

FEMICIDE

VOLUME VI

VIOLENCE AGAINST GIRLS IN FLIGHT



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FEMICIDE
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VOLUME VI

Preface

For the past five years, the Academic Council on the United Nations System (ACUNS) Vienna Liaison Office has committed itself to raising awareness about the many forms of femicide and the impunity sometimes accepted by law enforcement for the most extreme forms of violence against women. We have made a significant contribution in terms of placing these heinous crimes high on the international agenda. We will continue to devote our energies to combating all forms of gender-based violence (GBV) against women and girls.

In 2016, ACUNS organized two side events at the Commission on Crime Prevention and Criminal Justice (CCPCJ) that took place at the UN Headquarters in Vienna. The topic of the first side event was violence against girls fleeing armed conflict, natural disasters, and other humanitarian emergencies. The second side event dealt with the responses of criminal justice and law enforcement institutions in relation to violence against girls. In addition, on the occasion of the International Day for the Elimination of Violence against Women, ACUNS is organizing its sixth annual symposium together with the Organization for Security and Cooperation in Europe, the Fundamental Rights Agency, and Women Against Violence in Europe. The symposium will cover the proposal of the UN Special Rapporteur on Violence against Women, Dubravka Simonovic, to establish a national Femicide Watch in every country, which would aim at collecting information on gender-related killings of women.

FEMICIDE Volume 6: Violence Against Girls contains the speeches delivered at these side events, at which high-ranking officials and experts on GBV presented comprehensive ways of reducing the risk of such violence, increasing the quality of protection for girl victims, and ending the impunity for perpetrators. It also includes the most recent and most effective prevention and mitigation strategies on gender-based violence against underage girls.

In this volume of *FEMICIDE* we pay particular attention to girl refugees, displaced girls and migrant children, and the specific forms of violence and abuse occurring in the context of their flight. The refugee and migration flows in 2015 and 2016 have often been accompanied by abuses of the rights of children, and girls in particular. In such extreme situations as armed conflict, natural disasters, and other emergencies, girls are especially vulnerable to forced marriage, sexual exploitation, trafficking, psychological and physical intimidation, during all stages of their displacement. As girls are the most vulnerable of the vulnerable and are less likely to seek protection and a remedy, this publication focuses specifically on transnational aspects of violence against children, which are often neglected.

We hope that *FEMICIDE Volume 6: Violence Against Girls* will serve as a major resource handbook for practitioners, academics, state representatives, activists, legislators and prosecutors, and will contribute to providing directions for prevention and effective responses to violence against girls.

Veronika Bezinsky and Michael Platzer

Statement of António Guterres

Conflict and displacement are terrible experiences for anyone. But they pose the most serious risks to those who are the least able to protect themselves: children. They already make up half of the world's refugees, the highest proportion in over a decade. The impact of forced displacement on children is enormous - sometimes with only a few hours' notice, they have to abandon everything they know: their homes and communities, their schools, their friends, their aspirations. Far too often, becoming a refugee also means leaving behind their childhood.

Many of the refugee children I have met experienced the violence and brutality of war, lost loved ones or were wounded themselves. They may have found shelter from the fighting across the border, but their life in exile is full of uncertainty and daily struggles. Many are separated from their families, have difficulties accessing basic services, and live in increasing poverty. Only one in two Syrian refugee children in the neighbouring countries is receiving education, and many receive only informal education short of required standards.

We know that refugee children are at increased risk of child labour and recruitment, and more vulnerable to violence in their homes, communities or schools, including sexual and gender based violence. This is one of the reasons, along with financial difficulties, why more and more refugee parents agree to marry off their daughters as children. Maha in Jordan is one of them, having had to abandon her dreams of becoming a doctor when at age 13 she was married to a man ten years her senior. Now, still a child, she will soon be a mother.

And as refugees grow increasingly desperate, thousands of children attempt to move further afield, putting themselves at risk of abuse by smugglers and traffickers. Half of the over 20,000 children who have arrived by boat in southern Europe this year were unaccompanied. Hundreds of others drowned trying to cross the Mediterranean.

The consequences of violence against children are serious, long-term and costly - for both the children affected and their societies. Protecting refugee children is a core priority for UNHCR, and doing this right requires the close cooperation of all stakeholders. We must do better to keep refugee children safe - through giving them access to quality education, psycho-social care and targeted support for those with specific needs, and by ensuring they are registered at birth. But equally important is support to their families and communities so they can protect them better.

In everything we do, we must acknowledge the resilience, the strength and determination of refugee children. The most important way to do this is to listen to them - not only to understand their real needs, but also to engage them as equal partners in finding solutions to keep them safe and protect their rights.

Despite everything they have lived through, many refugee children and especially adolescents are extremely dynamic and resourceful, with a passion for achieving a better future for themselves and for their families. Ignoring the capacities and aspirations of these young people is a terrible mistake. Crises can also create opportunities, and the young are often the first to grasp them. They can be powerful agents for change within their communities and societies. It is our responsibility to provide them with the opportunity, the resources and the voice to do so.

Not investing in young refugees is a huge missed opportunity. We must not allow these children to become a lost generation. If we do not protect them from exploitation and abuse, if we leave them uneducated and unskilled, it will delay by many years the recovery and development of their countries.

Clearly, the ultimate key to protecting children lies in resolving the conflicts that forced them to flee - and only political solutions can address it. But until they are found, we must do everything to protect and nurture this generation of refugee children. Because it will be them who hold the keys to the future of their countries, and to peace and prosperity for the entire region.

Statement of António Guterres, United Nations High Commission for Refugees at Regional Conference on Protecting Refugee Children in the Middle East and North Africa, "Investing in the Future", Sharjah, United Arab Emirate, 15 October 2014.

Full speech available at <http://www.unhcr.org/admin/hcpeeches/543fce099/investing-future-regional-conference-protecting-refugee-children-middle.html>

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PART I

TWENTY-FIFTH SESSION OF THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

“TODAY THERE IS STILL A WIDESPREAD CULTURE OF NEGLECT AND DENIAL OF VIOLENCE AGAINST WOMEN AND GIRLS. WE MUST COMMIT TO CHANGE THIS. WE, ESPECIALLY MEN, ARE OFTEN RETICENT TO SPEAK OUT TO CONDEMN VIOLENCE AGAINST WOMEN AND GIRLS. BUT THIS SHOULD NOT BE VIEWED AS A PERSONAL MATTER, IT IS AN ESSENTIAL PART OF OUR WORK TO PROMOTE INTERNATIONAL PROTECTION.”

*MESSAGE TO THE STAFF BY UN HIGH COMMISSIONER FOR REFUGEES, ANTONIO GUTTERES,
26 NOVEMBER 2007*

1.1 ACUNS Side Event: Girls fleeing war, terrorism, catastrophes and the perils of flight: Risks of exposure to death and crime

1.1.1 Opening remarks by Dr. Dubravka Šimonović, United Nations Special Rapporteur on Violence against Women, its Causes and Consequences

Excellences,
Distinguished delegates,
Ladies and gentlemen,

I would like to start by congratulating you, Mr. Chairperson, on your election as well as members of your bureau and by thanking the UNODC Executive Director, Mr. Fedotov, for inviting me to participate in the work of the Commission on Crime Prevention and Criminal Justice (CCPCJ).

It is my pleasure to deliver this statement in my capacity as the UN Special Rapporteur on violence against women, its causes and consequences. I welcome this first opportunity to address the CCPCJ at its 25th session and hope that this will be the start of a fruitful cooperation between my mandate and this Commission.

I have been appointed by the Human Rights Council in June last year and took up functions in August. As Special Rapporteur, I engage with States through sending communications on allegations of violence against women; carrying out country visits, where I meet with Government representatives, civil society organisations, human rights defenders, victims and other stakeholders and provide action-orientated recommendations through visit reports; participating in conferences, meetings, workshops related to the work of my mandate. The last but not least component of my mandate is the preparation of thematic reports for both the Human Rights Council and the General Assembly consideration, beside my oral report before the Commission on the Status of Women. I also greatly value partnerships with other entities and intergovernmental fora such as this one which are committed to the collective efforts to eliminating violence against women.

The first report that I will present in June of this year (A/HRC/32/42) outlines the vision for my mandate and the thematic priorities that I intend to focus on.

I have noted in this report that the legal and policy landscape around my mandate has changed owing to developments in international and regional frameworks and mechanisms on violence against women. These developments have led me to reshape the role and focus of this mandate on prevention, implementation challenges and collaboration with all other relevant global and regional mechanisms in order to accelerate the elimination of violence against women, its causes and consequences.

In this context, I am particularly glad to be able to engage with the CCPCJ which, as the principal policymaking body of the United Nations in the field of crime prevention and criminal justice, has carried out an important body of work in the field of violence against women.

A strong cooperation with the Commission is key to accelerate the implementation of the goals of the mandate

at the level of gender sensitive national criminal justice systems. As mentioned earlier, my immediate priority on which I intend to report at the General Assembly is the issue of femicides.

You may be aware that last year, on 25 November 2015, the International Day for the Elimination of Violence against Women, I called upon all States to establish a “femicide watch”, or a “gender-related killing of women watch” and publish data on the number of femicides, disaggregated by age and ethnicity of victims, and the sex of the perpetrators, and very importantly indicating the relationship between the perpetrator and the victim. Information concerning the prosecution and punishment of perpetrators should also be collected and published. Each case of femicide should be analyzed by national bodies established for this purpose in order to determine the shortcomings of national prevention systems, the lack of risk assessments and management, and consequent misidentification, concealment and underreporting of gender-related killings. This mechanism would provide crucial information related to such violence and will point out on effective measures and strategies needed to prevent femicides.

I am very mindful of the body of work carried out by the CCPCJ. This Commission remarkably initiated and adopted two resolutions on the issue which eventually were adopted by the General Assembly, placing this issue at the highest level of the international political agenda and calling for renewed actions. I note in particular the intergovernmental expert group meeting convened at the request of the CCPCJ and held in Bangkok in November 2014 which developed a set of recommendations on practical steps against gender-related killing of women. I am further aware of UNODC lead work on the preparation of an analytical study it has been tasked to prepare through the last GA resolution 70/176.

I am currently building on the body of work done and actions taken at the international level, but also regional, national and local level to prepare my thematic report that will be presented in October at the GA. At this stage of my research, I plan to develop a methodology that would be workable for all States to assist them in the establishment of femicides watches at the national level.

I also envisage looking at designing a Protocol at the global level for the investigation of femicides inspired by the Latin American Model Protocol for the investigation of gender-related killings of women.

My current work on femicides also fits into the broader context of the gathering and analysing of data on VAW in the framework of the 2030 Sustainable Development Agenda. This gendered agenda, with its 17 transformative

Sustainable Development Goals aimed at the realization of the human rights of all, including the achievement of gender equality and the empowerment of all women and girls, has a real transformative potential. While it is remarkable that, for the first time, the elimination of violence against women is included as a target for the achievement of sustainable goals, violence against women is also an issue addressed in Goal 11, on safe spaces, and Goal 16, relating to peace and security. I stand ready not only to assist to monitor progress but also to give guidance to States and other stakeholders in the implementation of Goal 5.

