

Section 1: Background of the Policy Consultation and Development Process

In December 2017, a policy consultation and development process was launched through the collaboration of the Asylum and Migration Research Centre (IGAM), Oxfam, The Turkish Refugee Council, Human Resources Development Foundation (IKGV), Support to Life (STL), Ravda Nur Foundation, Asil Vakfi, and Foundation for the Support of Women's Work (KEDV), Education Reform Initiative (ERG), Economic Development Foundation (IKV) and Network for Refugee Voices. The initiative began with an **online multi-language survey in Arabic, English, Turkish, Spanish and French, as well as in-depth interviews designed with an aim to better understand the views and perspectives of refugee-led and national civil society organizations (CSOs) from the world's top refugee-hosting countries constituted part of this process.** To date, almost 500 online surveys and 79 in-depth interviews have been completed. Responses to the online survey include views from nine of the world's top refugee-hosting countries, covering 47 countries in total.

Based on the outcomes of the consultation process, a set of priority thematic issues was determined to form the basis of a number of thematic workinggroups, including a thematic focus on women and displacement. As with other working groups, the Women and Displacement Working Group is expected to be chaired by refugee-led and national civil society organisations (CSOs) from the world's top refugee-hosting countries who, collectively, will lead the development of thematic policy positions and recommendations. This background paper aims to support the working group through providing a brief analysis of relevant international frameworks, the top host country governments' responses and positions in relation to the Global Compact on Refugees, and policy positions of CSOs from the world's major refugee-hosting countries.

Section 2: The Context

Women and girls make up of approximately 50% of the refugee, displaced, and stateless population worldwide.¹ Displaced girls are more vulnerable to be affected by exploitation, abuse and sexual violence; according to figures, 50% of victims who face sexual violence are 15 years old or younger.² It is also estimated that 1 out of 5 refugee or displaced women are estimated to have experienced sexual violence.³ Early and forced marriages is a worldwide phenomenon faced by women refugees across the globe; according to a survey conducted with refugee women in Lebanon during 2017, for example, more than 1/3 of those surveyed between the ages of 20-24 had been married before reaching the age of 18; thus, 24% of refugee girls between 15-17 was reported to be married.⁴ When it comes to education, it is estimated that girls only account for 30% of refugees enrolled in secondary schools while 10 million girls

¹ <http://www.unhcr.org/en-us/women.html>

² <https://www.womensrefugeecommission.org/empower/resources/practitioners-forum/facts-and-figures>

³ <http://www.unwomen.org/en/news/in-focus/women-refugees-and-migrants#notes>

⁴ <http://www.un.org/youthenvoy/2017/02/new-study-finds-child-marriage-rising-among-vulnerable-syrian-refugees/>

– who live in conflict zones – are not even enrolled in schools.⁵ In terms of female labor participation amongst women refugees, surveys conducted in refugee-hosting states like Turkey and Jordan show that majority of women refugees are not participating in the labor market.⁶ And yet, against the backdrop of multifaceted inequalities and disadvantages they face, women and their organisations do not receive sufficient support; **in 2015, only 1% of all funding to fragile states went directly to local women’s groups or women’s ministries.**⁷

Obstacles that women refugees and girls face start at the beginning of their journey and continue through their resettlement in a different country, through their integration into host societies. As the magnitude of the issues written above illustrates, there is an overall need for state actors, intergovernmental agencies, and international and national civil society organizations to comprehend, analyze, and find solutions for the multidimensional ways in which women get affected by forced displacement. Issues around early marriages, gender-based violence, psychological and reproductive health, and access to social services (including education and labor opportunities) are only some of the issues that refugee women are facing worldwide which require a strong, collective response through multi-stakeholder collaboration.

Section 3: International Frameworks

The 1951 Convention and Protocol relating to the status of refugees is gender neutral, without a specific focus on women or gender analysis of the displacement. It doesn’t have a specific clause particularly focusing on protection of women and girls. It mainly focuses on political persecutions by state actors in general terms. More recently, there have been interpretations of the Geneva Convention which claim that several conditions that affect the safety of women (such as gender-based violence, domestic violence, or female genital mutilation) actually fall under the persecution requirement.⁸ But even then, there is no specific clause within the Convention that provides a definitive legal protection for women refugees.

