of Refugees (UNHCR 2011a). Little has changed since then. The increased movement of refugees and the scarcity of resources have negatively impacted the protection available for all refugees and made the plight of women and girls even more acute.

Answers are not easy. The necessary changes, and the additional resources needed to achieve them, require political will from all governments involved, from those states that generate refugees, to those through which they transit, to those who host them and those who provide funding. The ongoing debate about refugees as either “burdens” or “responsibilities,” mainly between governments from the Global South, who host the majority of refugees, and governments from the Global North, who provide resources, is key to the solutions. The commitments made during the New York Summit on Refugees and Migrants in September 2016, in response to the increasing movement of refugees and migrants, have the potential to contribute to both the structural and the operational changes required to improve the social and economic situations of not only refugees but also host communities, and to advance global commitments to achieving gender equality for all.

¹ Gender equality “refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same, but that women’s and men’s rights, responsibilities and opportunities will not depend on whether they are born male or female. It implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men” (UN Women, “Concepts and Definitions,” www.un.org/womenwatch/osagi/conceptsanddefinitions.htm).

A Current Opportunity to Address These Issues

Due to continuing global concerns over the increasing mass movement of refugees and migrants, in September 2016, the United Nations General Assembly (UNGA) issued the New York Declaration for Refugees and Migrants. This declaration outlined a comprehensive refugee response framework and tasked the UNHCR to build on it to develop a global compact on refugees for adoption at the 2018 UNGA. The New York Declaration includes a strong set of commitments to refugee women and girls, including a commitment to promoting their “full, equal and meaningful participation” in finding solutions (UNGA 2016, 6). However, the authors of this paper are concerned that these commitments may not be carried forward into the global compact on refugees. They have collaborated since 1999 using participatory research methodologies to inform advocacy for improved law, policy and tools to support the protection of refugee women and girls.² Their advocacy contributed to the passing of UN Security Council Resolution 1325, and they were instrumental in the development of the UN ExCom Conclusion on Women and Girls at Risk (UNHCR 2006). However, these groundbreaking legal and policy advances are observed more often in the rhetoric than in the reality. Consequently, the authors conducted a gender audit of the five preparatory thematic meetings and the High Commissioner’s Dialogue hosted by the UNHCR to inform the development of the global compact on refugees. The audit was done in partnership with the UNHCR Gender Equality and Sexual and Gender-based Violence Units and involved a team of women from refugee backgrounds as co-collaborators.³ The aim of the audit was to ensure that the different needs of women and girls and men and boys are recognized throughout the global compact on refugees. The meetings provided an excellent opportunity to explore, discuss and

2 See the following co-authored publications: Pittaway and Eckert (2013); Pittaway and Bartolomei (2004; 2005); Pittaway, Bartolomei and Doney (2016); Lee, Bartolomei and Pittaway (2016); Bartolomei, Eckert and Pittaway (2014).

3 The gender audit team involved refugee community representatives Cheery Zahau, Melika Sheikh-Eldin, Tina Dixson, Apajok Biar and Shaza Al Rihawi. Additional support was provided by Charlotte Bell and Geraldine Doney.

analyze the latest thinking about refugees and gender equality, and the structural and operational challenges to achieving this. The findings from the gender audit and recommendations made by states and other key players (UNHCR 2018a), as well as extensive academic work from around the world, have informed this paper.

A Focus on Women and Girls

The question is often asked: “Why such a focus on women and girls — surely men and boys are just as important?” The needs of both groups are equally important, *but different*, and without effective policy frameworks and tools, these differences are not recognized. There is a male bias in refugee policy, an assumption that women’s needs will be automatically covered by addressing needs articulated for and by men. However, if these differing needs are not articulated, they are often not addressed (Oosterveld 2017; Callamard 2002).

It is appalling to hear of the millions of young refugees without access to secondary or tertiary education. But without disaggregating the numbers by gender, it is not evident that the majority of these young people are adolescent girls, and consequently, the different barriers they face are left unacknowledged. Many girls do not have access to menstrual products and thus miss school one week per month; some are forced to have sex with teachers in exchange for grades and school books (DeJong et al. 2017; UNHCR 2017a; Hassel and Krause 2017). “Survival sex” is seen as the only option for single women living alone on a single person’s rations in a camp, or paying rent in an urban area (Anani 2013; Pittaway 2003). Many single young men take dangerous journeys to seek asylum, as a result of forced recruitment into terrorist groups; they face human rights abuses, including rape (Freccero et al. 2017; UNHCR 2017b). Gender affects every stage of the refugee journey, from reception to durable solutions. Unless these realities are acknowledged, there will be a failure to develop effective responses to meet the different needs of refugee women and girls, men and boys.

The additional needs of refugee women and girls often mirror the experiences of many women and

girls in host communities (Parcesepe et al. 2016). The majority of refugees are in the Global South, where women suffer disproportionately from the impact of poverty (Badiora 2017). Girls generally have less access to education, resources and paid employment than their male counterparts, and less freedom of choice about their lives; these inequalities are entrenched in patriarchal social structures (United Nations Population Fund 2015; Omotoso and Fajimbola 2017). In the Global North, women are also more likely to live in poverty than men. This is a clear case of structural inequality that must be addressed at a global level before gender equality can become the norm in refugee situations. However, without diminishing the hardships and lack of rights suffered by many women in the Global South, for many refugee women, the impact of this inequality is even more damaging than for women residing in their own countries. Women and girls endure rape and sexual abuse at every stage of the refugee journey. Refugee women and girls have little access to protection or justice systems, and perpetrators operate with impunity. In many places there are no reproductive health services. These women have even less access to education and employment than most women in host communities, and, most importantly, they have lost their homes, families and support networks. This is not to argue that refugee women should be privileged over women and girls in host communities, but rather that to achieve justice and adequate protection for refugees, the needs of both groups must be addressed equally (UN Development Programme 2016).