In light of the complementarity of both my mandate and the mandate of the CCPCJ in relation to violence against

women and criminal justice, I am looking forward to further engage and cooperate with the Commission in areas of common interest of both mandates to accelerate, at the level of national criminal justice systems, the prevention, protection and criminal responses to all forms of VAW, in compliance with States' international human rights obligations including the due diligence obligation with respect to crimes committed by private persons.

I trust that such cooperation could be enhanced by regular consultations between the Commission and my mandate.

I thank you for your attention.

1.1.2 Statement by H.E. Mr José Alberto Briz Gutierrez, Director General of the Ministry of Foreign Affairs of Guatemala

Thank you very much. It is a great honor to participate in this side event of the CCPCJ Session.

I would like to share the situation and some of the experiences that we have had particularly in the region of the northern triangle of Central America. The Latin American Caribbean region is one of the few regions in the world with no open conflict between countries. But we still face challenges when it comes to girls and non-accompanied minors. I will focus on the challenges facing girls trying to flee complicated situations in our region.

I would like to focus on four things: the dynamic of migration, causes of migration, measures that have been taken in Guatemala and finally the efforts of El Salvador, Honduras and Guatemala to address the root causes of this migration together.

Guatemala is a country of origin, transit and destination of migrants. On a weekly basis, thousands of children who migrate are repatriated from the United States and Mexico to Guatemala. The Latin American population accounts for about 52% of the foreign population in the United States, from which 13% is Central American. In spite the numbers of repatriated children have dropped considerably, it is still a concern in Guatemala. From January 2016 to date, 699 children have been repatriated, 26 directly from the US and 673 from Mexico. Of these 699 children, 163 are girls aged 0-13 years. From January 2016 to date, 699 children have been repatriated, 6 directly from the United States and 673 from Mexico. Of these 699 children, 163 are girls aged 0-13 years.

In recent years, migration in the so called Northern Triangle (Guatemala, El Salvador and Honduras), particularly the case of unaccompanied migrant children and adolescents, has led to changes in migration dynamics, becoming one of the biggest problems for the region. It is for this reason, that when it comes to protection, assistance, and care of minors—regardless of their migration status—we must adhere to what the international standards state: we must pursue all the mechanisms in order to guarantee and ensure their fundamental rights and for them to be

protected against all forms of discrimination based on their socio-economic situation.

Statistics have shown that the percentage of girls who decide to travel alone to cross the border of the United States is lower than that of boys. However, this does not mean we should put specific attention to the horrors suffered throughout their journey. The migration reality of these girls also affects family reunification due to the fact that, in many cases, they stayed at an early age in their communities and they want the opportunity to be with their parents. Another reason is the lack of opportunities provided in rural areas of the country; the poverty scenario they face at home—where they also play roles that don't correspond to their age—and, last but not least, due to domestic violence. Moreover, because of the irregular situation these girls are in, they are fertile ground for the violation of their human rights. They are victims of sexual exploitation, trafficking and crime. The most unfortunate thing is that, in many cases, they do not reach their final destination, losing their lives along the road and, in the worst case, disappearing. That is why the protection of their rights should be a priority not for the state and the international community.

The dynamic of migration: a surge in the number of unaccompanied minors travelling from our region to the USA was brought to our attention mainly trying to reunite with their families. Those girls and boys travelling alone are subject to different organizations that smuggle migrants into the north, they have no rights or services in transit countries to assist them like in Guatemala. But we are trying to improve the conditions and provide services to those who are found to travel unaccompanied. The parents are fleeing from insecurity and they have left their children with their grandparents and other relatives. Now they are established in the USA, Canada or Mexico and the children want to reunite with their parents in those countries.

Causes of this migration are the effects of previous conflicts in the region, there is high economic insecurity

and very few possibilities. We have the gang phenomenon, demaras, which is very present in Honduras and El Salvador and which impacts the youth and the adolescent population. If they do not immigrate and look for a better future elsewhere, minors mostly have to choose between three options, they can join these gangs and become part of organized crime, or become part of the labour force and work in inhuman conditions, equal to those of slavery, because of their vulnerability, particularly of the girls, who easily fall prey to organized crime and human trafficking.

What we are doing in Guatemala and some other countries in the region is to try to create models, or protocols, to protect and attend to the security of unaccompanied minors. As Mrs. Šimonović said, we need to cater to the differences of girls and boys, to be sensitive and include a gender perspective into those services, and that is what we are trying to do with the work of the UN System. Also try to give them psycho-social assistance and place them in different shelters, according to age and gender.

Countries of origin, transit and destination must recognize the responsibility they have regarding this reality and for them to work in favour of these girls and to provide them with the decent treatment according to what they are: GIRLS. In addition, their integration should be facilitated regardless of their migratory status, as well as to ensure them a dignified return home.

This is the reason why, in order to effectively protect the rights and interests of these girls inside and outside our borders, the Government of Guatemala has worked on the Protocol on Consular Assistance and Protection of Migrant Children and Adolescents, which among other things include Psychosocial Care Units at Guatemalan consulates (Mcallen, Tucson, Tapachula and Acayucan). Furthermore, it also offers the staff capacity building training for them to be able to understand the problems or situations girls undergo. This has been reinforced with the information campaign "What is going on? What should I do?" aimed at Guatemalan migrant children and their families in the United States. Also, the Childhood Unit at the Ministry of Foreign Affairs has been created to address specific cases involving minors. This has been possible thanks to the involvement of all stakeholders, in coordination with

agencies such as UNICEF, UNWOMEN, IOM, UNFPA and UNHCR among others. Together we have promoted a series of actions to strengthen and specialize the consular protection provided to minors abroad. We should not fail to mention the role played by civil society, which provides help not only to improve the policies aimed at defending these girls, but also to all the people out there that dedicate their lives in helping them girls along their threatening and long road.

Together with Honduras and El Salvador, Guatemala embarked the so-called "Alliance for Prosperity in the Northern Triangle". These are measures developed to facilitate and provide opportunities to young people, to eliminate the reasons for fleeing and also to facilitate the returnees. For instance, we had a surge of children, who are deported from the north back to their countries and we try to facilitate those returnees. But if they have no family left in Guatemala, we try to facilitate the reunion with their parents. Otherwise, they become more vulnerable to organized crime. What the Alliance for Prosperity focuses on is investing in human capital and human resources. We try to prepare minors and adolescents for their incorporation into society, for their integration through providing them with better job opportunities. The Alliance assists governments to invest in the economic sector and create opportunities for young people. Another focus is the strengthening of the state institutions, so the state can provide security and services for the population.

Finally, it is important to mention that the United Nations recognizes that States must fully cease the immigration detention of children and adolescents, adopting alternative measures to non-custodial arrest of freedom, which should be compatible with the best interests—in this case, the girl's interest—, for them to promote family unity and permanence of children with family members or guardians in their community surroundings, as stipulated in the international Convention on Rights of the Child, together with the observations of the Committee on the Rights of the Child and resolution on "Migrant children and adolescents", among others.

Thank you.

1.1.3 Statement by Siobhan Foran, International Federation of Red Cross and Red Crescent Societies

Ladies and gentlemen, good afternoon,

It is my pleasure to represent the International Federation of Red Cross and Red Crescent Societies at this important event and to join such distinguished panellists.

At the IFRC, our focus is on disasters, public health emergencies and population movements and it is on these contexts that I will focus my presentation. I would like to begin by citing some pretty bleak statistics and facts:

- On average, 25 million people are displaced by disaster

each year.¹

- Of 36 countries affected by armed conflict between 2008 and 2012, 33 of them were also experiencing disasters during the same period.²
- A familiar statistic that is often quoted and remains

1 IDMC, Global Estimates at a Glance, 2014

2 IDMC, NRC - At a glance Global Estimates 2014: people displaced by disasters (<http://www.internal-displacement.org/assets/library/Media/201409-globalEstimates-2014/At-a-glance-global-estimates-2014-17Sept2.pdf>). Another report by DFID (Feb. 2013) – When Disasters and Conflict Collide – states that, from 2005-2009, more than 50% of people affected by 'natural' disasters lived in fragile and conflict-affected states (Kellett and Sparks, 2012: 31).

stubbornly unchanged: 35% of women worldwide have experienced either physical and/or sexual violence.³

- Across the world, an adolescent girl dies as a result of violence every 10 minutes.⁴
- During and in the aftermath of Hurricane Katrina in the United States in 2005, the incidence of sexual assault and domestic violence increased by 300-400%.⁵
- In April 2010, over the weekend of the Canterbury earthquake, New Zealand police reported a 53% increase in callouts to domestic violence incidents.⁶
- After the 2010 earthquake in Haiti, of the women and girls who participated in a UNHCR study, every single one of them had been directly involved in or witness to transactional sex.⁷
- According to reports from UN Agencies, NGOs and the media, during the Ebola crisis, incidence of sexual violence including rape (especially of teenage girls), transactional sex and domestic violence increased significantly.

You may wonder why I am referring to this data, some of which is not linked explicitly to the theme at hand. I do so for three reasons; firstly, to demonstrate the magnitude of the issue of people in displacement as a result of disasters and the complex environments in which they may occur; secondly, to show that there is sufficient hard evidence - albeit from more developed countries or from mega-disasters and about women and girls in general rather than girls more specifically, to point to a real and significant problem; and, thirdly, to demonstrate a considerable knowledge gap in our understanding of the risks that girls in particular in displacement resulting from disasters, including small and seasonal disasters – be that at the place of origin, in transit and in the place of destination – face and, therefore, how to address these risks effectively and comprehensively.

One reason given for the knowledge gap appears to be a continuing emphasis in academic and humanitarian advocacy literature on gender-based violence in conflict. And here the research and literature has focused primarily on sexual violence perpetrated by armed groups. However, there is a growing recognition that other forms of GBV in disasters, such as trafficking of women and children, early

and forced marriage, sexual exploitation and abuse and transactional or survival sex must be addressed.⁸

In 2015, the IFRC commissioned a literature review and research in nine disaster-affected countries - Bangladesh, Bosnia-Herzegovina, El Salvador, Haiti, Malawi, Myanmar, Namibia, Romania and Samoa - the aim of which was to understand better the nature and extent of gender-based violence in disasters; to explore ways in which legal and policy frameworks, including disaster risk management, could be adapted to address gender-based violence in disasters; and to look at the role that National Red Cross and Red Crescent Societies and other local actors could take to address such violence and the supports they would need to fulfil this role. The result was the Unseen, Unheard report.

