Paper Title: UNHCR Annual Consultations with Non Government Organisations June 2009 Gender Audit (short form)

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Background

UNHCR’s Agenda for Protection, Conclusion on Women and Girls at Risk (No. 105 (LVII) – 2006), and the Guidelines on Gender-Related Persecution are among many examples of documents highlighting the importance of considering gender as a crosscutting issue in protection of displaced persons. There are a number of guidelines on the inclusion of gender in all aspects of programs that are available to states and UNHCR offices. UNHCR claims that gender issues have been significantly mainstreamed. This Gender Audit aims to test the veracity of this claim.

Methodology

Each agenda item at the 2009 NGO Consultations was documented and special note was taken of any mention of a gender-related issue. The context of the discussion was noted, including the level of detail given. There is analysis on whether gender was mentioned cursorily or if detailed observations or concrete suggestions were made. It was noted whether the discussion involved UNHCR staff, NGOs or both.

As the side meetings ‘Defining UNHCR’s SGBV Agenda 2010-2011’ and ‘Implementing the Conclusion on Women and Girls at Risk; Economic Empowerment: One Way to Prevent and Respond to SGBV’, were explicitly gender-focused, the results from these items were separated in the data analysis. This allowed for the opportunity to observe the level that gender related issues were discussed outside of agenda items explicitly related to gender, and consequently test the progress of “gender mainstreaming”.

Discussion of Gender Related Issues under Side Meeting 7

Discussion of Gender Issues by NGOs:

Heidi Leihmann, International Rescue Committee described that the IRC has implemented gender based violence programs in 20 countries. The organization continues to realise the magnitude of this problem and recognizes it as one of the most important protection issues for people of concern. SGBV can and does impact men and boys, but it has a disproportionate impact on women and girls. Women and girls are submitted to several forms of violence e.g. conflict violence including rape; forced marriage; domestic violence. The IRC appreciates that UNHCR is trying to meet the protection needs of people of concern, especially women. They have been creating a legal framework through the 1989 policy on refugee women, and 2003 guidelines on the response to protection of sexual violence. However, guidelines are not sufficient. It is imperative that NGOs are as persistent and vocal as possible in working with UNHCR on the implementation of the SGBV agenda.

In response to the ‘HOWS’ of implementation, Heidi Lehman highlighted that:
• Institutionalising SGBV as a core protection issue is critical. This happens by mainstreaming the issue and recognising it as one that needs specific technical expertise within the organization
• There is a need for increased operational guidelines and technical capacity as this relates to SGBV
• It must be ensured that SOPs are clear in the field and are being used in the most productive way. UNHCR is a good lead agency in the cluster approach.

Discussion of Gender Issues by UNHCR:

George Okoth-Obbo, Director - Division of International Protection Services, noted that the object of the discussion is to sharpen the outline and context of the SGBV agenda for 2010-2012. Evaluation of SGBV work has shown that, while there have been important accomplishments, sexual abuse of women continues (rape, domestic violence, exploitation, forced prostitution, FGM, trafficking, prostitution, early marriages). Ethical issues are challenging UNHCR in terms of behaviour of its own staff and the staff of implementing partners. Mr Okoth-Obbo noted the continuing decrease in transgressions owing to an increase in due diligence and accountability. However, evaluation shows transgressions still occur.