Refugee Women and Girls: A Vulnerable Minority?

For far too long, the prevailing discourse about refugee women and girls has been about a “vulnerable minority.” This characterization has been reinforced by media stories and fundraising advertisements that depict them as pathetic and hopeless (Alhayek 2014). Women and girls are not a vulnerable group per se, nor are they a “minority,” as they constitute more than 50 percent of the diverse groups within refugee

populations. While sharing with men and boys the same basic needs for food, water, shelter, sanitation and security, they do have additional and significantly different needs. The most important difference is that of endemic and often systemic sexual and gender-based violence against women and girls. Men and boys are also victims of sexual and gender-based violence, which again generates the need for different and appropriate responses (Freedman 2016; Krause 2015).

There is a danger in focusing only on the vulnerabilities of women and girls because it can create a discourse of helpless victims. There has been a movement in the past decade to change this focus and to recognize the strengths of refugee women and girls: they are resilient, and have immense social capital and capabilities. Despite the layers of discrimination, they are not merely passive victims. In many camps and refugee sites, women run crèches (daycares) for children, arrange care for orphaned or lost children, provide safe spaces for women who have experienced sexual and gender-based violence, manage scarce rations to ensure that families are fed, run small businesses to support their families, organize basic schools and provide protection (Bartolomei, Ward and Garrett 2018; Bartolomei et al. 2016; Olivius 2014). Much of this work is done without funding or external support. In the absence of men, women take on all roles in the family and community. Women have formal skills, as well as a wide range of informal skills and capacities. They can contribute keen analyses of the problems experienced in camps and cities, and formulate potential solutions. However, because of their minority status, and the discourse of vulnerability, their capacities, skills and abilities often go unrecognized. Women are silenced by limited access to representation at every level, by culture, tokenism, gender stereotypes and lack of funding for targeted programs. Therefore, to focus only on strengths is to ignore the widespread challenges, discrimination and abuse that refugee women and girls experience. They are simultaneously strong and resourceful, victimized and marginalized. They usually survive, despite the precarious situations in which they find themselves. An adequate response involves addressing structural vulnerabilities that result from pervasive gender inequalities, as well as creating opportunities for strengths to be capitalized on.

The policy of gender mainstreaming — that is, of incorporating considerations of gender into all policy development processes and policy instruments — was specifically developed to address these structural gender inequalities (UN Women 2014). It is underpinned by “the recognition that gender differences shape policy processes and outcomes” (True 2003, 369) and aims to ensure that the different concerns of men and woman are fully reflected in “the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal is to achieve gender equality” (United Nations Economic and Social Council 1997, 3). However, despite some progress in this area, gender concerns have not consistently translated into policies or practices needed to support meaningful social change (UNHCR 2018b; True 2003). It is clear that without the political will and the resources to develop and implement policy and practices to address the structural vulnerabilities that underpin pervasive gender inequalities, gender mainstreaming will continue to flounder.

A crucial element in achieving gender equality is the recognition that refugee communities are not homogeneous and that certain groups — including people with a disability; ethnic and religious minorities; and lesbian, gay, bisexual, transgender and intersex (LGBTI)⁴ individuals — face additional discriminations. This analysis informed the development of the UNHCR’s recently released Age, Gender and Diversity (AGD) policy. Designed to ensure that all refugees have equal access to their rights, it recognizes that intersecting personal differences based on age, gender and diversity affect people’s experiences of forced migration (UNHCR 2018b). It is therefore imperative that policies not focus solely on gender inequality but also recognize the ways in which gender inequality is compounded by inequalities based on race, disability, religion and sexuality (Verloo 2006). Core to both the new AGD policy, which includes the updated Five Commitments to refugee women and

girls⁵ (UNHCR 2001), and to the global compact on refugees is an emphasis on the central role that refugee communities, including women, must play in assessing needs and developing solutions.

The Challenge of Structural and Operational Change

There are many barriers to the structural changes required to achieve gender equality and address the ongoing protection gaps experienced by refugee women and girls. If positive change is to occur, the political and ideological barriers to the inclusion of women and girls must be acknowledged. We need to address the ways in which these barriers are embedded in the social structures that forcibly displace people, and the operational responses that seek to address the protection needs of refugees.

Structuration theory is used here to understand how structures are formed and transformed (Giddens 1984; Stones 2005). This theory places the political struggles for power and influence over the law, policy and interactions that constitute “structure” into the broader context of ideologies and interactions within the society in which they take place (Barrett 2004; Barrett and Fudge 1981). The social reality experienced by refugees and its relationship to the wider society are structured by the events that lead to the forcible displacement of people and by the crucial role of the UNHCR, appointed as an international arbitrator in the unregulated mass movement of people around the world. The language and discourse about refugees and gender shape the way that refugee women and men experience the world (Kahlert 2012). The social world the refugees experience is structured by states’ response, their interpretation of international laws and UN policies and their

4 In the context of this paper, the term LGBTI is used to describe people affected by discrimination on the basis of sexual orientation, gender identity or intersex status. However, the authors acknowledge that the use of LGBTI as an umbrella term is contested by some groups. For example, see www.humanrights.gov.au/our-work/sexual-orientation-gender-identity-intersex-status/publications/resilient-individuals.