A main finding of the report is that up to the end of the first decade of 2000, there was only a small body of literature on gender-based violence in disasters and this was mainly focused on geographical areas in high-income countries, including Australia, Canada, Japan, New Zealand and the United States. In the past decade, there has been an increase in both research and humanitarian advocacy literature addressing gender-based violence in natural disasters and other non-conflict emergencies. This literature has grown since the 2004 tsunami and particularly after the 2010 earthquake in Haiti and the floods in Pakistan.⁹ Even though evidence remains limited, the empirical data that has emerged, triangulated by anecdotal evidence, depict the increase in the incidence and the emergence of different forms of gender-based violence during and following disasters, largely perpetrated by men against women and girls. However, a considerable knowledge gap exists where data collection is limited and especially where the disasters do not attract international attention or response.

The particular risks against children should be noted, as many of the statistics on trafficking, sexual exploitation and abuse and domestic violence are from studies that focus on or highlight the risk specifically for children.

Other findings relevant to today's theme include:

- That those responding to disasters are not aware that GBV increases during and in the aftermath of disasters and they are neither looking for nor preparing for it;
- That law enforcement mechanisms as well as services for survivors are often disrupted by disasters, hampering the collection of data, the investigation of reported cases and adequate care for survivors;
- Several of the country studies noted that police records during disasters were poor or missing, again indicating disruption of law enforcement activity during emergencies or even de-prioritisation of the issues;
- And, finally, while all nine countries studies have national policies on disasters and national legislation on gender, and a few refer to gender in their national disaster policies, none of their disaster plans included arrangements for preventing and responding to SGBV.

3 UN Women Facts and Figures on Violence Against Women and Girls <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>

4 UNICEF 2014 - A Statistical Snapshot of Violence Against Adolescent Girls.pdf

5 Anastario, M., Shehab, N., & Lawry, L. (2009). Increased GBV Among Women Internally Displaced in Mississippi Two Years Post-Hurricane Katrina. *Disaster Med Public Health Preparedness*, 3(1), 18-26 referenced in Women's Health Goulburn North East (2011) *The Way He Tells It: Relationships after Black Saturday*, p3. In *Predictable and Preventable*, it cites an 2007 article by the same authors but the baseline is the national average. (4.6 per 100,000 before; 16.3 per 100,000 one year later)

6 S. Phillips, *Domestic Violence on Rise in Christchurch after Earthquake Stress* (suite101.com: Insightful writers. Informed readers, 1 March 2011), cited in <http://www.whealth.com.au/documents/environmentaljustice/women-disaster-violence-litreview.pdf>

7 Amnesty International endnote viii in P&P; UNHCR 2011 *Driven by Desperation: Transactional sex as a survival strategy in Port-au-Prince IDP camps*

8 DFID 2013; NRC 2014

9 DFID, 2013

I have opened up relatively new areas of enquiry here. For its part, the IFRC is firm in its intentions to do more and to do better to address the specific assistance and protection needs of girls fleeing disasters and public health emergencies and with respect to girls in displacement.

Bolstered by the findings of both the UNODC and IFRC 2015 report on *Combating violence against migrants: Criminal justice measures to prevent, investigate, prosecute and punish violence against migrants, migrant workers*

and their families and to protect victims as well as the adoption at the Red Cross and Red Crescent Movement's International Conference in 2015 of a resolution on SGBV prevention and response, in 2016 and 2017, the IFRC will pursue new research to identify the main legal and regulatory barriers to integrating gender and addressing GBV in disaster risk management **and** to look at how legal and policy frameworks on disaster risk management can be adapted to cover these issue.

1.2 ACUNS Side Event: Gender-Based Violence Against Girls and the Criminal Law

1.2.1 Statement by Yvon Dandurand, School of Criminology and Criminal Justice, University of the Fraser Valley, and International Center for Criminal Law Reform and Criminal Justice

PRACTICAL CRIMINAL JUSTICE RESPONSES TO VIOLENCE AGAINST GIRLS

Mr. Chairman, distinguished delegates, colleagues, good afternoon. My thanks to the IJJO and ACUNS for inviting me to participate at this workshop. Certainly an opportunity that I welcome. As we all know the CRC (Convention on the Rights of the Child) was adopted more than 25 years ago, creating an obligation to all parties to take all necessary measures to prevent violence against children. However, a deep rooted skepticism still prevails about the willingness, the capacity and the ability of the police and other criminal justice institutions to intervene competently, sensitively and effectively in those delicate situations. Many countries have adopted laws that define and condemn various forms of violence against girls as serious crimes but not all of them have ensured that the police actually take these crimes seriously and accept their responsibilities with respect to child protection and prevention of violence against girls in particular.

Some of you may know that I was involved in the drafting of the UN model strategies on the elimination of violence against girls in the field of crime prevention and criminal justice. And at that time I have been involved in various training exercises including an assessment of justice for children in Ethiopia. Certainly I remained convinced that it will be an uphill battle to convince criminal justice institutions to fully play their role in playing their role in protecting children and girls.

I will try to summarize some of the lessons that I have personally learned in the last several years trying to see how we can convince countries to put those strategies into action. And I call that the ABC of improved criminal justice response to violence against girls. I am using the alphabetical order to try to prioritize all of those measures.

A: Attitudes towards violence, but also towards perceptions about what is the role of law enforcement officials, what is the role of the justice system in protecting children, the reluctance to engage in child protection issues, the distrust

of law enforcement officers and agencies towards other child protection agencies. So obviously we all talk about the law enforcement in the justice system to cooperate with other agencies, but that cooperation in most countries is far from being something that we can already build on.

B: Building the capacity of law enforcement and criminal justice institutions. Clearly we need some specialized skills there and in most countries those simply do not exist. There is poor insufficient training and training is often provided to the wrong people.

And also very importantly, many forms of violence against girls occur across borders. There is often a transnational dimension to this problem which law enforcement tends to forget. For example, according to the UK and Canada, we often find that British or Canadian children are being trafficked out to be forcibly married abroad or migrant children arriving in the UK or Canada sometimes smuggled with forged identities, or they have been forced into a marriage with a Canadian.

C: Confronting cultural practices that tolerate violence. Legal measures are rarely sufficient, they must be reinforced together with educational and advocacy measures that can successfully challenge the values, attitudes and beliefs that condone all forms of violence against children. The issue with countries like Canada is sometimes that of struggling to reconcile the need to address problems such as honor-based violence, genital mutilation, forced and child marriage internally while in the same time honoring our commitment to multiculturalism, social inclusion and preventing any form of discrimination on the basis of culture. On the one end, some of these forms of violence are identified as expressions of deeply-embedded social norms and gender-based discrimination. Yet, on the other end, whenever one refers to cultural values and practices one may expect some defensive posturing on the part of various individuals, groups and communities, who understandably fear ostracism and other forms of repercussions when such cultural practices are being denounced. We lived through something like

that in Canada, when we adopted changes to the criminal law, migration law and refugee protection law with respect to forced marriage and it was exciting to see the socio-political debate that took place, because many ethnic groups and recent immigrants took these measures (which were of course implementing international standards) as some kind of direct assault on their values and perceived as a form of discrimination. So these are difficult discussions in my country.

D: Detection and reporting which is the basis for the criminal justice system. In my country we are still dealing with very low reporting rates. The duty to report that exists in law is seldom enforced. The Canadian province where I live, there has never been a prosecution for a failure to report by a professional when there was evidence of violence against a child. So there were no consequences for failing to report. If violence is reported, we still face many challenges in following up and taking these reports seriously. Canada is not a country that has particular difficulties in terms of criminal justice data, we are well-served by the data collecting process, compared to many other countries. But when it comes to violence against children, we are still in the Middle Ages.

E: Effective Enforcement. In the countries where we work, there is still very low priority given to violence against girls. It is at the bottom of the pile, unless the case receives exceptional public and media attention. There are still many procedural issues even in fairly sophisticated criminal justice systems. There is an absence of trauma related

procedures. We started a university project on this issue, but our justice system does not understand the effects of emotional and psychological impact and this creates further problems to criminal justice proceedings and unfortunately also results in too many failed prosecutions. And these failures reinforce the attitude of hopelessness in dealing with violence against children, in devoting resources to investigations.

P: P for Protection, Enforcement of Protection Orders. Protection orders are relatively useless, unless agencies unforce them. Unfortunately, those protection orders are rarely taken seriously and that still remains an issue in most countries. In other countries protection orders are indeed taken seriously, but not when they have to do with child protection. Cooperation with law enforcement and protection agencies remains a huge issue in some countries, in others there are no protection agencies. In Canada, although there are well developed protection agencies, obstacles remain. For instance, I was recently looking at statistics in my own province, and to my surprise I discovered that in any given year there are about 300 children who are victims of violence while they are under the protection of protection agencies.

I hope I managed to give valuable advice to those who might try to plan strategies for addressing this issue at a local level.

Thank you.

1.2.2 Research summary by Monica Gutierrez , European Union Agency for Fundamental Rights (FRA)

RESEARCH ON CHILDHOOD EXPERIENCES. VIOLENCE AND TREATMENT IN JUDICIAL PROCEEDINGS

In this CCPCJ side event FRA presented the survey on Violence against women, and their experiences during childhood. The survey and interviews was conducted with 42,000 women from 28 EU Member States. The report presents experiences of physical, sexual and psychological violence women have experienced in the past 12 months, since the age of 15 and before the age of 15. According to the findings abuse is systematically under-reported to the authorities. Survey indicates that 27% of women in the EU experienced some form of physical violence at the hands of an adult, 12% experiences some form of sexual violence and 10% of women experiences some form of psychological violence by a family member before the age of 15. The survey shows that women who faced physical or sexual violence in childhood are more likely to have been victimised later in adulthood. This pattern can be observed throughout all countries and is also true for psychological forms of violence such as threats and emotional abuse. In most countries, a high prevalence of physical or sexual violence in childhood is related to higher level of physical violence against women in adulthood.

The survey showed need for constant and continuous collection of data to inform legal and policy processes. In line with the Istanbul Convention, EU Member States should be encouraged to review their legislation to reassess the justification of time limits, where these exist, on reporting abuse that occurred in childhood. Consideration should be given to responses to child abuse that require the offender, rather than the child victim, to be rehoused, provided that this is in line with protection safeguard and is in the best interests of the child. Finally, prevention programmes should target children and families at risk of violence in order to stop the cycle of abuse – with respect to both the present and the future.

Mrs. Gutierrez also presented relevant findings from the report on Child-friendly justice and Violence against children with disabilities. Reports show the need for better and widespread provision of child-friendly information and advice, effective protection measures to safeguard the child's safety (especially preventive measures against repeated victimisation). In relation to violence against girls, the research findings show, that girls with disability, especially with intellectual or psychosocial disabilities are at risk of sexual violence due to the lack of reproductive health education and awareness what constitutes sexual abuse.