There are regional frameworks which, to some extent, provide coverage for women refugees and complement the missing gender component in the Geneva Convention. [Convention on preventing and combating violence against women and domestic violence](#), also known as the Istanbul Convention, includes specific clauses that provide protection for women refugees. Signed by the EU member and non-member States in 2011, **the Istanbul Convention calls upon signatory parties** to take legislative measures to ensure that gender-based violence against women be recognized “as a form of persecution within the meaning of the 1951 Convention relating to the Status of Refugees.” Additionally, the Convention calls for gender-sensitive reception and asylum procedures, support services for asylum-seekers, gender guidelines, and protection for victims of violence against women regardless of their status or residence.

⁵ <https://www.womensrefugeecommission.org/empower/resources/practitioners-forum/facts-and-figures>

⁶ According to a survey conducted by Oxfam and civil society partners in Turkey with over 2000 Syrian refugees, unemployment rate for women refugees was recorded as 84%. According to another survey conducted by UN Women in Jordan in 2016, 94% of Syrian women were reported to be unemployed.

⁷ http://wphfund.org/wp-content/uploads/2017/07/WPHF-2016-2-PAGER_RVSD_LR.pdf

⁸ [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536497/IPOL_STU\(2016\)536497_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/536497/IPOL_STU(2016)536497_EN.pdf)

Although not all the EU member states have ratified the Convention, **Germany and Turkey** (as the two of the major-refugee hosting states) have actually ratified the Convention.

[The Protocol to the African Charter on Human and People's Rights of Women in Africa](#), also known as the Maputo Protocol, also calls for states to ensure that women have equal rights in terms of access to refugee status and provide full protection guaranteed under the international refugee law. Additionally, the Protocol calls for local, national, regional and international decision making structures to ensure physical, psychological, social, and legal protection of refugees, particularly women. Although the protocol was adopted by the African Union, major-refugee hosting states in the continent have reservations about the protocol. Kenya, Uganda and the Democratic Republic of the Congo have signed and ratified the Protocol whereas Chad and Ethiopia did not ratify the Protocol.

More recently, following the climax of the Syrian refugee crisis in 2015, the Committee on the Convention for the Elimination of all forms of Discrimination against Women (or the CEDAW Committee) produced [a statement](#) on the refugee crises and the protection of women and girls, which was adopted by the United Nations during the 62nd General Assembly. The Committee called upon *national states* to ensure their duty to respect, protect and fulfill the rights of women and girls through the displacement cycle (as well as in the enjoyment of durable solutions including integration and/or resettlement in receiving States and/or voluntary repatriation to their States of origin); and uphold the rights of women and girls so that they have access to food, housing, water, sanitation, health services including sexual and reproductive health services, education, economic activities, and can escape poverty as well as gender-based violence including domestic violence.

CEDAW's recommendations were not only directed at national states; it also called upon the *international cooperation and community* to take the following measures; protect persons of concern throughout their displacement cycle (including ensuring their protection from extreme risks posed by smugglers and SGBV), increase support to countries hosting significant number of refugees as well as contributions to UNHCR and other international/region/and national organizations, develop and implement resettlement plans for people in vulnerable conditions, respect the rights of women and girls during their asylum-seeking processes and integrate a gender-sensitive approach in the implementation of national legislation on asylum, and find durable political solutions to current conflicts which are the main drivers of displacement for women and girls.

The Global Compact for Refugees on Gender

[The first draft of the Global Compact for Refugees](#) mentions improving socio-economic conditions for refugees and host communities, notably women and girls, as one of the success indicators of the global compact. The Compact also gives several recommendations that aim to improve the lives of refugees, particularly women, in the following areas:

- The Compact encourages states and relevant stakeholders to identify ways in which they can include refugees, particularly women and youth in key institutions, and **decision making processes**;

- In **education**, the Compact calls for an expanded access to secondary and tertiary education (through scholarships and connected learning) with a particular focus on women and girls;
- To foster inclusive economic growth, the Compact calls for the promotion of **economic opportunities** for host communities and refugees, including specifically for women, youth and those with disabilities, through enabling policy, legal, and administrative frameworks;
- The Compact calls for interested states and relevant stakeholders to include refugees in national **health systems** and strengthen these systems for the benefit of both local communities and refugees, including, in particular, women, children and youth, and people with disabilities;
- The Compact also calls for the facilitation of the participation of refugees and returnees (notably women and youth) in relevant processes and decision-making, including peace-building activities, and returnee monitoring to provide updated information on return areas.