5 In 2001, the UNHCR adopted five institutional commitments to refugee women to advance their rights and implement concrete measures to improve their protection. These were updated as part of UNHCR’s new AGD policy and address women and girls’ participation in decision making; access to individual registration; equal access to and management of food, non-food items and cash assistance; equal access to economic opportunities, education and health services; and access to comprehensive sexual and gender-based violence prevention and response services.

willingness to comply with these. It is also shaped by those states that use their power to influence the response of other states to accept refugees. At a local level, the social reality of refugees is shaped by government response, always political, and the policy process that addresses their needs. This response is shaped by unquestioned assumptions about gender and other ideological forces, which impact all actors and in turn reinforce the social structure (ibid.). Whoever defines the needs addressed by policy, and the ways in which they interpret those needs, shape the outcomes (Fraser 1989). To date, states, donors, the UNHCR and non-governmental organizations (NGOs) have been in control of this interpretation, using an “expert” and often gender-blind definition of needs. Therefore, specifically mentioning refugee women in every policy, and ensuring that they are equally represented at all levels of decision making so that they become an active part of the process of structuration, is critical (Giddens 1984).

The theory of structuration provides a conceptual link between notions of action, institution and structure. Social agents “act” in the continual reproduction of structure and are not just “acted upon.” Structure is not a barrier to actions/operations; rather, structure is essentially involved in the reproduction of actions/operations, just as actions/operations reproduce the structure (ibid.; Kahlert 2012). Rules and resources are taken from the structure to facilitate operational responses, which change, reinforce and reproduce the social structure in a never-ending process. It is therefore essential that the role of operational responses in producing structures, and of structure influencing operational responses, be recognized; in order to achieve lasting change, they must be addressed concurrently. As Stephanie Nawyn, Anna Reosti and Linda Gjokaj (2015, 196) have argued, drawing on structuration theory in the context of gender and migration, “while studies that examine only social structure or only micro-level processes are important, gender scholars should always be mindful of other levels on which gender is operating and shaping gender relations at multiple levels.”

Barriers to Gender Equality for Refugee Women and Girls

The global compact on refugees⁶ has provided a useful, but not exhaustive, scaffold for analyzing the needs and obstacles faced by refugees. The compact sets out three key areas that must be addressed to improve refugee protection. These include reception and admission; ensuring that immediate and ongoing needs of both refugees and host communities are met in accordance with international human rights standards; and renewed efforts to achieve durable solutions. In all scenarios, analysis of current research has demonstrated that refugee women and girls face major barriers, as detailed below (UNHCR 2011a; Pittaway, Bell and Bartolomei 2017). An important role in ensuring gender equality can be taken by the World Refugee Council (WRC), and all other current and potential actors in responding to the burgeoning refugee crisis. Using the AGD policy framework, the next section outlines seven key barriers to refugee women and girls achieving gender equality in policy and practice, and suggests ways these could be addressed. The way in which each barrier exacerbates and compounds the others, and its impact on the continued invisibility of refugee women and their protection needs, is explored.

Barrier One: Ideological and Political Issues, Including a Lack of Political Will by Some States and Key Stakeholders

The gap between rhetoric and reality for women and girls is still very large.

— Susan Martin (2017)

Politics of Refugee Service Provision

Refugees are minorities wherever they go. They flee their own countries and are seldom welcomed for the long term in countries of asylum. Refugee

⁶ At the time of writing, the UNHCR had issued the second draft of the global compact on refugees, which includes the text of the comprehensive refugee response framework adopted in the New York Declaration for Refugees and Migrants, UNGA 2016 71/1 Annex I: www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1.

law and policy is either interpreted to suit the politics of the country of asylum or sometimes ignored by countries from both the North and the South (Parekh 2016). Sometimes these responses are deliberate, and at other times, politically motivated; they occur because the country cannot respond to the needs of its own population, much less the mass arrival of refugees. In many host countries, women also suffer from discrimination and members of socially and ethnically diverse groups, including the LGBTI community, often face additional human rights abuses. Sexual and gender-based violence is rife wherever there is poverty (Idemudia 2014). Refugees, and in particular refugee women, are seen as burdens, rather than as potential contributors and economic actors. The reasons vary from country to country. They include a lack of resources, and resentment from developing countries about the high expectations, on the one hand, and the often low levels of funding, on the other, from developed countries. These contentious issues have had a strong influence on the UNHCR's ongoing formal consultations with states to develop the final text of the global compact on refugees, with many countries from the Global South (such as Iran, which has hosted large numbers of Afghan refugees for decades) strongly resisting the use of the language of "responsibility sharing" and arguing instead that, in the absence of sufficient donor support, refugee hosting can only be regarded as a "burden" (Pittaway 2018). There is anger and fear from host populations if they perceive that the refugee population is using the country's scarce resources or receiving more assistance than they are. These politics are also mediated by ideological opposition to sexual and reproductive rights by several states, including the United States and the Holy See (Benson Gold and Starrs 2017; Coates et al. 2014). Some states and humanitarian aid providers have noted that principles, laws, policies, and best practice guidelines developed at headquarters are not always easy or possible to implement at a local level in geographically and socio-politically diverse refugee sites (Pittaway, Bell and Bartolomei 2017).

It is also important to recognize that culture is not rigid; it is a fluid concept and changes over time. Prolonged refugee experiences create a layer of "refugee culture" that overlays original culture, often reinforcing old practices that were or are changing in the country of origin, often as a defence against the loss of power and place. The people who are recognized as community leaders in refugee

situations are not always the ones who would have led the community in the past and may lack the appropriate knowledge to navigate the context of displacement and alien social structures. Some who take gatekeeper roles revert to old power bases, which often exclude or negatively impact women and girls (Pittaway, Muli and Shteir 2009).