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2. Child-friendly justice – Perspectives and experiences of professionals on children’s participation in civil and

1 <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

criminal judicial proceedings in 10 EU Member States (2015)²

3. Violence against children with disabilities: legislation, policies and programmes in the EU (2015)³

2 <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>

3 <http://fra.europa.eu/en/publication/2015/children-disabilities-violence>

1.2.3 Statement by Anna Giudice Saget, Crime Prevention and Criminal Justice Officer, United Nations Office on Drugs and Crime (UNODC)

ADDRESSING VIOLENCE AGAINST GIRLS: THE ROLE OF THE CRIMINAL JUSTICE SYSTEM¹

Violence against girls is one of the most systematic and widespread human rights violations. The growing body of evidence from research suggests that gender-based violence against girls is reaching alarming levels. Globally, almost 70 million girls between the ages of 15 and 19 have reportedly been victims of some form of physical violence since their fifteenth birthday.² Further, approximately 120 million girls under the age of 20 have been subjected to forced sexual intercourse or other involuntary sexual acts.³ In the criminal justice system, girls often face multiple and intersecting forms of discrimination, not only because of their age but also because of their gender. Violence against girls exists in every country of the world, cutting across culture, class, education, income and ethnic origin, and it frequently remains unrecorded, and unprosecuted, in other words: invisible.

1. Violence against Girls

An important role of the criminal justice system is – amongst other things – to prevent and protect girls from violence. However, girls remain vulnerable and are at risk of violence throughout the different stages of the criminal justice process. Effectively addressing violence against girls requires an understanding of the different forms of violence and their origins, as well as the risks and dangers involved for girls that come in contact with the criminal justice system.

i. Forms of Violence

Violence against girls manifests itself in many forms and may vary across specific settings, countries and regions. Forced child marriage, female genital mutilation, sexual exploitation, prostitution, gender-related killings (femicide) and trafficking are considered being the most prevalent forms of violence against girls. Every year, three million girls are at risk of female genital mutilation or cutting.⁴ Globally, as many as 14 million girls are forcibly

1 The content of this text reflects the inputs made by Anna Giudice Saget during the Commission on Crime Prevention and Criminal Justice side event panel discussion on “Gender-based Violence against Girls and the Criminal Law” in a presentation titled: “Addressing Violence against Girls: The Role of the Criminal Justice System” (26 May, 2015).

2 UNICEF, *Hidden in Plain Sight: A Statistical Analysis of Violence against Children*, UNICEF (2014), p.206.

3 Ibid.

4 Office of the Special Representative of the Secretary-General on

married⁵ and 84 million girls aged 15 to 19 have been exposed to emotional, physical or sexual violence by their partners.⁶ Girls living and working on the streets, as a result of abusive homes and economical restraints, are more vulnerable to exploitation and trafficking. In this regard, two in every three child victims of trafficking are girls.⁷ Effectively preventing violence against girls requires an understanding of the different forms of violence and the consequences thereof.

ii. Origins

Violence against girls is both a cause and consequence of gender inequality.⁸ Violence against girls is a form of discrimination that results from traditional gender roles and expected norms of masculine and feminine behaviour, which in turn influences how girls and boys are affected by violence. Ultimately, such violence is a manifestation of the historically unequal power relations between genders, reflected in both public and private life. Attitudes and stereotypes that subordinate girls to men and boys perpetuate practices that cause or condone violence. This is exacerbated by structural factors like poverty, unemployment and conflict that put girls at risk of sexual exploitation and violence. In addition girls, like boys, are the victims of social norms and values that consider that violence against children in various settings is acceptable.

In this regard, it is important to note that the criminal justice system is not immune to the aforementioned values. More specifically, criminal justice systems tend to lack the specialization, capacity, resources or will to prevent such violence, prosecute perpetrators and protect girls, providing them with effective assistance, redress, and reparations. Efforts to end impunity for violence against girls require a comprehensive, victim-centred, gender-sensitive and child rights based approach that is often incomplete. Therefore appreciating and understanding the origins of violence against girls is an important step in providing a criminal justice system that effectively prevents and protects girls from violence.

Violence against Children (SRS), *Safeguarding the Rights of Girls in the Criminal Justice System*, United Nations (2015) p.3.

5 Ibid.

6 UNICEF (n.2) p.206.

7 United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2014*, United Nations (2014).

8 United Nations Office on Drugs and Crime (UNODC), *Handbook on the Effective Prosecution Responses to Violence against Women and Girls*, Criminal Justice Handbook Series (2014), p. 7.

iii. Violence against Girls as Victims and Witnesses

Within the criminal justice system, girls face major obstacles in achieving justice and adequate treatment, whether they are victims, witnesses, or in conflict with the law. The process of bringing a complaint into the criminal justice system can be a difficult and traumatizing experience for many victims and witnesses,⁹ in particular children. Further, many girls are unaware of their rights, and even fewer have access to safe, effective and child- and gender-sensitive counselling, reporting and complaints mechanisms to address incidents of violence.¹⁰ Therefore it is important to ensure that the criminal justice system is well equipped to effectively respond to violence against girls who are in conflict with the law, victims or witnesses.

A victim's initial contact with the criminal justice system often shapes and determines the course of the particular case. The first contact with a criminal justice official is crucial in terms of building trust and providing victim protection. However, encounters with criminal justice officials often place girls at risk of verbal intimidation, blame, harassment, sexual abuse, rape, beating and other forms of torture.¹¹ Further, gender-based violence and other crimes against girls often go unreported.¹² An inadequate response by the criminal justice system to the victims and witnesses of crimes can therefore exacerbate the particular sensitivities of the case and thus be ineffective in preventing violence against girls.

An additional role of the criminal justice system is to protect the victims of crime while holding the perpetrators accountable for their actions. It is imperative for the effective functioning of the criminal justice system to balance the safety of the victims while addressing the particular needs of the case. In some cases the processing of a case may endanger a girl's physical and mental well-being.¹³ For example, preventive custody measures are used in many countries to shield girls who are in danger of honour crimes from further abuse; whereas some would argue that the offenders should be in detention.

Lastly, girls also face major obstacles in accessing safe, effective and child- and gender-sensitive counselling due to the over-reliance on punitive approaches to circumstance that would require protection. In many countries, girls are arrested more often than boys for running away from home, immoral conduct or prostitution.

iv. Risks and Needs in Detention

Girls deprived of their liberty continue to be at high risk of violence and abuse.¹⁴ In detention, stigmatization, punishment and re-victimization are far more common than specific protection policies and strategies for the supervision and care of girls. Appropriate assistance should take into consideration that girls cope differently with emotional and physical stress and are more inclined

to substance abuse, depression and self-harm, whereas boys tend to react with physical and verbal violence.

Further, many girls are at greater risk of violence whilst in detention and their specific needs in terms of health, hygiene or security are often not met. According to a recent study from Penal Reform International, girls represent 5 to 10 per cent of all children in detention.¹⁵ Despite the fact that deprivation of liberty should be a measure of last resort for all children, arrest rates of girls have significantly increased since the 1980s and detention is frequently used as a tool for protection.

2. The Work of The United Nations Office On Drugs and Crime

i. Pillars of UNODC Work

The United Nations Office on Drugs and Crime (UNODC) has been working on justice for children and violence against women and girls for many years. UNODC's work in these areas is based on three mutually reinforcing pillars: i) data collection, research, and analytical work; ii) normative work; and iii) operational work.

Despite the aforementioned data, there is a clear lack of data and statistics that are disaggregated by both gender and age. Without such data, it will remain challenging to estimate the true extent of violence against girls and to evaluate the performance of the criminal justice systems in dealing with girls who are victims, witnesses or in conflict with the law.

ii. UN Standards and Norms

In relation to the normative work, UNODC assists Member States in developing UN standards and norms. There has been important progress in recent years with the development of the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, the *Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice* (2010) and the *United Nations Model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice* (2014), adopted by the General Assembly.

UNODC also supported Member States in the development of recommendations on ways and means to more effectively prevent, investigate, prosecute and punish gender-related killing of women and girls. Mandated and welcomed by the General Assembly, they represent a firm basis for action by Member States against the most extreme form and consequence of gender-based violence.

Both sets of "Model Strategies" represent important steps forward in promoting criminal justice responses to gender-based violence and addressing the needs of girls in the criminal justice system. They promote human rights-based and coordinated approaches that use the complementary roles of the justice system and other sectors (health, social,

9 Ibid.

10 SRS (n.4) p.4.

11 Ibid.

12 Ibid.

13 UNODC (n.7) p.7.

14 SRS (n.4) p.6.

15 Penal Reform International, *Neglected needs: Girls in the Criminal Justice System*, (2014) p. 3.

education and child protection) to effectively prevent and prohibit such violence, prosecute and punish perpetrators, protect girls and provide them with the services they need.

iii. Practical Measures in the “Model Strategies”

The 2014 “Model Strategies on Violence against Children” contain a number of practical measures specifically related to girls, for example, concerning specific forms of violence against girls or the need to provide girls with age-appropriate medical advice, counselling and health care. In addition, they take into account the distinctive needs of girls and their vulnerability to gender-based violence in places of detention and emphasize measures such as the separation of girls from adults and from boys; gender-specific treatment and interventions; and the development of specific protection policies for girls in detention.

UNODC is also supporting Member States in implementing these standards and norms through technical assistance at the global level and through its network of field offices. UNODC has produced detailed guidance in the form of technical assistance tools like an Introductory Booklet and a Checklist to the 2014 Model Strategies, a Handbook on Effective Prosecution Responses to Violence against Women and Girls or a Module on justice and policing essential services for women and girls subject to violence. The types of assistance provided to countries range from legislative and policy support to capacity building and awareness raising activities. For example, UNODC recently carried out several training courses for prosecutors in Egypt and Southeast Asia to improve their responses to violence against women and girls. In Colombia, the Office responded to the worrying high number of girls deprived of liberty by delivering training activities for judges and prosecutors on alternative measures to detention of children with a special focus on gender.

Experience has shown that more coordination is needed between those who promote the rights of children and those who promote the rights of women. In order to address violence against girls, the international community must work together to address all the intersecting forms of discrimination, in particular age and gender.

However, these efforts cannot be successful if they are not addressed jointly by the international community, Member States, civil society organisations, and girls themselves, who must be empowered to gain access to their own rights.

3. Conclusion

In sum, violence against girls is a complex and multifaceted issue. Girls are subject to many different forms of violence that in part originate from the inequalities and imbalances caused by the traditional gender roles. In this regard, the criminal justice system is tasked with protecting and preventing girls from violence. However, girls continue to be exposed to violence from within the criminal justice system. UNODC has been active in the field of justice for children, women and girls by – amongst other things – assisting its members states in developing and implementing UN standard and norms. UNODC also provides its members states with legislative and policy support as well as organising capacity building and awareness raising activities. Nevertheless, violence against girls remains a widespread global phenomenon that requires a collective effort by the actors in the international community to empower our girls and protect them from violence.