In response to the ‘HOWS’ of implementation, Mr Okoth-Obbo highlighted:
• Accountability needs to be increased, especially in terms of leadership and management responsibility. However, it is clear that due diligence needs to flow down to performing players and staff members. Accountability is not a component part of a program, but part of the whole program.
• Recognised that UNHCR has programs that are failing. For example, in relation to sanitary towels there is not one program that has reached 100 per cent provision, despite the small cost that this represents (around $US315,000 a year in Kenya).
• UNHCR experience of prevention and response to SGBV is not restricted to a binary form; this is nomenclature; UNHCR seeks to touch every point on women and girls – but are NGOs and UNHCR touching the right places?
• Highlighted the provision of firewood as a protection tool. In 1993, in Dadaab, 100 women were raped at night, every night. In 1993-1995, the provision of firewood caused these numbers to drop from 100 a night to 67 for a whole year.
• Raised the issue of knowledge enhancement and acknowledged there was a communication problem between UNHCR and NGOs. He pointed to a UNHCR frustration that when it approached NGOs for evidence in cases, NGOs say they are not able to share information. The evidence base of SGBV needs to be strengthened and multiplied – “evil is hidden in plain view; we have the information, but it is wedded to ideology. It’s not a starting point to act”. UNHCR strongly supports the use of disaggregated data.
• Highlighted that the involvement of men and boys is critical. A video shown by the Refugee Law Project (Gender against Men) showed the sexual abuse that is also occurring against men (hidden crisis). SGBV should not be seen as only a women’s problem, but this discussion should not turn into a debate about which gender’s issues have more merit. Action against these problems is merited from both sides. The work for women is much more advanced. The question was raised whether NGOs and UNHCR must pull up the work for men to the same level?
• Highlighted that there were some needs that UNHCR would like to make non-negotiable, e.g. the provision of sanitary towels. He also asked NGOs what would be some of the things UNHCR should aspire to place at as close to 100 per cent so SGBV gets the first dollar, not the last.
Where could gender have been mentioned?
George Okoth-Obbo mentioned that UNHCR strongly supports the use of sex-disaggregated data. However, given that the FOCUS software does not incorporate such data, this remains a contentious issue.

Analysis:
Overall, 38 mentions of gender related issues were made, the break-down of which is portrayed in the following graph:

**Chart 1: UNHCR and NGO mentions of gender under Side Meeting 7:**

<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability and Gender</td>
<td>11%</td>
</tr>
<tr>
<td>AGDM</td>
<td>5%</td>
</tr>
<tr>
<td>Empowerment</td>
<td>18%</td>
</tr>
<tr>
<td>Gender Disaggregated Data</td>
<td>11%</td>
</tr>
<tr>
<td>Women and Girls at Risk</td>
<td>0%</td>
</tr>
<tr>
<td>Protection of Women and Girls</td>
<td>0%</td>
</tr>
<tr>
<td>Sanitary needs</td>
<td>50%</td>
</tr>
</tbody>
</table>

Discussion of Gender Related Issues under Side Meeting 8

**Gender Issues discussed by NGOs**
Dr. Eileen Pittaway from the Centre for Refugee Research said that the key outcome for this session was to be to evaluate: a) how the AGDM framework could be turned into a good monitoring tool for NGOs, and b) how to make best use of the working group, website and resource database. Conclusions are a vital and effective tool for advocacy and can be used to hold states accountable for the promises they agree to. Eileen gave an update the progress of the Working Group: It has been up and running for a year totally, however, it remains unfunded, thus progress is slow. A website for the monitoring of the Conclusion has been created, and the establishment of an electronic resource database is underway. ‘Livelihoods’ were stressed as a key protection measure, not merely a tool for income generation.

Joan Timeney from the Women’s Refugee Commission presented its manual on Livelihoods (available online) and it was highlighted that if programs are not targeted and do not result in
women earning an income, then their purpose as a protection tool is compromised. Livelihoods projects must be developed within the context of the economic market, creating skills for which jobs are available and that are transferable upon resettlement. It was also noted that work, especially in the informal sector, can create risk, vulnerability and situations of exploitation.

The Women’s Commission recommended:
1) Staff working on SGBV should work together with staff working on livelihood programs, in order to work through a ‘gender lens’.
2) Ensure that women have a control over the resources that they are earning,
3) Engaging men and boys in addressing protection concerns of women and girls,
4) More investment in ‘cottage industries’ so that women can work from home.