Barrier Two: Discourse Used to Discuss Refugee Women and Girls as Vulnerable and as Members of a Minority Group

People are at risk, or at heightened risk, they are not "vulnerable" per se...refugee women, children and men are vulnerable to violence, vulnerable to inequality...we need to challenge the structures which create heightened risk and vulnerability to persecution.

— Elena Fiddian-Qasmiyeh (2014)

As explored above, the discourse used to discuss refugee women and girls is usually embedded in the cultural, religious and ideological frameworks of patriarchal societies, both in the country of origin and in receiving countries. This discourse is reinforced by the attitudes of NGO staff and a failure to implement the UNHCR's AGD policy at the field level (Women's Refugee Commission 2016). Women are viewed as passive victims, and as beneficiaries rather than contributors, and the lack of funding and support for refugee women's community-based organizations further entrenches their marginalization (Olivius 2014). This view is reflected in both the political and the ideological positions of much domestic law, policy and service provision and has devastating impact on the protection of women and girls.

A further example of the power of discourse is found in the use of the words "survival sex" instead of "prostitution." There is a rich body of feminist academic work relating to the use of words such as "prostitution," "empowerment prostitution," "survival sex" and "transactional sex," which has been carefully considered by the authors in using the term "survival sex" in the context of refugee protection (Cange et al. 2017; Bell 2009). Empowerment prostitution occurs in contexts where the ideological standpoint permits and upholds individual agency against earlier cultural norms, values and practices, as is dominant in Western liberal democracy. However, for refugees

the choice is often more desperate: either sex or no food for their (possibly starving) children; sex or death at a border; sex or no access to basic services. Many refugee women who undertake sex work suffer shame, discrimination within their own communities, and marginalization and racism from host communities (Rosenberg and Bakomeza 2017; UNHCR 2011b; UNHCR 2011c). Women have reported that the term “survival sex” is actually empowering for them, as it clearly states why they are undertaking this activity (Pittaway 2011).

Mainstreaming without Targeted Action: An Easy Response

A key aspect of the discourse used when responding to the needs of refugee women and girls is the concept of “mainstreaming,” which was discussed above. As argued, women have traditionally been invisible in language and this invisibility has been carried through discourse and ideology into the process of structuration where women are “structured out” rather than “structured in” to policy and practice responses (Kahlert 2012). Therefore, all responses to refugee women and girls must include a mix of targeted actions as well as comprehensive and effective mainstreaming. The addition of the word “gender” in a sentence or a reference to women and girls among vulnerable minorities fails to address these important issues. Without specific actions, there is a danger that women and girls will continue to be, in Grandi’s words (2017), mainstreamed “into the oblivion.”

Barrier Three: Endemic Sexual and Gender-based Violence and Its Impact on Individuals, Families and Communities

Sexual and gender-based violence is a major protection challenge we should recognize.

— Representative of the Swedish Government (UNHCR 2017c)

Sexual and gender-based violence is endemic in all refugee situations and is a major protection issue for refugee women and girls. It occurs in all aspects of their lives, in many forms: systematic rape in conflict situations; rape as a method of community control, to destroy families, as a punishment for men and as sexual torture; sexual slavery and trafficking; female genital mutilation; and domestic violence (Gebreyosus 2013; Asaf 2017). Men and boys also

suffer from sexual violence. This abuse has severe consequences for both groups, including severe psychological impacts, physical damage, sexually transmitted diseases and an enormous burden of shame. Women and girls additionally face bearing children of rape, are often marginalized from families or communities, and may be forced into marriages. Men are shamed because they cannot protect female family members, and whole communities suffer collective guilt. There is little or no legal redress, and most perpetrators function with impunity (Pittaway and Pittaway 2004; Freedman 2016).

Sexual and gender-based violence is caused by gender inequality and is simultaneously the biggest barrier to overcoming it. It is also one of the hardest issues to address, because it reflects the experience of many women and girls across the world. Numerous cultures, in both the Global North and the Global South, are reluctant to acknowledge that it exists, and therefore to address it. However, the development of effective responses to sexual and gender-based violence is the key to women’s protection and empowerment and to gender equality in both refugee and host communities. It is a precursor to their full and effective participation in developing durable solutions.

Barrier Four: Lack of Accurate Data Collection, Information, Evaluation and Monitoring

We need good information systems and disaggregation based on AGD.

— Representative of the Ecuadorian Government (UNHCR 2017c)

The lack of consistent data collection across all refugee situations remains one of the greatest barriers to responding to the needs of diverse refugee populations. Data is not collected in any consistent form by governments, UN agencies or NGOs (Alfred 2017). In many situations, data is not disaggregated by gender, precluding any understanding of the different needs of men and women (Martin 2017). This understanding is further limited by a failure to collect data on age, which masks the different needs of girls and boys, young women and young men and the elderly. Even more rarely is adequate data collected on disability, ethnicity, religion, socio-economic status or sexual orientation.

A major barrier to the disaggregation of data by gender and diversity appears to be patriarchal

attitudes and the invisibility of women in the refugee discourse. Where women are not given equal consideration and rights, it is not deemed necessary to collect data about their experience or their circumstances. This failure leads to gender-, age- and diversity-blind policy making, service provision and evaluation. For example, responses to rape and sexual violence can be improved if the numbers of women and men affected are recorded. When data is not disaggregated by age, it hides the significant number of young teenage victims who risk death due to early pregnancy. It hides the fact that women and girls with disabilities are twice as likely to be raped, and that lesbian and transgender women are often the targets for “corrective rape” (Costa 2015; Bennett and Thomas 2013).