Section 4a: Positions of Major Host Countries

When it comes to understanding state positions and policies towards women refugees, the top-10 refugee hosting states demonstrate a range of practices and policies. Most refugee-hosting states are either a signatory to international frameworks or have national laws and regulations that promote gender equality and/or provide the legal framework for protection of women's rights within their national context; but the extent to which the well-beings of refugee women are covered or protected under these legal frameworks remain as an important issue to be analyzed.

One of the most explicit and progressive laws that specifically aim to protect the rights of refugee women comes from **Uganda**. The Refugee Act⁹, which was passed in 2006, underlines extending equal opportunities and access to procedures relating to refugees status; according to the Act, a woman refugee is entitled to equal enjoyment and protection of all human rights and fundamental freedoms in economic, social, cultural, civil, and other areas. The Constitution and the international and regional frameworks that the country is a signatory to (such as the Convention on the Elimination of All Forms of Discrimination Against Women and the African Charter on Human and People's Rights) provide a national and international basis for the Act itself. Considering the fact that more than 85% of the South Sudanese refugee population in Uganda is women and children, targeted responses to meet the needs of women refugees (including child protection, prevention and response to SGBV, and education) has become a priority within the Ugandan context.

Some of the refugee-hosting states do have specific clauses on improving the lives of women refugees within their national contexts. **Germany**, for example, focuses on enhancing opportunities and legal pathways for admission of refugees through (including) family reunification. Also paying attention to designing programs at the local-national level in a gender responsive manner, for example, **the German government has stated that they're in the process of developing a gender-age disability marker that will provide guidance for their humanitarian assistance**. During one of the thematic discussions on the Global Compact for Refugees, the German government has stated that they would focus on awareness-

⁹ <http://www.judiciary.go.ug/files/downloads/Act%20No.%2021of%202006%20Refugees%20Act2006.pdf>

raising, empowerment and integration of women and girls; according to the officials, relevant state measures would be integrated into a strategy “with a gender equality focus and involve close cooperation with civil society partners.”¹⁰ Additionally, the government has also emphasized the need to recognize the contribution and leadership of women in refugee communities and ensure their full participation.

The importance of integrating the perspectives of women refugees into policy making processes at the local and national level has also been acknowledged by countries **like Kenya**. The Refugee Act in Kenya, which was passed in 2006, actually aims at operationalizing this objective through making sure that the Refugee Affairs Committee provides equal participation and representation for women. The Act mentions the establishment of the Committee and requires at least 1/3rd of the Committee members to be women¹¹; which goes to show the Kenyan government’s willingness to integrate the perspectives and needs of women in designing the actual policy framework.

Some of the national frameworks that concern refugees mention women under certain categories like “persons with special needs.” Although there is not a specific clause devoted for women refugees, the regulations cover protection for women refugees under various clauses. **In the context of Turkey , for example, taking preventive and protective measures for foreigners who are identified to be victims of violence (pursuant to Law on Protection of the Family and Prevention of Violence Against Women) is ensured under the Temporary Protection Regulation.** So the national framework for preventing violence against women extends the legal coverage for women with refugee or, in the context of Turkey, temporary protection status. The Government of **Pakistan**, as a different example, has underscored the importance of ensuring resilience measures for Afghan refugees (particularly women and youth) with enhance support in areas of education, health, and livelihoods during the 29th Meeting of the Tripartite Commission in Istanbul. Within its national plan (Vision 2025), the Pakistani government has also made a number of policy commitments to improve the position of women within the country.