Participating members broke into 4 discussion groups, and the key outcomes were as follows:
1) In order to prevent SGBV, boys and men must be included and considered in project design
2) Beneficiaries must be involved in the project planning process
3) Resource sharing could occur through a network/email list with areas of concern to be prioritised by members. Sub-groups should be made responsible for certain areas of concern in order to conduct research into gaps in these areas. A ‘wiki’, such as that created for the World Refugee Survey, could be made. The online network would be beneficial as the group is unable to meet regularly due to geographical distance.
4) US$25,000 is needed for funding. Suggestions were brought forward, including through the World Bank, Post Conflict Unit – it was noted that showing a united front would bring weight to the cause.
5) NGOs should be involved in the AGDM monitoring process, possibly through a peer-review framework, especially considering the ‘tick the box’ nature of the tool, which can be inaccurate.
6) There was calls for the AGDM framework to be built into the new FOCUS software

Gender Issues Discussed by UNHCR
The AGDM framework was presented by Naoko Obi from the Community Development, Gender Equality and Children section of UNHCR. It is a key mechanism through which NGOs can make UNCHR more accountable on its commitment to the Conclusion. It aims to create an enabling environment for the implementation of the Conclusion. AGDM is a simple check box format, indicating compliance in four areas of concern: 1) Mainstreaming of AGDM, 2) Enhanced protection of women and girls, 3) Protection of children, including adolescents, 4) Enhanced response to SGVB. For example, 10 over-the-phone spot checks were conducted to make the process more transparent

When identifying areas that prevented UNHCR staff from fully implementing AGDM, the reasons given were primarily: 1) Lack of resources, 2) Lack of staff, and 3) Lack of partnerships/lack of partner engagement.

Where could gender have been mentioned?
UNHCR reasoned that protection gaps existed due to lack of resources, staff and partnership engagement. However, there was no discussion by UNHCR as to how they would be addressing these issues. Furthermore, there was no acknowledgement that protection gaps may
be the result of structural features of UNHCR’s policy on gender, such as the FOCUS software omitting gender disaggregated data, and the superficial nature of the check box system.

Analysis:
Overall, 38 mentions of gender issues were made, with the majority of discussion instigated by NGO actors. The breakdown of mentions is demonstrated in the following chart:

Chart 2: UNHCR and NGO mentions of gender under Side Meeting 8

UNHCR and NGO mentions of gender under SM8

- Accountability and Gender: 13%
- AGDM: 29%
- Empowerment: 0%
- Gender Disaggregated Data: 13%
- Women and Girls at Risk: 0%
- Protection of Women and Girls: 5%
- Sanitary needs: 0%
- SGBV: 0%
- Use of the handbook: 11%
- WLI/livelihoods as a protection tool: 24%
Gender Comments by Session: Testing the Concept of Gender Mainstreaming

Special note of gender issues discussed outside of designated ‘gender agendas’ was taken in order to test the level of discussion of gender issues in other agenda items. The full text of the gender audit of each session follows this analysis.

Despite claims of progress towards gender mainstreaming, many agenda items featured no discussion of gender issues. Chart 3 compares the level of discussion of gender issues outside of the designated ‘gender agendas’, Side Meeting 7 and Side Meeting 8. Often, gender was entirely absent in discussion and was only raised by UNSW interns or staff from the Centre for Refugee Research.

In the Opening Plenary UNHCR failed to recognise the importance of gender-disaggregated data, despite its importance raised by NGOs for protecting the rights of women. Significantly, no commitment was made by UNHCR to the NGO community that this would be implemented. Rather than aiming for standard practice, UNHCR said the final outcome would be dependent on states.

Erica Feller spoke of several key issues on UNHCR’s protection agenda where gender could have been mentioned. Protracted refugee situations were discussed with no mention of the endemic nature of SGBV. Furthermore, gender was not identified as a crosscutting issue that came out of the High Commissioners Dialogue on Protracted Situations.

During Agenda Item 2, the Asia–Pacific Bureau, the topic of Rohingya in Bangladesh came up, a population in which survival sex (including by young girls) and SGBV is endemic, but the particular needs of women and girls did not arise.
During Agenda Item 3, *The Americas Bureau*, gender in an urban context was only mentioned briefly with no attempt to tease out the distinct problems faced by women and girls in urban settings: SGBV in the informal sector, survival sex and domestic violence within refugee communities. Aside from the AGDM strategy, no concrete solutions to gender specific problems were mentioned. In regards to both of the previously mentioned issues the possibility of partnerships with labour organisations, women’s organisations and refugee community based organisations was not mentioned at all.