The UNHCR and humanitarian actors struggle to collect data that is, at a minimum, sex and age disaggregated. It is recognized that the collection of diversity data poses a significant challenge, and will not always be realistically possible or appropriate, such as when the data collected could endanger people. However, it should remain as an aspiration.

A second challenge relates to evaluation of current programs. Gender-sensitive accountability measures, monitoring and evaluation are critically important parts of the delivery of effective protection, but they are poorly developed and seldom implemented. Importantly, funding for monitoring and evaluation is often not considered a priority. With greater recognition, targeted training, modest resourcing and acknowledgement of their diverse capabilities, community-based refugee women’s groups can play a far greater role than they currently do in designing, managing, monitoring and evaluating programs (Olivius 2017). As noted by the representative of the Government of Canada at the 2017 UNHCR Dialogue, “[a] gender sensitive monitoring plan should be developed from the outset” (UNHCR 2017c).

Barrier Five: Lack of Individual Registration and Documentation

Assuring access for women and children to individual registration is critically important.

— Representative of the Thai Government (UNCHR 2017c)

Individual documentation and registration for refugee women is critical for gender equality and protection (Buscher 2010; Sánchez 2016). Without

it, women are unable to register their asylum claims, access services, register children or support property claims on return. Including women as part of their husbands’ or fathers’ registrations, instead of as individuals, can often tie women into abusive situations, or limit the protection afforded to them and their children because of the political affiliations/activities of their male relatives. A lack of individual documentation exponentially increases their risks of sexual and gender-based violence, including early and forced marriage, sexual exploitation at work, and trafficking. It can exclude women and children from shelter, health care and education, and employment opportunities. Lack of access to income and self-sustainable activities forces many women to engage in survival sex to feed themselves and their families. Without adequate health care, women cannot work. Inadequate reproductive health services lead to complications with pregnancies and deaths of mothers and children. Without education, children stay at home and risk exploitation as child labourers or can be forced into child prostitution or early marriage. Lack of access to legal remedies leaves refugees vulnerable to perpetrators who act with impunity (UNHCR 2011a). In the absence of systems for individual identification and needs assessment, the needs of survivors go unrecognized, as do the specific needs of women and girls with disabilities, unaccompanied girls, elderly women and LGBTI individuals (UNHCR 2017a).

Barrier Six: Exclusion from Participation in All Aspects of Decision Making

Youth and women must be included not only as victims but as agents of change, and this should be a guiding notion in the Program of Action.

— Representative of the Netherlands Government (UNHCR 2017c)

Inclusion of women and girls in all fora and decision-making processes — from local meetings and committees to the United Nations — is a positive step toward harnessing their enormous potential and capacity to be part of the solution rather than part of the problem. At a local level, their experience, cultural knowledge and wisdom can guide improved service provision and use of resources (Bartolomei et al. 2016; UNGA 2016). Representation at UN meetings is highly symbolic, and models to states and other actors that women

have capacity and can contribute very positively to the debate (Refugee Council of Australia 2017).

However, women need support to contribute effectively in new and potentially discriminatory fora (Forbes-Martin 2003; Puri 2016). Training in leadership skills, advocacy, human rights law, formal meeting procedure and public speaking is needed to enhance their participation. Without this support, the inclusion of women and girls in decision-making processes can be tokenistic.

Barrier Seven: Lack of Involvement by Male Policy Makers, Service Providers and Refugees in Promoting Gender Equality

I saw my single mum, who did so much to keep our family and community together in the camp while the men just sat around, then she got constantly put down and shut out of meetings with UNHCR and NGOs by the men. It made me very angry.

— Male refugee youth representative from Sudan, Fourth Thematic Discussion for the global compact for refugees (Dixson and Pittaway 2017)

For too long, men have not been involved in addressing gender inequality, under the assumption that it is “just a women’s issue” and not central to the refugee protection response. This is despite the fact that “women’s issues” affect whole families and communities (UNHCR 2011a). Involving men at every level of the response, from the global to the local, is imperative to advancing gender equality. At the institutional level, if gendered policy frameworks are to be developed, it is essential that high-level internal advocates for gender equality include both men and women. This need has been increasingly recognized in the international humanitarian system and within the work of the UNHCR (Fiddian-Qasmiyeh, Lewis and Cole 2017; Krause 2015).

However, while men do need to be equally responsible for preventing and addressing women’s rights abuses, this should not mean that they speak for women, nor that they should receive greater public accolades than women do when they speak out on gender issues (UNHCR 2017d). Care must be taken to ensure that men’s self-declared commitment to feminism — whether the men

declaring it are policy makers, service providers or refugees — translates in practice to working with refugee women as equal partners, and is not used merely as a rhetorical tactic to assume power.

Ways Forward

An analysis of the seven barriers to gender equality demonstrates the compounding effect of each barrier, which can exacerbate the impact and create additional barriers. It is obvious that these cannot be addressed through the provision of additional funds and services alone; they must also be addressed through major structural change. They sit within the political struggles for power and influence over the law, policy and interactions that constitute the “structure” discussed above. Many ideological and political reasons inform the failure to address or even acknowledge these barriers, as well as other dimensions of the refugee phenomena. They include concern about imposed values from the Global North, which sometimes privilege culture over gender; fear of the resource and socio-political implications; the sheer scale of the problem; and acceptance of often outdated cultural norms, including gender inequality. Many aid-dependent nations from the Global South have expressed their concern that stronger ties between development and humanitarian aid will impose added conditionality (Pittaway 2018).