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1.2.4 Article by Janice Joseph, Distinguished Professor of criminal justice, juvenile justice, criminology and deviance, minorities and crime at Stockton University, New Jersey, USA

FEMALE GENITAL MUTILATION: LEGISLATIVE AND CRIMINAL JUSTICE RESPONSES

Introduction

The issue of female genital mutilation (FGM) has attracted considerable attention in the past several decades. It is one of the worst forms of violence against females that affects the physical and psychological well-being of victims. Furthermore, it is an international problem that affects several continents. This article discusses legislative and criminal justice responses to FGM and global efforts aimed at controlling and eradicating it.

Definition

Since female genital surgery is practiced in several countries and spans across different racial and ethnic groups, there are many different names used to describe this practice. In the past, practitioners referred to it as *female circumcision* (FC). In 1991, the United Nations, upon recommendation by the World Health Organization (WHO), changed the term to *female genital mutilation*. Groups who oppose the stigma of the word mutilation prefer to use the term *female genital cutting* (FGC). A few organisations have started using the combined term *female genital mutilation/cutting* (FGM/C). Today both terms *female genital mutilation* (FGM) and *female genital cutting* (FGC) are used extensively throughout the international community. However, the term used throughout this article is *female genital mutilation*. According to the WHO (2016) FGM:

comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons. It has no health benefits and harms girls and women in many ways. It involves removing and damaging healthy and normal female genital tissue, and hence interferes with the natural function of girls' and women's bodies (p. 2).

Nature and Extent of Female Genital Mutilation (FGM)

Types of FGM

Female genital mutilation is not a uniform practice throughout the different regions it is practiced and involves the partial or total removal of the external female genitalia. It ranges from a symbolic cutting of the genitals to complete removal of the clitoris and the external genitalia to stitching of the two sides of the open wound together with an opening to allow the escape of menstrual blood and urine. The WHO (2016) identified four distinct types – Type I, II, III, and IV – which are based on the procedures involved in the surgery. Type I and Type II are the most common, with variation between countries. The following represent descriptions of FGM types:

Type I (Sunna Circumcision) is the mildest type of FGM, relatively speaking. This involves the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora; the labia are “the lips” that surround the vagina.

Type II (Clitoridectomy) involves the partial or entire removal of the clitoris, (a small, sensitive and erectile part of the female genitals) and the labia minora, with or without excision of the labia majora. There are different variations of this form of FGM. For example, Type IIa is the removal of the labia minora only; Type IIb is the partial or total removal of the clitoris and the labia minora; Type IIc is the partial or total removal of the clitoris, the labia minora and the labia majora.

Type III (Infibulation) consists of the removal of the clitoris, the entire labia, and the sewing of the scraped side of the vulva across the vagina with thorns or threads. It also involves the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the inner, or outer labia, with or without removal of the clitoris

With this type, a small opening is left to allow for the passage of urine and menstrual blood. During childbirth, the enlargement is too small to allow vaginal delivery, therefore the infibulation is opened completely and may be restored after delivery. The legs are sometimes tied together to allow the wound to heal.

Type IV is defined by the WHO as all other harmful procedures to the female genitalia for non-medical purposes. These include pricking the clitoris with needles, burning or scarring the genitals as well as ripping or tearing of the vagina. Type IV is found primarily among isolated ethnic groups as well as other types of mutilation (World Health Organization, 2016).

Prevalence

Although there has been a decline in the prevalence of FGM over the past three decades, it is still common in many African and Middle Eastern countries. It is prevalent in more than half of all African countries and also occurs in Iraq, Jordan, Iran, India and Pakistan, Malaysia, Indonesia, Oman, Qatar, Saudi Arabia, and Syria. Additionally, it is also practiced among certain ethnic groups in South America and females living in Europe, Australia, New Zealand, and North America are also at risk of being subjected to this practice (World Health Organization, 2016; Mather & Feldman-Jacobs, 2014).

The exact number of girls and women who have undergone FGM is unknown. However, according to a recent United Nations Children's Emergency Fund (UNICEF) report, at

least 200 million girls and women have experienced FGM/C in 30 countries across three continents (UNICEF, 2016). Of those 200 million, more than half live in Indonesia, Egypt and Ethiopia. FGM can be performed as early as infancy and as late as the age of thirty. However, most girls are subjected to FGM between four and twelve years of age. The procedure is conducted from infancy to age fifteen and estimates point out that 44 million are girls below the age of fifteen when this procedure is carried out (UNICEF, 2016). It is estimated that three million girls a year are at risk, this amounting to approximately 6,000 per day.

The prevalence in African countries varies widely from country to country. In Cameroon, the percentage of girls and women aged fifteen to forty-nine who have undergone this practice is one percent and in Togo and Ghana it is five percent. However, in eight countries the number of girls who have undergone this procedure is very high. In Somalia, for example, 98% of all girls have undergone this practice; 97% in Guinea; 93% in Djibouti; and 87% in Egypt (UNICEF, 2016). It is also estimated that 100,000 women and teenage girls die from complications related to FGM in childbirth every year. It is also reported that many of all circumcised women have undergone the most severe form of FGM, which involves the stitching and narrowing of the vaginal opening (World Health Organization, 2016).

The type of procedure performed also varies, mainly according to ethnicity. It is estimated that 90% of female genital mutilation cases include either Types I (mainly clitoridectomy), II (excision) or IV ("pricking" without flesh removed), and about 10% (over eight million women) suffered Type III (infibulation). Type I form of FGM is practiced mainly in Egypt, Ethiopia, Somalia, Kenya, Tanzania, Sierra Leone, Mauritania, and Nigeria. Type II form is common in Sudan where it was invented by Sudanese midwives as a compromise when British legislation forbade the most extreme operations in 1946. Type III, infibulation, the most severe form of FGM, is mostly practiced in the northeastern region of Africa: Djibouti, Eritrea, Ethiopia, Somalia, and Sudan (UNICEF, 2013).

Although most of the victims are in Africa, the problem is growing in Europe, Australia, New Zealand, Canada and the United States because of the large migrant and refugee communities from countries in Africa and the Middle East.

Due to mass immigration, FGM appears to be a major problem in Europe. The European Parliament has estimated that about 500,000 girls and women in the European Union are living with FGM. Moreover, every year another 180,000 girls in Europe are at risk of being subjected to this practice. Britain has the highest levels of FGM in Europe and it is prevalent among immigrant groups from Egypt, Eritrea, Ethiopia, Gambia, Indonesia, Iraq, Kenya, Kurdistan, Liberia, Mali, Nigeria, Northern Sudan, Pakistan, Sierra Leone, Somalia and Yemen (European Institute for Gender Equality, 2013; Kern, 2013).

According to the Population Reference Bureau (2016), the practice of FGM has not increased in the U.S. However, the number of women and girls at risk for FGM in the United States has more than doubled in the past ten years. In

2012, for example, approximately 513,000 women and girls in the United States were at risk for FGM/C. As a matter of fact, more than half a million women and girls under the age of eighteen living in the U.S. are at risk of being subjected to FGM in the U.S. or abroad, or have already undergone the procedure. This increase is the result of immigration to the U.S. from African and Middle Eastern countries, especially from Ghana, Nigeria, Ethiopia, and Egypt, where FGM is practiced (Goldberg, et al., 2016).

Rationale for practicing FGM

There are several reasons accounting for this practice. It is rooted in cultural and social factors. One of the most common arguments for the existence of this practice is that it is sanctioned by religion, especially Islam. However, there is no religious support for this practice. Religious leaders have taken varying positions with regard to FGM: some promote it, some consider it irrelevant to religion, and others fight for its elimination. Despite this, there is no evidence that this practice is supported by any religion. In fact, it actually predates Christianity and Islam (World Health Organization, 2016).

In many of the cultures that practice FGM, a girl's virginity is regarded as something essential to her family's ability to arrange her marriage and receive a bride price, as well as to maintain family honor, hence FGM is performed as a way of controlling the girl's sexuality. It is also seen as necessary for raising a girl in preparation for adulthood and marriage. In many cultures, FGM is performed with the belief that it will reduce a girl's libido and will therefore prevent her from engaging in extramarital sexual acts. When a vaginal opening is covered or narrowed (Type III), both the fear of the pain of opening it, and the fear that this will be found out, is expected to further discourage extramarital sexual intercourse among women with this type of FGM. It is also associated with the cultural ideals of femininity and modesty, which is based on the notion that girls are clean and beautiful after the removal of certain parts of the body that are considered unclean, unfeminine or male (World Health Organization, 2016).

In some societies the practice is viewed as a rite of passage to womanhood. It is seen as a way to prepare girls for adulthood and marriage. In certain African and Asian cultures, FGM is usually carried out as part of an initiation ceremony during which girls may be taken to a specially designated place to recover. In some cases, the practice is associated with festivities, gifts and rituals at the end of which the girl will be publicly recognized as a woman. FGM has become an integral part of the cultural identity of girls in those cultures, a sense of pride, a coming of age, and a feeling of community membership is associated with it (Behrendt, 2005; Ahmadu, 2000; Johnson, 2007).

Legislative Responses in Practicing Countries

Throughout the 1990s and 2000s several countries in Africa and the Middle East have taken steps to address the problem of female genital mutilation. These countries have since incorporated the concept into their national criminal legislation and have developed policies and programs to eliminate this specific form of violence against

females. In these countries, FGM is forbidden by statute, decree, criminal law or a country's Constitution.

The countries in Africa that passed legislation against FGM are: Benin (2003); Burkina Faso (1996); Central African Republic (1966, amended 1996); Chad (2003); Côte d'Ivoire (1998); Djibouti (1995, amended 2009); Egypt (2008); Eritrea (2007); Ethiopia (2004); Gambia (2015); Ghana (1994, amended 2007); Guinea (1965, amended 2000); Guinea-Bissau (2011); Iraq (2011); Kenya (2001, amended 2011); Mali (2002); Mauritania (2005); Niger (2003); Nigeria (2015); Senegal (1999); Somalia (2012); Sudan, some states (2008–2009); South Africa (2005); Tanzania (1998); Togo (1998); and Yemen (2001). The penalties range from a minimum of three months to a maximum of life in prison. Several countries also impose monetary fines (UNICEF, 2013, Goldberg, 2015; Lyons, 2015).

Legal Framework of Industrialized Countries against Female Genital Mutilation

Because female immigrants living in European countries, the United States, Canada, and Australia are at risk for FGM, many of these countries have enacted laws to prevent the practice inside as well as outside their jurisdiction.

Some have introduced a specific criminal law to address FGM. In Europe, these countries include Austria, Belgium, Croatia, Cyprus, Denmark, Ireland, Italy, Norway, Portugal, Spain, Sweden (first European country to adopt specific legislation on FGM), Switzerland, and the United Kingdom (Center for Reproductive Rights, 2013). In the United States the Federal Government passed the Federal Prohibition of Female Genital Mutilation Act in 1996, which made it illegal to perform FGM on minors. In addition, as of 2015, 24 states have specific legislation banning FGM while other states have used general statutes, such as assault, battery or child abuse to prosecute offenders (Kristof, 2015). The governments of Canada, Australia, and New Zealand have also passed similar legislation criminalizing the practice (Mather & Feldman-Jacobs, 2014).