Some of the national contexts and legal frameworks are reported to be problematic for women from host communities and refugee populations alike; especially with regards to preventing sexual and gender based violence against women, including forced marriages and domestic violence. **In Ethiopia**, international organizations comment on the recurrence of gender-based violence in refugee camps across the country; urging the government to make gender equality a priority. Similar observations can be made for **Jordan** where, despite the country’s ratification of the CEDAW, concerns around gender-based violence, including honor crimes and domestic violence, are being highlighted by women’s groups (according to figures, early marriage rates are higher among Syrian refugee women in Jordan than in Syria.) In the African continent, while the Democratic Republic of the Congo has passed two laws which deal with gender equality and revision of the family code (which, according to the government, has led to reductions in violence against women), Chad is in the process of drafting a national gender policy as expected by its National Development Plan 2017-2021. For both countries, however, the extent to which refugee women are granted coverage is not explicitly clear.

¹⁰ German Intervention during Thematic Discussion Two, 17 Oct 2017.

<http://www.unhcr.org/events/conferences/5a0abb1e7/statement-germany-thematic-discussion-panel-four.html>

¹¹ http://www.kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/RefugeeAct_No13of2006.pdf

So the top-10 refugee hosting states demonstrate a range of different practices and policies when it comes to promotion of gender equality and safety for refugee women. While some nations have regulatory frameworks that promote the rights of refugee women within their national context, others have more structural issues with regards to implementing policies that can eradicate structural inequalities and issues that women, regardless of their legal status, face within their borders.

Section 4b – Civil Society Positions

Although experiences of women refugees are varied and differs between geographies or borders, there are some common obstacles that women on the move face regardless of their country of origin or final destination. Local, national, and international civil society organizations working with refugees across refugee-hosting states highlight the ways in which protracted displacement adversely affect the physical and psychological well-being of millions of displaced women and girls.

One common issue that has been highlighted by civil society organizations across refugee-hosting states is the need to provide psychological support and introduce measures to prevent sexual and gender based violence faced by women refugees in camps and urban areas. This is an issue that has been voiced by national and international civil society organizations working in many refugee-hosting states like Kenya, Uganda, Jordan, and Chad. Sexual violence is not only an issue that affects the living conditions for women refugees in their final destination; it is also a reason why many women refugees leave their homes.¹² For refugee women living in camps, there is a call for service providers to address the physical, social, economic, and psychological difficulties faced by women and girls, thus the need to put measures to end SGBV experienced by women and girls in camps.¹³ Related to that, domestic violence and early marriages (where, in some contexts, affect girls as early as 8 or 10 years old¹⁴) remain as a key issue that requires comprehensive response at multiple levels. For civil society organizations, the provision of child care and reproductive health services for women refugees is an interrelated issue that requires substantive response.¹⁵

Ending violence against women is not sufficient to provide a dignified life for women refugees; another important aspect is about increasing the economic empowerment and leadership of refugee women. As the Women Leadership Development (a national CSO in Uganda) states, when women from refugee populations and host communities are economically empowered, educated, and provided leadership roles, they can become “key actors in protecting and providing for their families.¹⁶” The entrance of refugee women into the labor market is a key concern especially when one takes into consideration relevant statistics; according to the UN reports, for example, 1/5 Syrian refugee households in Lebanon

¹² Medica Mondiale. <https://www.medicamondiale.org/en/nc/press/press-releases/news-details/causes-of-flight-sexualised-wartime-violence-1.htm>

¹³ Refugee Law Project. https://www.refugeelawproject.org/files/others/psychosocial_challenges_among_refugee_women_and_girls_nakivale.pdf

¹⁴ Women’s Refugee Commission, 2003 (Pakistan). <http://www.refworld.org/docid/48aa83050.html>

¹⁵ ISIS Women’s International Cross Cultural Exchange. https://www.researchgate.net/publication/267155113_Voices_Of_Congolese_Women_Refugees_In_Uganda

¹⁶ <http://www.wlede.org/index.php/news-views/news/29-wlede-at-the-uganda-summit-on-refugees.html>

are headed by women who face serious concerns in meeting cost of living, providing food for their families, and paying for accommodation costs.¹⁷ The lack of legal regulations in some of the hosting states lead to exploitation of labor (including forced labour, sexual exploitation, and trafficking) for refugee women. **There is, therefore, a call for providing appropriate legal framework and removing barriers to refugee women's access to employment opportunities across these countries.**

The leadership of women is a key issue that has been raised by civil society organizations around the world. As a host community organization from Kenya argues, empowering women and enhancing their access to resources to grow their skills is only possible if refugee women themselves are involved in decision-making mechanisms.¹⁸ **The Afghan Women's Network, on the other hand, calls for women's active and meaningful inclusion as peace negotiators, observers and advisers in multidimensional peace talks.**¹⁹