The negative discourse that paints women as vulnerable ignores and dismisses their potential to contribute to solutions. Their needs are seen as “special” or additional to “basic needs,” instead of basic needs in themselves; lack of menstrual products is a prime example of this. The portrayal of women as vulnerable and needy feeds the discourse of refugees as creating burden rather than opportunity (Türk and Garlick 2016). The way in which the language of mainstreaming is co-opted has an effect exactly opposite to the intended one of achieving equality and instead renders women and girls invisible. Sexual and gender-based violence is both a cause and an effect of the vulnerable situations in which refugee women are placed. It creates fear and uncertainty and affects their ability to access durable solutions. Lack of data about the experience and needs of refugee women hides the extent of the human rights abuses

they suffer and feeds into the negative discourse. Without individual registration, women cannot access identification cards and, by extension, food, shelter, health care and education. Unequal access to decision-making processes and lack of autonomy, self-determination and recognition of their knowledge and capabilities effectively trap women in minority status. The lack of engagement of men at all levels, from refugees to UNHCR staff, in the promotion of gender equality, and a blindness to its importance, is an outcome of the negative discourse. This is compounded by the lack of gender disaggregated data and the reluctance sometimes to acknowledge the extent of sexual and gender-based violence.

Addressing gender inequality requires a genuine move away from burden sharing and toward responsibility sharing and the structural changes needed to make this transition. It is important to note that structural change at an international level occurs within the dynamic and often hostile context of international politics. It will take an enormous amount of political will to bring about the structural changes, law and policy necessary for this to happen. Structural and operational change does not come without a cost. Additional resources will be necessary. Part of the change of mindset and focus from burden to responsibility should go further, from burden to investment, with an emphasis on potential longer-term gain; for example, the proven economic impacts of educating girls, regional cooperation and peace-building initiatives. If one accepts Giddens's theory of structuration, then it is not sufficient merely to examine the structural changes needed to improve political will and achieve better protection for refugee women and girls. Operational responses must also be examined, as they contribute to the shape of the current social structure, and in a circular fashion, the current structure contributes to the type of operational responses that are funded and implemented (Giddens 1984; Ross 1992; Stones 2005).

To better meet the protection needs of woman and girls, some of the key structural challenges that need to be addressed include addressing root causes, such as poverty and political factors that generate large refugee flows to countries of first asylum, where refugees often remain for protracted periods with few rights (Hyndman and Giles 2016), while others may move to countries of second and third asylum in search of effective

protection, as recently seen in Europe. Importantly, the cost of hosting refugees must be fully documented and acknowledged. A much larger group of responsibility bearers must be engaged, including the World Bank, private corporations, regional bodies, local governments and other non-traditional donors. Resettlement opportunities and alternative and complementary protection pathways, such as private sponsorship and skilled migration opportunities, must be expanded. While always maintaining the focus on protection and humanitarian aid, the discourse must shift from regarding refugees as burdens to regarding their support as a state responsibility and, importantly, an investment in the social and economic framework of the host country. It must also be recognized that efforts to achieve gender equality cut across cultural and ideological belief systems that many governments are not willing to change.

Recommendations to the WRC

Promote Structural Changes through Policy Documents and Advocacy

While addressing root causes in countries of origin is beyond the scope of the UNHCR and the WRC, focus must be placed on measures that will strengthen and assist countries of first asylum to respond in an effective manner to the immediate and ongoing protection needs of those arriving and to put in place durable solutions as soon as possible. These will include fulfillment of the commitments made in the New York Declaration (UNGA 2016). Increased and improved development aid, with a focus on attaining the Sustainable Development Goals, could help prevent poverty-related conflict and flight. Policies and practices of some powerful countries in the Global North — such as the arms trade, monopolies of and conflict over scarce resources, and the suspension of development aid (including reproductive health care) by donor countries for domestic political reasons, all of which contribute to root causes — must be acknowledged and addressed.

The involvement of non-traditional stakeholders, and donors in particular, must be acknowledged and encouraged in all WRC policy documents, to help address the serious shortfalls in the funding needed to provide adequate protection for refugees. The development of refugee capacity for self-reliance, and in particular, the often ignored capacity of women and girls in both refugee and host communities, must be encouraged and has the potential to provide a major contribution to funding shortfalls.

Policy documents should position the potential contributions of refugees, including women and girls, as investment opportunities in the social and economic structures of both host and refugee communities, to facilitate a move away from the concept of refugees as a burden borne mainly by developing countries.

The WRC should advocate for a framework that, on a case by case basis, assesses the capacity of host countries to respond to refugee flows and to provide the necessary development and humanitarian aid to strengthen the social and economic structure of the host country and refugee communities. The particular needs of women and girls experiencing extreme poverty, in both refugee and host communities, must be taken into account. Formulations must be designed that link development and humanitarian aid in ways that are seen not to threaten the decision making of host communities to determine their own socio-economic policies.

The WRC should advocate for the support required to enable governments to establish departments and institutions that promote gender equality. Further, it should advocate that these be funded and involved in identifying gender-focused solutions for both the refugees and the host communities in which they live, and that legal systems be strengthened to ensure justice for refugees.

Host countries that have patriarchal structures and cultural belief systems that do not favour gender equality need specific support to enable them to raise the standard of living and social equality of women and girls in their own communities at the same time as they address the specific needs of refugee women and girls. The WRC should advocate for the development of measures that demonstrate the proven economic value of providing education to women and girls, and for support and assistance to establish the institutional/

political mechanisms, such as a Ministry for Women, that can support this happening.

The operational recommendations below are all critically important to realize gender equality for refugee women and girls, but they cannot be achieved unless concurrent actions are being taken to achieve structural change.