In some countries, FGM is prosecutable under general criminal legislation that penalizes bodily injury and mutilation. Finland, for example, prosecutes FGM as serious assault: France as mutilation: Germany as severe and grave bodily harm; Greece, Portugal, Ireland and the Netherlands as either bodily injury or serious bodily injury. Luxemburg prosecutes FGM under its voluntary corporal lesion legislation (Center for Reproductive Rights, 2013). Other states use their existing criminal laws to punish FGM. These include Bulgaria, Czech Republic, Estonia, Hungary, Lithuania, Latvia, Luxembourg, Malta, Poland, Romania, Slovakia (Slovak Republic), and Slovenia (Center for Productive Rights, 2013). There are also a few countries that prosecute the practice of FGM using general laws for the protection of children because FGM can be considered a child-specific form of child abuse. Even in situations where mutilation has not yet taken place but a girl is at risk, laws dealing with the protection of children from abuse can be applied. In Europe, Belgium, Denmark, Finland, France, Germany, Italy, the Netherlands, Spain, Sweden and the UK have used child protection measures against FGM (Center for Productive Rights, 2013; European Institute

for Gender Equality, 2013). Several states in the United States have used general statutes, such as assault, battery or child abuse to prosecute offenders (Kristof, 2015). All these countries treat FGM as a very serious crime.

Principle of Extraterritoriality

Prosecuting and punishing the practice of FGM would not be effective unless the principle of extraterritoriality applies to these criminal provisions - both specific and general. The principle of extraterritoriality makes it possible for governments to prosecute individuals who purposely performed the practice outside of the immediate jurisdiction of those countries and in a country where the practice remains legal. Consequently, most industrialized countries have legislation in place regarding extraterritorial jurisdiction (the principle of extraterritoriality). Conditions for the enforcement of the principle of extraterritoriality vary. The victim—or both the victim and the offender—must be a citizen or a resident of the industrialized country in question, and the practice of FGM can also be considered a crime in the country where the crime was committed (double incrimination).

In Europe, most EU member states include the principle of extraterritoriality either in their general criminal law or their specific legislation against FGM. Only Bulgaria, Greece, Malta and Romania do not include the principle of extraterritoriality in their general criminal laws. Until recently, in Europe, there were two requirements needed for this principle of extraterritoriality, namely (1) the person had to be a national; and (2) the principle of double incrimination should exist. The second requirement made it difficult to prosecute perpetrators if the practice of FGM occurred in a country where the practice is not a crime. As a result, countries in Europe have removed the principle of double incrimination, thus making it possible to prosecute a perpetrator who performed FGM in the country where it is committed (European Institute for Gender Equality, 2013).

In 2013, Congress passed another law against FGM called the Transport for Female Genital Mutilation Act. It amended the 1996 legislation and it stipulated that knowingly transporting a girl out of the United States for the purpose of FGM/C is a crime. Under the new federal law, the perpetrator, if found guilty, may be sentenced to up to five years in prison (Goldberg, et al., 2016). Canada, Australia, and New Zealand have similar legislation (see UN Women, 2012).

Asylum and Immigration Regulations

It has been widely recognized that gender-based violence, including female genital mutilation, can amount to persecution within the guidelines of the 1951 Refugee Convention and its 1967 Protocol. The United Nations High Commissioner for Refugees (UNHCR) has argued that **girls or women who fear being subjected to FGM and their parents who fear persecution for not allowing their daughters to undergo FGM can seek asylum** outside their country of nationality. However, there is controversy as to whether female and young women at risk for FGM constitute a particular social group

worthy of asylum. Despite this controversy, an increasing number of jurisdictions have recognized FGM as a form of persecution in their asylum decisions (United Nations High Commissioner for Refugees, 2009).

Canada was the first country to acknowledge that FGM is a form of persecution and that the rights of women and girls should be protected if they are threatened with FGM. In 1994 Khadra Hassan Farah was granted refugee status after fleeing her native Somalia with her ten-year-old daughter, Hodan, because she feared that Hodan would be forced to undergo FGM if they remained in Somalia (Kassindja & Bashir, 1998). In 1996, the United States made a landmark decision when it granted asylum to Fauziya Kassindja who fled her country, Togo, because she would have been subjected to FGM if she had returned to Togo. This set a precedent for granting asylum based on fear of persecution in the form of female genital mutilation (FGM). However, the granting of asylum does not apply to women who have already undergone FGM based on the argument that she is less likely to experience further persecution (Gorman, 2013).

Several European countries, such as Norway, France, the United Kingdom, Austria, Germany, and Belgium have granted asylum to young girls or women who feared being subjected to FGM. According to the United Nations High Commissioner for Refugees (UNHCR) 18,500 of the 25,855 women and girls from FGM-practising countries seeking asylum in the EU in the first three quarters of 2014 may have been survivors of female genital mutilation (Novak-Irons, 2015). The main countries of origin of these women and girls include Eritrea, Nigeria, Somalia, Guinea and Ethiopia, most of which have persistently high prevalence rates for FGM. Most asylum applications were filed in Germany, Sweden, France, Switzerland, UK, the Netherlands, Italy, Belgium, Norway and Denmark. (Novak-Irons, 2015). In 2013 over 25,000 women and girls from FGM-practicing countries sought asylum. These females came mainly from Somalia, Eritrea, Nigeria, Iraq, Guinea, Egypt, Ethiopia, Mali and Côte d'Ivoire. They applied for asylum in Germany, Sweden, the Netherlands, Italy, France, the UK and Belgium (United Nations High Commissioner for Refugees, 2014).

FGM survivors (or persons at risk) face several challenges when they apply for asylum. Because FGM is usually a taboo subject, many survivors do not want to speak about it even after they have applied for asylum. It is standard practice that asylum seekers undergo a medical examination; however, some professionals in industrialized countries, are not properly trained or familiar with this practice. There is also the problem of language barrier between the professional and the victim. Furthermore, survivors may have experienced trauma, and may try to hide shameful experiences. In addition, victims may "face major difficulties in providing evidence of past persecution" (Flamand, 2015, p. 49). All these challenges can prevent the applicant from obtaining asylum.

International Legal and Policy Framework

FGM/C has been classified as a form of torture, inhuman or degrading treatment, and as a human rights violation.

Additionally, it can be viewed as a violation of Article 5 of the 1948 Universal Declaration of Human Rights which states that: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

In 2008 the UN General Assembly passed the Resolution on Ending Female Genital Mutilation to eliminate the practice (E/CN.6/2008/L.2/Rev.1). This indicates that FGM is a human rights issue and calls for a holistic approach. Moreover, on December 20th 2012, the United Nations General Assembly adopted a Resolution to ban FGM worldwide. The Resolution (A/RES/67/146) was cosponsored by two thirds of the General Assembly, including the entire African Group, and was adopted by consensus by all UNGA members. The FGM resolution encourages countries to condemn the practice, enforce legislation, raise awareness about torturous practices, and allocate adequate resources to protect women and girls from this form of violence. It encourages the international community to intensify efforts to end the practice by taking the necessary measures, including the enactment and enforcement of laws to prohibit FGM and to protect women and girls from this form of violence (United Nations, 2008; UN Women, 2012; United Nations, 2013). The target of Goal 5 of the Sustainable Development Goals (SDGs) is to eliminate all harmful practices relating to FGM/C by the year 2030. The UN hopes that the passage of these resolutions will result in cultural and attitudinal changes in countries in which this practice exists (Issuelab, 2016). The UN officially commemorated the first International Day of Zero Tolerance to Female Genital Mutilation on February 6th 2003.

The EU has expressed a strong commitment to eliminate female genital mutilation. The European Parliament has adopted four resolutions on FGM. The first resolution on this matter was passed in 2001 (2001/2035(INI)). Throughout its text, the European Parliament strongly condemned FGM as a violation of fundamental human rights. Member States were also urged to draw up guidelines for health professionals, teachers and social workers, aimed at informing and educating parents. In March 2009, the European Parliament adopted the Resolution on Combating FGM in the EU (2008/2071(IN)). This was the second resolution at the EU level that specifically dealt with FGM. In this formal document, the European Parliament addressed asylum as it pertains to FGM. In the third resolution, which was adopted on June 14th 2012, the European Parliament stipulated that 'any form of female genital mutilation is a harmful traditional practice that cannot be considered part of a religion, but instead constitutes an act of violence against women and girls and a violation of their fundamental rights.' The Directive 2012/29/EU is an important instrument for women and girls who are victims or are at risk of FGM because it establishes the minimum standards on the rights, support, and protection for victims of crime (European Institute for Gender Equality, 2013). The most recent resolution, entitled "Towards the Elimination of Female Genital Mutilation", was adopted in February 2014. It calls on the Commission and Member States to provide legal and other means required to raise awareness,

protect and support victims and ensure that offenders are prosecuted (Members' Research Service, 2015).

Conclusion

FGM is a practice that has affected millions of women all over the world. It is recognized internationally as a violation of the human rights of women and girls and as a form of gender-based violence and violence against women. The practice of FGM is also considered a crime in most industrialized countries. This practice is rooted in inequality between men and women and women's oppression.

During the past decades, there have been several attempts to control and eliminate FGM at the international, regional and national level. Many governments in Africa and elsewhere have taken steps to eliminate the practice of FGM in their countries. These steps include laws criminalizing FGM, educational and outreach programs, and the use of civil remedies and administrative regulations to prevent the practice. There has also been activism by non-governmental agencies and the passage of international resolutions against FGM. However, despite the fact that there have been some positive results, and international commitment to address FGM continues to grow, the practice is still actively performed in many non-Westernized countries.

The eradication of FGM can be accelerated if all countries, in which FGM can still be practiced, pass laws banning this form of torture. Nevertheless, legislative measures are most effective when complemented by a range of measures that create an awareness of the problem and promote dialogue between various interested groups. It is important for countries to create an environment of social reforms that would make the fight against FGM successful. This would entail the elimination of poverty, gender inequality, and oppression of females. Additionally, it would also require governments to provide the resources necessary to assist victims of FGM.

There is also an urgent need to understand the scope and magnitude of the problem. Therefore, governments should collect and compile comprehensive statistical data on FGM: on the number of countries where FGM is practiced, the number of cases in both non-industrialized and industrialized countries, and the effects this has on the victims. This data can be used as the basis for creating prevention and intervention measures and programs.

Given the greater understanding of FGM/C and the involvement of the international community to combat FGM, its eradication is possible. This however will require a comprehensive and holistic approach and a commitment from governments and the international community to end this form of torture. Changes in the attitudes and beliefs of specific communities are essential for ending this practice.