In Agenda Item 7, *Internally Displaced Situations*, UNHCR failed to acknowledge the importance of using sex-disaggregated data to adequately represent gender distributions in IDP populations. This is in spite of sex-disaggregated data being necessary to meet physical and protection needs.

Considering the endemic nature of SGBV in the informal sector in urban settings and within refugee communities, there was a lot more scope for discussion beyond the one line mentions that were given during Agenda Item 10, *Displacement in Urban Settings*. There was also no discussion around the domestic violence experienced by women in urban refugee communities.

Similarly in Agenda Item 11, *Protracted Refugee Situations*, there was an absence of discussion on the relationship between protracted situations and an increased risk of SGBV for women and girls. There was a further lack of discussion on protection measures for women and girls in protracted camp situations. Discussion of livelihoods as solution for protracted situations failed to include a gender component and discussion of livelihoods as protection tool.

Finally, Agenda Item 12, *Resettlement and NGOs*, there was complete silence on the discussion of gender issues, despite a myriad of opportunities. Discussion could have included the specific needs of women and children during both identification in country of first asylum and integration in resettlement country, especially women at risk. Discussion of family reunion could have included protection issues encountered by dependent women who were separated from their husbands and family and have since located them.

Oversight of gender related issues by both UNHCR and NGOs was also a feature of the Side Meetings. For example, during Side Meeting 1, *The Search for Regional Solutions: The 10 Point Plan of Action and Rohingyas in Asia*, there was absence of discussion around the impact of statelessness on Women and Girls and the protection challenges this poses.

During Side Meeting 4, *The Forgotten Refugees in Latin America* the protection of women and girls in protracted and urban situations was not discussed until questions from the floor (by interns of the Centre for Refugee Research) were raised. There seemed to be very little information about protection measures against trafficking.

During Side Meeting 9, *Disabilities in Displacement*, no discussion was held as to how to best provide protection in this context or on the issues facing disabled victims of SGBV. There was no discussion of other issues facing women and girl refugees with disabilities, including the impact of multiple levels of discrimination, lack of access to livelihoods, the extra demands on time of household duties and myths about the causes and communicability of disabilities.
Conclusion

Despite UNHCR’s strong normative commitment to gender equality and the process of ‘gender mainstreaming’, gender issues continue to be marginalised in UNHCR-NGO discussions about key policy and areas of concern.

Whilst gender issues dominated the Side Meetings 7 and 8, most of the other agenda items and side meetings only made superficial references to the specific needs and concerns of women and girls. If gender is to be at the heart of operational planning, UNHCR and NGOs should be engaged in dialogue with one another as to how gender specific protection concerns can be addressed. For example, in relation to the protection of urban refugees, discussions on issues of ‘survival sex’ and SGVB in the informal sector are imperative should gender mainstreaming be effectively implemented.

In the initial stages of its implementation of new organisational frameworks, UNHCR must incorporate how these can address gender concerns. The AGDM framework is supposed to be a benchmark for organisational practice, yet it is has not been incorporated into the Global Needs Assessment. In particular, the new FOCUS software does not include sex-disaggregated data - an issue consistently brought up by NGOs that was not addressed by UNHCR. In relation to accountability for the gender process, NGOs see a need for partnership with UNHCR. Despite strong commitments to gender by senior members of UNHCR staff, these often fail to translate to changes at the field level. NGOs put forward the idea of a peer review system whereby NGOs in the field can have some input into UNHCR field staff commitment to AGDM. In relation to addressing one of the most critical protection areas for women, NGOs saw a need for UNCHR to develop operational guidelines and technical capacity.

Should a process of genuine gender mainstreaming occur, UNHCR needs to take a lead starting conversations on how the Office and NGOs can work together to address specific gender issues in more than just designated side meetings. Normative commitments to gender mainstreaming require practical application for the protection of the women and girls to be achieved.