Promote Operational Changes

The following recommendations are designed to address the linked and compounding effects of the barriers faced by refugee women and girls at all stages of the refugee journey. They will both contribute to structural change and be made viable by the structural change that occurs. Given the intersectional nature of gender inequality, it is imperative to address each of the many barriers and layers of discrimination that refugee women and girls face simultaneously.

With regard to Barrier One (Ideological and Political Issues, Including a Lack of Political Will by Some States and Key Stakeholders), it is recommended that:

- The WRC take a lead role in leveraging the political will necessary to address the unique barriers faced by women and girls. For example, the WRC can reinforce the fact that resettlement is designated for “the most vulnerable refugees,” not those who will provide the most immediate benefit to the host country, and work to ensure that new, complementary protection pathways, including skilled migration opportunities, do not further marginalize women and girls who might have been denied formal education.
- The WRC propose the appointment of, and identify multi-state funding for, a high-level gender adviser to the UNHCR, with broad powers to work with member states and other key players, similar to the Coordinator for Refugee Women position funded by the Canadian government in 1989 (Berthiaume 1995).
- The WRC encourage member states, the UNHCR and partners to commit to ensuring adequate gender equality and sexual and gender-based violence expertise in their work with refugees, including mandatory training for all staff. Specific technical positions must also be filled, by drawing upon existing pools of standby experts and by supporting the development of a current, flexible and

accessible online “community of practice” that includes examples of best practices to achieve the goal of gender equality.

With regard to Barrier Two (Discourse Used to Discuss Refugee Women and Girls as Vulnerable and as Members of a Minority Group), it is recommended that:

- The WRC recognize that language is a major conductor of attitude and of change, and ensure that the discourse and language used about refugee women and girls in all documents, recommendations and policy is coherent with the UNHCR AGD approach; reflects the reality of refugee women’s and girls’ lives; and recognizes refugee women’s and girls’ protection needs, as well as their strengths and capabilities.
- The WRC ensure that its advice emphasizes the need to employ targeted actions, as well as mainstreaming, to achieve gender equality, and, when mainstreaming is used as a policy platform, that care must be taken to ensure that it is genuine, reflecting the AGD approach, and not merely the tokenistic application of the word “gender” or a facile mention of women and girls. The WRC should promote effective mainstreaming through a focus on how national policies intersect with international norms and policies.

With regard to Barrier Three (Endemic Sexual and Gender-based Violence and Its Impact on Individuals, Families and Communities), it is recommended that:

- The WRC recognize the invasive and pernicious impact of endemic sexual and gender-based violence, for women and girls and for men and boys, in all its policy advice, in all aspects of protection responses, and work to ensure that the current legal frameworks and policies be examined and strengthened when necessary. Examples of good service provision should be articulated and included in all aspects of response to the issue. Whenever possible, research should be sponsored to address barriers to this occurring.
- The WRC promote that the health, psycho-social and legal needs of sexual and gender-based violence survivors, including access to justice and an end to impunity for perpetrators, be addressed through the provision of care and

services by qualified and gender-sensitive personnel at all stages of forced displacement and as part of durable solutions.

With regard to Barrier Four (Lack of Accurate Data Collection, Information, Evaluation and Monitoring), it is recommended that:

- All analysis, policy, program design and evaluation advice and recommendations developed by the WRC include the development and implementation of AGD disaggregated data, whenever feasible to do so, and at all stages of forced displacement and refugee response, to better inform planning and programming.
- The WRC support and recommend the development of both an AGD analysis tool, and a gender equality accountability framework with indicators and viable monitoring and evaluation mechanisms, recognizing the rights, needs, priorities and capacities of all refugees.

With regard to Barrier Five (Lack of Individual Registration and Documentation), it is recommended that:

- The WRC members support and apply an AGD approach in all assessment and service delivery activities. These activities will include the training of all reception personnel, including security guards and interpreters, on AGD sensitivity.
- The WRC and its members advocate that all registration processes, including those implemented by member states and/or the UNHCR and other actors, should provide rapid and individual registration to all refugees.

With regard to Barrier Six (Exclusion from Participation in All Aspects of Decision Making), it is recommended that:

- The WRC adopt, as a principle, that the full, equal and meaningful participation of refugee women, men, youth, girls and boys be mandated at all levels of refugee protection — in flight, reception, camps, urban sites, local settlement, resettlement, peacebuilding and conflict resolution — and throughout the operations management cycle. This principle will recognize that communities do not always need large numbers of expatriate NGOs to deliver all services, but that with modest resourcing and training, including human rights-based

AGD training, they have the capacity to undertake the majority of these roles.

- The WRC recommend that proactive and effective support be provided to all refugees to ensure that they are able to contribute their maximum potential and are given equal opportunities for self-representation and decision making. These provisions must recognize that women and girls may need particular support to overcome ongoing barriers to their participation, including information, training and mentoring.

With regard to Barrier Seven (Lack of Involvement by Male Policy Makers, Service Providers and Refugees in Promoting Gender Equality), it is recommended that:

- The WRC support the active involvement of men, young men and boys at all levels in addressing gender equality. Doing so will include supporting the development of context-specific programs — in partnership with refugee men, women and youth — to educate and train male refugees of all ages in how to participate in a constructive and effective manner to address sexual and gender-based violence and to support equal participation and access to opportunities for women and girls.

Conclusion

These recommendations have been developed based on extensive research by academics and key stakeholders in the field and through the process that has led to the adoption of the global compact on refugees. A more comprehensive set of recommendations for addressing gender in refugee law, policy and practice can be found in the final report of the gender audit of the thematic meetings and UNCHR Dialogue (UNHCR 2017c). The most important lessons learned from this process are that the issues cannot be addressed in isolation, and that they are simultaneously structural, ideological and political. Gender equality and the specific needs of refugee women and girls, alongside those of men and boys, acknowledging age and diversity, must be navigated within this complex process. Until this happens, women and girls will suffer from disproportionate

discrimination and marginalization and continue to be victims of endemic sexual and gender-based violence. We know this is happening; there is undeniable evidence to prove it. To know and not to act is to be complicit.