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PART II

VIOLENCE AGAINST MIGRANT AND REFUGEE GIRLS

“WOMEN AND CHILDREN ARE THE MOST FREQUENT AND THE MOST VULNERABLE VICTIMS OF HUMANITARIAN TRAGEDIES, WHEN CONFLICT ERUPTS AND REFUGEES FLOW ACROSS BORDERS. THEY ARE ALSO USUALLY THE MOST DISADVANTAGED WHEN THE TIME COMES TO RETURN HOME. VERY OFTEN THEIR HOMES HAVE BEEN DESTROYED, COMMUNITIES RAVAGED, ROADS AND FIELDS HEAVILY MINED. LET ME CONCLUDE BY SAYING THAT REFUGEE WOMEN ARE NOT PASSIVE RECIPIENTS OF OUR ASSISTANCE. THEY ARE ACTIVE ARCHITECTS OF THEIR OWN DESTINY, AND OUR GOAL SHOULD BE TO SUPPORT THEM IN THEIR EFFORTS. LET US RECOGNISE THE INNATE STRENGTH AND POTENTIAL OF REFUGEE AND DISPLACED WOMEN. LET US REINFORCE OUR COMMITMENT TO HELP THEM OVERCOME THE TRAUMA OF DISPLACEMENT AND RETURN HOME SAFELY.”

BRIEF STATEMENT BY MRS. SADAKO OGATA, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, ON INTERNATIONAL WOMEN'S DAY, GENEVA, 8 MARCH 1994

2.1 Excerpts from the Resolution adopted by the United Nations General Assembly on 19 September 2016 on Refugees and Migrants

Resolution adopted by the General Assembly on 19 September 2016¹

EXCERPTS

71/1. New York Declaration for Refugees and Migrants

We, the Heads of State and Government and High Representatives, meeting at United Nations Headquarters in New York on 19 September 2016 to address the question of large movements of refugees and migrants, have adopted the following political declaration.

(...)

II. Commitments that apply to both refugees and migrants

23. We recognize and will address, in accordance with our obligations under international law, the special needs of all people in vulnerable situations who are travelling within large movements of refugees and migrants, *including women at risk, children, especially those who are unaccompanied or separated from their families*, members of ethnic and religious minorities, victims of violence, older persons, persons with disabilities, persons who are discriminated against on any basis, indigenous peoples, victims of human trafficking, and victims of exploitation and abuse in the context of the smuggling of migrants.

(...)

29. *We recognize and will take steps to address the particular vulnerabilities of women and children during the journey from country of origin to country of arrival. This includes their potential exposure to discrimination and exploitation, as well as to sexual, physical and psychological abuse, violence, human trafficking and contemporary forms of slavery.*

30. We encourage States to address the vulnerabilities to HIV and the specific health-care needs experienced by migrant and mobile populations, as well as by refugees and crisis-affected populations, and to take steps to reduce stigma, discrimination and violence, as well as to review policies related to restrictions on entry based on HIV status, with a view to eliminating such restrictions and the return of people on the basis of their HIV status, and to support their access to HIV prevention, treatment, care and support.

31. We will ensure that our responses to large movements of refugees and migrants mainstream a *gender perspective, promote gender equality and the empowerment of all women and girls and fully respect and protect the human rights of women and girls*. We will combat sexual and gender-based violence to the greatest extent possible. We will provide access to sexual and reproductive health-care

services. We will tackle the multiple and intersecting forms of discrimination against refugee and migrant women and girls. At the same time, recognizing the significant contribution and leadership of women in refugee and migrant communities, we will work to ensure their full, equal and meaningful participation in the development of local solutions and opportunities. We will take into consideration the different needs, vulnerabilities and capacities of women, girls, boys and men.

32. We will protect the human rights and fundamental freedoms of all refugee and migrant children, regardless of their status, and giving primary consideration at all times to the best interests of the child. This will apply particularly to *unaccompanied children and those separated from their families*; we will refer their care to the relevant national child protection authorities and other relevant authorities. *We will comply with our obligations under the Convention on the Rights of the Child.*² We will work to provide for basic health, education and psychosocial development and for the registration of all births on our territories. We are determined to *ensure that all children are receiving education within a few months of arrival*, and we will prioritize budgetary provision to facilitate this, including support for host countries as required. We will strive to provide refugee and migrant children with a nurturing environment for the full realization of their rights and capabilities.

59. We reaffirm our commitment to protect the human rights of migrant children, given their vulnerability, particularly unaccompanied migrant children, and to *provide access to basic health, education and psychosocial services, ensuring that the best interests of the child is a primary consideration in all relevant policies.*

60. We recognize the need to address the special situation and vulnerability of migrant women and girls by, inter alia, incorporating a gender perspective into migration policies and strengthening national laws, institutions and programmes to combat gender-based violence, including trafficking in persons and discrimination against women and girls.

81. We are determined to provide quality primary and secondary education in safe learning environments for all refugee children, and to do so within a few months of the initial displacement. We commit to providing host countries with support in this regard. Access to quality education, including for host communities, gives fundamental protection to children and youth in displacement contexts, particularly in situations of conflict and crisis.

82. We will support early childhood education for refugee children. We will also promote tertiary education, skills training and vocational education. In conflict and crisis situations, higher education serves as a powerful driver for change, shelters and protects a critical group of young men and women by maintaining their hopes for the future,

¹ A/RES/71/1, *Resolution adopted by the General Assembly on 19 September 2016*, full resolution available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/1%20

² United Nations, *Treaty Series*, vol. 1577, No. 27531 .

fosters inclusion and non-discrimination and acts as a catalyst for the recovery and rebuilding of post-conflict countries.

83. We will work to ensure that the basic health needs of refugee communities are met and that women and girls have access to essential health-care services. We commit to providing host countries with support in this regard. We will also develop national strategies for the

protection of refugees within the framework of national social protection systems, as appropriate. have access to essential health-care services. We commit to providing host countries with support in this regard. We will also develop national strategies for the protection of refugees within the framework of national social protection systems, as appropriate.

2.2 Excerpts from the Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, 19 April 2016: Establishing a Femicide Watch and Protecting Women and Girls in the Context of Forced Displacement and Refugee Flows

EXCERPTS¹

ESTABLISHING A FEMICIDE WATCH & PROTECTING WOMEN AND GIRLS IN THE CONTEXT OF FORCED DISPLACEMENT AND REFUGEE FLOWS

IV. Thematic priorities

A. Establishment of a “femicide watch”

45. On 25 November 2015, the International Day for the Elimination of Violence against Women, the Special Rapporteur called upon all States to establish a “femicide watch”, or a “gender-related killing of women watch”. She proposed that data on the number of femicides or cases of gender-related killings of women, disaggregated by age and ethnicity of victims, and the sex of the perpetrators, and indicating the relationship between the perpetrator and the victim or victims, be published every year, on 25 November, and that information concerning the prosecution and punishment of perpetrators also be collected and published. Given the shortcomings of many national prevention systems, the lack of reliable data and risk assessments, and consequent misidentification, concealment and underreporting of gender-related killings, including of women belonging to ethnic minorities, the proposal would provide crucial information for the development of effective strategies to address this serious human rights violation.

46. Each case of gender-related killing of women should be carefully analysed to identify any failure of protection, with a view to improving and developing further preventive measures. In the collection, analysis and publication of such data, States should cooperate with non-governmental organizations and independent human rights institutions working in the field, representatives of victims and other relevant international organizations and stakeholders.

47. In her report on gender-related killing of women and girls: promising practices, challenges and practical recommendations (A/HRC/20/16), the previous mandate holder noted different manifestations of gender-related

killings of women, including as a result of intimate-partner violence, following accusations of sorcery or witchcraft, in the name of “honour”, in the context of armed conflict, dowry-related killings of women, and killings of aboriginal and indigenous women, among others.

48. The Special Rapporteur recalls General Assembly resolution 70/176 on action against gender-related killing of women and girls, in which the Assembly encouraged Member States to collect, disaggregate, analyse and report data on gender-related killing of women and girls and to ensure that appropriate punishment for perpetrators of gender-related killings of women and girls are in place and are proportionate to the gravity of the offence.

49. The importance of statistics and data collection is broadly recognized in international human rights law, including the Convention on the Elimination of All Forms of Discrimination against Women and the recommendations made by the Committee on the Elimination of Discrimination against Women, which provides a legal basis and practical guidance for the promotion and development of statistics, disaggregated by sex.² In paragraph 24 (c) of its general recommendation No. 19, the Committee explicitly recognized the importance of statistical data to understand the situation of women, and recommended that States ensure that their national statistical services formulated their questionnaires in such a way that data could be disaggregated according to gender. It also recommended that States should encourage the compilation of statistics and research on the extent, causes and effects of violence, and on the effectiveness of measures to prevent and deal with violence. At the regional level, article 8 (h) of the Convention of Belém do Pará established the agreement by States to undertake progressively specific measures, including programmes, to ensure research and the gathering of statistics and other relevant information relating to the causes, consequences and frequency of violence against women. Article 11 of the Istanbul Convention established that States parties should undertake to collect disaggregated relevant statistical data on cases of all forms of violence.

¹ A/HRC/32/42, *Report of the Special Rapporteur on violence against women, its causes and consequences*, full report available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/076/63/PDF/G1607663.pdf?OpenElement>

² See OHCHR, *Human Rights Indicators: A Guide to Measurement and Implementation*, 2012, p. 75.

50. While the collection of data is widely recognized under the international human rights framework, the establishment of a global “femicide watch” would bring a special emphasis to the analysis of these statistics and data as a catalyst for prevention and change. Given the shortcomings of certain national protection systems, the lack of proper risk assessment and the lack of quantitative and qualitative data, which are major barriers to effective prevention of gender-related killing of women, it would contribute to the prevention of preventable deaths of women. Where the situation in which femicides are committed is highlighted, it can stimulate more work across existing obligations, particularly with regard to addressing social attitudes that accept or normalize violence against women and its most extreme forms resulting in killing. Bringing a name and a face to statistics also highlights the horrendous nature of the crime, the reality of patriarchal violence and the extreme pain and suffering inflicted on women and girls because of their gender.

B. Protection of and services for women survivors of violence

51. The Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Discrimination against Women established global standards and the obligations of States to prevent violence against women and to provide services for survivors of violence. With regard to services, the Declaration calls upon States to work to ensure, to the maximum feasible extent, in the light of their available resources and, where needed, within the framework of international cooperation, that women subjected to violence and, where appropriate, their children have specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling and health and social services, facilities and programmes, and support structures, and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation. In addition, the Declaration states that organs of the United Nations system should promote the formulation of guidelines or manuals relating to violence against women.

52. In its general recommendation No. 19, the Committee on the Elimination of Discrimination against Women recommended that States parties should take all legal and other measures necessary to provide effective protection of women against gender-based violence.

53. The Beijing Declaration and Platform for Action establishes that women subjected to violence should have access “to just and effective remedies for the harm they have suffered”, but they should also have access to “well-funded shelters and relief support”, and “appropriate assistance to enable them to find a means of subsistence”.