These concerns are not only reflected by refugees and host community organizations, but have been underlined in international forums, discussions, and joint advocacy positions. The key NGO messages that have been submitted to the 10th High Commissioner's Dialogue on Protection Challenges call for; incorporating gender analysis as part of any vulnerability assessment, registering women and girls upon arrival in the country of asylum, allocating proper funding for the training of government officials and caseworkers on gender sensitivity, establishing and maintaining the participation of refugee women, children, and youth in decision making in phases of displacement cycle, integrating refugees into national development plans, and ensuring refugee women and girls receive enough support in access to work permits, financial resources, and work opportunities towards self reliance.²⁰ The need to develop national and international mechanisms that conduct analysis with gender sensitive indicators is a key concern that has been raised in various advocacy messages. As reflected in an advocacy letter published by Refugees International, a successful refugee response needs to be guided by the leadership and participation of women and girls; and all monitoring and evaluation indicators should incorporate gendered and age-based consideration.²¹

Cases of Joint Advocacy Initiatives: [Women on the Move Regional Meeting](#)

In collaboration with refugee-led, national, and international civil society organizations, Oxfam and UN Women brought together organizations working with refugee women and girls in May 2016, ahead of the

¹⁷ <https://www.una.org.uk/magazine/1-2016/safeguarding-rights-refugee-women-lebanon>

¹⁸ Kituo Cha Sheria Blog, 2017. <https://kituochasheria.wordpress.com/2017/02/13/the-untold-tales-of-a-refugee/>

¹⁹ Afghan Women's Network. http://www.awn-af.net/cms/press_detail/843/12

²⁰ NGO Key Messages for the 10th High Commissioner's Dialogue on Protection Challenges.

<http://www.unhcr.org/events/conferences/5a33d5917/ngo-key-messages-tenth-high-commissioners-dialogue-protection-challenges.html>

²¹ Refugees International. <https://www.refugeesinternational.org/advocacy-letters-1/2017/10/10/making-the-global-compact-on-refugees-work-for-all-women-and-girls>

World Humanitarian Summit that took place in Istanbul during the same month. The meeting brought together more than 50 civil society representatives from 15 countries in Europe, the Middle East and North Africa to develop a joint advocacy position on responding to the particular challenges faced by refugee women and girls across the region. The policy recommendations that came out of the 2-day meeting highlight the perspectives of women refugees, their agencies, and civil society organizations working with women refugees and girls across the region; demonstrating strong commonalities with priorities highlighted by civil society organizations today. Targeting the policy and decision makers ahead of the World Humanitarian Summit, the participants urged WHS participants to;

- Eliminate the root causes of displacement, especially armed conflict and inequalities,
- Ensure the protection of women and girls living in conflict zones and ensure access of humanitarian aid to besieged and hard to reach areas,
- Secure safe and legal passage for forcibly displaced, speed up family reunification, and fully respect the 1951 Convention relating to the Status of Refugees, especially the right to individual consideration of asylum claims,
- Ensure greater participation of women in conflict prevention, peacebuilding, conflict resolution and the provision of assistance to refugees and migrants,
- Improve women and girls' access to education, work and other essential services, including health,
- Focus on the prevention of all forms of sexual and gender based violence and the protection and empowerment of survivors, and
- Strengthen legal systems to end impunity, ensure access to justice and reduce the dangers of the proliferation of small arms.

Consultation with Civil Society Organizations

According to the findings of the international consultation process in preparation for the International Refugee Congress , , priorities and needs of refugees underlined in policy papers and advocacy positions worldwide are parallel to the perspectives of refugee-led, national, international, and women's organizations highlighted throughout the consultation process.

But important observations can be made. While gender-based violence and gender protection is not amongst the top-10 priorities mentioned by organizations in the online survey, it is underlined as a top priority for refugees according to women's organizations. While GBV leads as a top priority for women's organizations by far, ability to cross international borders, xenophobia and discrimination, access to employment, and access to legal services and protection are the other issue areas that have been highlighted by women's organizations. The face to face interviews done with women's organizations show similar results when it comes to identifying the priorities of refugees; the only additional issues mentioned are around social cohesion with host communities, freedom of movement, and addressing the root causes of displacement.