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About CIGI

We are the Centre for International Governance Innovation: an independent, non-partisan think tank with an objective and uniquely global perspective. Our research, opinions and public voice make a difference in today's world by bringing clarity and innovative thinking to global policy making. By working across disciplines and in partnership with the best peers and experts, we are the benchmark for influential research and trusted analysis.

Our research programs focus on governance of the global economy, global security and politics, and international law in collaboration with a range of strategic partners and support from the Government of Canada, the Government of Ontario, as well as founder Jim Balsillie.

À propos du CIGI

Au Centre pour l'innovation dans la gouvernance internationale (CIGI), nous formons un groupe de réflexion indépendant et non partisan doté d'un point de vue objectif et unique de portée mondiale. Nos recherches, nos avis et nos interventions publiques ont des effets réels sur le monde d'aujourd'hui car ils apportent de la clarté et une réflexion novatrice pour l'élaboration des politiques à l'échelle internationale. En raison des travaux accomplis en collaboration et en partenariat avec des pairs et des spécialistes interdisciplinaires des plus compétents, nous sommes devenus une référence grâce à l'influence de nos recherches et à la fiabilité de nos analyses.

Nos programmes de recherche ont trait à la gouvernance dans les domaines suivants : l'économie mondiale, la sécurité et les politiques mondiales, et le droit international, et nous les exécutons avec la collaboration de nombreux partenaires stratégiques et le soutien des gouvernements du Canada et de l'Ontario ainsi que du fondateur du CIGI, Jim Balsillie.

About the World Refugee Council

There are more than 21 million refugees worldwide. Over half are under the age of 18. As a growing number of these individuals are forced to flee their homelands in search of safety, they are faced with severe limitations on the availability and quality of asylum, leading them to spend longer in exile today than ever before.

The current refugee system is not equipped to respond to the refugee crisis in a predictable or comprehensive manner. When a crisis erupts, home countries, countries of first asylum, transit countries and destination countries unexpectedly find themselves coping with large numbers of refugees flowing within or over their borders. Support from the international community is typically ad hoc, sporadic and woefully inadequate.

Bold Thinking for a New Refugee System

The United Nations High Commissioner for Refugees (UNHCR) is leading a consensus-driven effort to produce a new Global Compact for refugees in 2018. The World Refugee Council (WRC), established in May 2017 by the Centre for International Governance Innovation, is intended to complement its efforts.

The WRC seeks to offer bold strategic thinking about how the international community can comprehensively respond to refugees based on the principles of international cooperation and responsibility sharing. The Council is comprised of thought leaders, practitioners and innovators drawn from regions around the world and is supported by a research advisory network.

The WRC will explore advances in technology, innovative financing opportunities and prospects for strengthening existing international law to craft and advance a strategic vision for refugees and the associated countries.

The Council will produce a final report grounded by empirical research and informed by an extensive program of outreach to governments, intergovernmental organizations and civil society. The Council aims to have concluded its work by early 2019.

À propos du Conseil mondial pour les réfugiés

Il y a en ce moment dans le monde plus de 21 millions de réfugiés, et plus de la moitié d'entre eux ont moins de 18 ans. En outre, de plus en plus de personnes sont forcées de quitter leur pays natal et partent à la recherche d'une sécurité, et elles sont alors confrontées aux limites importantes qui existent quant aux possibilités d'accueil et à la qualité de ce dernier. À cause de cette situation, les réfugiés passent maintenant plus de temps que jamais auparavant en exil.

En ce moment, le système de protection des réfugiés ne permet pas de réagir adéquatement à la crise des réfugiés d'une façon planifiée et globale. Quand une crise éclate, les pays de premier asile, les pays de transit et les pays de destination finale se retrouvent sans l'avoir prévu à devoir composer avec un grand nombre de réfugiés qui arrivent sur leur territoire, le traversent ou en partent. Et le soutien fourni dans ce contexte par la communauté internationale est en règle générale ponctuel, irrégulier et nettement inadéquat.

Des idées audacieuses pour un nouveau système de protection des réfugiés

Le Haut Commissariat des Nations Unies pour les réfugiés (HCR) dirige des efforts découlant d'un consensus et visant à instaurer un nouveau « pacte mondial pour les réfugiés » en 2018. Mis sur pied en mai 2017 par le Centre pour l'innovation dans la gouvernance internationale (CIGI), le Conseil mondial pour les réfugiés (CMR) veut compléter ces efforts.

Le CMR vise à proposer une réflexion stratégique audacieuse sur la manière dont la communauté internationale peut réagir de façon globale aux déplacements de réfugiés, et ce, en se fondant sur les principes de la coopération internationale et du partage des responsabilités. Formé de leaders, de praticiens et d'innovateurs éclairés provenant de toutes les régions du globe, le CMR bénéficie du soutien d'un réseau consultatif de recherche.

Le CMR examinera les progrès techniques, les occasions de financement novatrices ainsi que les possibilités pour ce qui est de renforcer le droit international et d'y intégrer une vision stratégique pour les réfugiés et les pays concernés.

Par ailleurs, le CMR produira un rapport final fondé sur des recherches empiriques et sur les résultats d'un vaste programme de sensibilisation ciblant les gouvernements, les organisations intergouvernementales et la société civile. Son objectif est de terminer son travail au début de 2019.

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