What about the international policy priorities? Women's organizations believe that local integration (supporting refugees in addressing their health, education, employment, legal status, housing and other concerns in the country of asylum), addressing root causes of displacement, responsibility sharing,

integrated support to host and refugee communities, and facilitation of resettlement of refugees to third countries are policy priorities at the international level. Thus, “addressing root causes” is the least well addressed issue according to women’s organizations. **And in terms of the participation of women’s organizations in the Global Compact for Refugees discussions, only %18.2 of women’s organizations have actually engaged in the GCR development process.**

Section 4c: What is missing? Comparison of international, national, and civil society positions

The positions of civil society organizations in comparison to international and national frameworks demonstrate important findings when it comes to understanding the priorities and needs of women refugees and girls around the world.

One important analysis that comes from this comparison is the degree to which national frameworks provide sufficient coverage for women refugees; **national frameworks stand at a different pace and progress when it comes to providing a strong regulatory framework – not only for refugee women, but for women from host communities as well.** While a few refugee-hosting states have integrated specific clauses within their national frameworks about integrating the voices of refugee women and introducing programs with gender-specific indicators, some refugee-hosting states have been heavily criticized for failing to introduce equal policies that could provide comprehensive protection for women and girls living within their borders. Wide-spread gender-based violence, restricted sexual and reproductive rights, and limited access to legal, social, and economic rights are some of the issues that have been raised as major issues by civil society organizations in different national contexts.

Although the international frameworks mention some of the priorities of refugee women (such as access to legal services, education, and labor opportunities), they lack concrete suggestions or recommendations about *how to* develop and integrate gender-responsive mechanisms. While only 1% of international funds go directly to women’s organizations or ministries, there is still a limited effort to integrate a gender perspective in international program development and implementation or revise the humanitarian system from a gender-sensitive perspective. While gender-based violence is an issue that has been voiced by international, national, refugee-led and women’s organizations, there is a lack of clear guidance in international frameworks as to how the issue can be resolved at the local and national levels to make sure women and girls are protected from sexualized and gender-based violence through their forced journey and in their final settlements.

As mentioned before, addressing root causes of displacement is not only a priority area for women refugees; it has also been identified as one of the “least addressed” issues by women’s organizations. While the international frameworks briefly mention the need to address the political issues that causes mass displacement of millions of people worldwide, there is a lack of political analysis and will to fully comprehend and provide solutions for preventing the mass movement of people across borders.

Section 5: Guiding Questions for the Women and Displacement Working Group

Questions written below aim to stir discussions for the Gender Working Group as the group members embark on their journey to develop policy recommendations ahead of the International Refugee

Congress. The list is not exhaustive; the WG members are encouraged to discuss issue areas as they see fit and relevant.

1. Based on consultations and desktop reviews, there are multifaceted issues faced by women refugees and host communities throughout their forced journey. Looking into these issues and the way the women's groups have prioritized them at various point, what policy solutions are needed to address those priorities more specifically? What should be done at the local, national, regional, and international level to protect and promote: a-) economic wellbeing of refugee women, b-) to ensure prevention of violence, and response to violence against women, c-) ensuring social and psychological wellbeing of refugee women and host communities, d-) Who should be responsible for developing and implementing these policies? What (if any) changes should take place within the international asylum system to facilitate a safe journey for displaced women and children? Do the existing international frameworks provide sufficiently address the needs of refugee women? If not, what should be done?
2. The Global Compact for Refugees calls upon relevant stakeholders to include refugees in national health systems; what are the particular health needs for women refugees that should be integrated in these plans?
3. What should be done across the international humanitarian and development system to reflect the needs and priorities of refugee women (including funding and distribution of aid)?
4. With regards to decision making mechanisms; what should be done to enhance the voices and perspectives of refugee women in decision and policy making mechanisms?
5. What role women and women's organizations can play / are playing in addressing the root causes of conflict? What kind of initiatives, programs, or policies can be developed (at small or large scale) to acknowledge the agency of women in conflict prevention and peace-building and mediation efforts during times of conflict? How can the role of women be augmented promoting social cohesion between refugee populations and host communities?