54. The Committee on the Elimination of Discrimination against Women explained in the case of *A.T. v. Hungary* that a victim of domestic violence was unable to flee to a shelter, because none was equipped to accept her together with her children, in particular one of whom who was fully disabled. According to the Committee, the State should ensure that a safe home was given to the victim, in

which she could live with her children, and that the victim should receive proportional reparation to the physical and mental harm endured.

55. The Istanbul Convention builds on existing international and regional instruments and international and national legal and policy advances. It contains a specific provision on shelters; article 23 in fact states that parties should “take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out proactively to victims, especially women and their children.” The Council of Europe has developed minimum standards for support services, in which, for example, one place in a women’s shelter per 7,500 inhabitants should be provided, and the minimum standard should be one place per 10,000 inhabitants.³ According to another standard, one shelter should be available for every 10,000 inhabitants, providing safe emergency accommodation, qualified counselling and assistance in finding long-term accommodation.⁴

56. Shelters have an important role in removing one of the greatest barriers preventing women from leaving abusive situations and avoiding re-victimization and risks of new assaults. Various economic factors can contribute to women’s vulnerability to violence and prevent them from seeking help.⁵ Rehabilitation programmes for women survivors of violence should promote their physical, emotional and economic assistance, in particular by allowing them to secure immediate financial support, and promote opportunities to achieve and sustain income, to enable them to rebuild their lives.

57. The mandate holder has visited a number of shelters and made recommendations on their availability in specific countries to ensure that women can have access to them (see E/CN.4/2006/61/Add.5 and A/HRC/4/34/Add.2 and Add.4). Women’s shelters should offer specialized services for women, providing safe accommodation and support for women who have been subjected to violence and their children. In addition to these services, other prevention and protection measures should be available, including efficient and immediate protection and barring orders for survivors, witnesses and their families. The Special Rapporteur intends to work on a compilation of good practices that could guide the establishment of shelters and support for women and children, and a compilation of good practices on protection orders.

C. Code of conduct for security and police forces dealing with violence against women

58. At the Special General Assembly of the Kigali International Conference Declaration, on the role of security organs in ending violence against women and girls (see para. 19 above), 12 Member States signed

³ Liz Kelly, *Combating violence against women: minimum standards for support services*, Council of Europe, 2008, p. 18.

⁴ “Good practices in legislation on violence against women”, report of the expert group meeting, United Nations Office at Vienna, May 2008.

⁵ United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), “Economic development and opportunities” (available at www.endvawnow.org/en/articles/1457-economic-development-and-opportunities.html).

the Declaration following the high-level international conference on the same topic, which was held in Kigali in 2010. Since then, 43 States have taken part in activities to implement the Declaration, which includes a commitment “to recruit and promote more women officers at all echelons of the security organs”.

59. In the view of the Special Rapporteur, the involvement of security organs, including those in peacekeeping operations, and the police in combating violence against women and girls is extremely important. Security organs are the first respondents in cases of violence, and have a key role to play in prevention, the prosecution of perpetrators and the protection of women survivors of violence. The goals attained and the challenges encountered in the implementation of the Kigali Declaration could be used as good practices for the formulation of a global code of conduct for police forces.

60. The mandate holder intends to explore the possibility of formulating a global code of conduct for security officers required to address cases of violence against women and girls, which could possibly be extended to other service providers, such as social workers and health providers.

D. Protecting women and girls in the context of forced displacement and refugee flows

61. Women and girls fleeing conflicts and persecution face various forms of gender-based violence and cases of multiple discrimination, particularly when they travel alone. These women and girls are vulnerable at all stages of their journey; in the countries of origin, of transit and of destination.

62. The challenges that women and girl migrants face include the risk of certain forms of violence, including sexual violence, by smugglers, criminal groups and individuals in countries of origin, transit and destination. Their journey could also turn into trafficking, slavery and slavery-like practices. They may also face greater risks of sexual violence and harassment while in transit in camps or shelters owing to, among others, shared accommodation and common sanitation facilities, which make them vulnerable to violence and abuse. They may lack access to gender-specific services, while frequently the reluctance of victims to report cases of sexual violence results in underreporting. Besides being a key reason behind many women’s decisions to migrate, gender-based

violence is a common feature throughout their journeys and in countries of destination.

63. The Special Rapporteur notes that there is a lack of data on such human rights violations, a fact that prevents authorities from taking the necessary measures to ensure the safety of these women and girls. She intends to assist in the development of the necessary guidance for States in this field.

64. In its general recommendation No. 32, on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee on the Elimination of Discrimination against Women recognized that “displacement arising from armed conflict, gender-related persecutions and other serious human rights violations that affect women compounds existing challenges to the elimination of discrimination against women”.

65. In 2016, the Office of the United Nations High Commissioner for Refugees established an advisory group on gender, forced displacement and protection, of which the Special Rapporteur is a member, which and explored, inter alia, good practices for fostering meaningful community engagement.

66. The large-scale phenomenon of female migration has yet to be adequately addressed in migration policies with the full recognition of the gender-specific challenges and risks that migrating and refugee women and girls face. The Special Rapporteur stands ready to assist in the development of necessary guidance for States in this field.

E. Fundamentalism, extremism and violence against women

67. On 15 January 2016, the Secretary-General presented his Plan of Action to Prevent Violent Extremism to the General Assembly. Discussions have since been held on exploring the intersection of conflict, violence and gender, and the need for governmental, regional and multilateral organizations to include a gender perspective in all levels of policy- and decision-making, particularly in efforts to address the threat of terrorism and violent extremism. Against this backdrop, the Special Rapporteur proposes to examine the connections between fundamentalism or extremism and gender-based violence against women and its root causes.

2.3 Excerpts from the Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, 23. September 2016

EXCERPTS¹

In the present report, the Special Rapporteur on violence against women, its causes and consequences provides an account of her activities since her previous report. Following the discussion on the adequacy of the international legal framework on violence against women, she presents responses received by regional mechanisms and the CEDAW Committee following her call for input on this issue. She addresses the topic of femicide or gender-relating killings of women and proposes the establishment at the national/regional/global level of femicide watch and observatories on violence against women.

I. Introduction

1. The Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović, submits the present report pursuant to General Assembly resolution 69/147. In section II she summarizes the activities carried out since her previous report to the General Assembly, up to July 2016. In section III she provides an update on the consultations she led with regional mechanisms and CEDAW on the adequacy of the international framework on violence against women. In section IV, she addresses the topic of femicide, or gender-relating killings of women, and proposes the establishment at the national/regional level of a femicide watch and observatories on violence against women.

III. Update on the debate surrounding the adequacy of the legal framework on violence against women: view from international and regional mechanisms

14. In light of the two reports submitted by her predecessor on the need for a United Nations legally binding convention on violence against women and girls, and keen to follow up that discussion, the SRVAW decided to invite the regional human rights mechanisms and the Committee on the Elimination of Discrimination against Women (CEDAW Committee) to provide their views on the adequacy of the current legal framework on violence against women.² The

responses received are reflected below in a summarized manner.³

A. Committee on the Elimination of Discrimination against women (CEDAW)

15. On the question of the necessity of a UN convention on VAW, the CEDAW Committee⁴ considers that although the CEDAW Convention does not explicitly have a provision on GBVAW, its General Recommendation No.19 on VAW (GR19), became a source and inspiration of various international and regional documents including the Declaration on the Elimination of Violence against Women adopted by the General Assembly.

16. [...] It shall be emphasized **the importance to collect data and monitor the situation on VAW, adopt laws and policies which reflect development over VAW by increasing women's participation in decision making bodies, and reinforce women's access to justice for substantive redress.** These measures should be country specific, and the Committee addresses these issues in its engagement with States parties through its lists of issues, constructive dialogue and in turn makes recommendations on GBVAW in every concluding observation.

B. The Committee of Experts of the Mechanisms to follow up on the implementation of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (MESECVI) and the Inter-American Court of Human Rights

17. The MESECVI considers that the adoption in 1979 of the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) reflected a new international model of respect for women's human rights,** with its own monitoring mechanism and that the creation of a protocol should be stimulated, as a supplementary instrument to the CEDAW Convention, because it would strengthen the work that has already been done by the members of the CEDAW Committee and **will also promote the Convention of Belém do Pará as well as the Istanbul Convention without weakening the implementation of those treaties.** [...]

18. The Inter-American Court of Human Rights **stresses the importance of dialogue with Special Procedures mechanisms,** in order to strengthen the development and effective implementation of human rights standards around the world. The Court recalls that the Convention of Belém do Pará and indicates that in several judgements this mechanism has reiterated its compulsory jurisdiction to address violations to article 7 of the Convention regarding the protection of women from violence. [...]

1 A/71/398, *Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović*, advance unedited edition, full report available at: www.ohchr.org/Documents/Issues/Women/A.71.398.docx

2 The CEDAW Committee and the following regional mechanisms replied to the questionnaire transmitted by the Special Rapporteur: the Council of Europe Group of action against violence against women and domestic violence (GREVIO), the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN Commission on the promotion and protection of the rights of women and children (ACWC), the Inter-American Court of Human Rights (Inter-American Court), the Committee of Experts of the Follow-up Mechanism to the Belém do Pará Convention (MESECVI), the Special Rapporteur on the Rights of Women in Africa and the Working Group on Discrimination against Women in Law and in Practice See all the replies received at: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/InternationalLegalFramework.aspx>.

3 The full text of the responses is available at: <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/InternationalLegalFramework.aspx>.

4 The CEDAW Chair consulted the whole Committee and indicated that her response represents the majority view of the Committee.

C. The Council of Europe Group of action against violence against women and domestic violence (GREVIO)

19. The GREVIO, which has recently been set up and is yet to start **evaluating the level of implementation of the Istanbul Convention**, recalls the three regional instruments on violence against women/women's rights— Convention of Belém do Pará, Maputo Protocol and Istanbul Convention open for accession to non-members States or for use as an source of inspiration. [...]

D. The Association of Southeast Asian Nations (ASEAN) Commission on Human Rights (AICHR)

20. The ASEAN Commission on Human Rights (AICHR) considers that there is no need for a separate legally binding treaty on eliminating violence against women. [...]

E. The Special Rapporteur on the Rights of Women in Africa

21. The Special Rapporteur on the Rights of Women in Africa considers that **in theory an international treaty on violence against women is needed, but that some counter-arguments should be taken into account**. Prime amongst these is that **the real challenge in dealing with the issue of violence against women does not lie in legal inadequacies, but rather in implementation**. Another argument against a global VAW treaty is that some regions, including **Africa, Europe and the Americas could rightfully claim that there is no normative gap**. In light of this, a **campaign to develop, ratify and implement an additional treaty mechanism would divert efforts and resources that would be better spent towards strengthening the existing regional systems of protection**. [...] The Rapporteur considers that **the adequacy of the violence against women legal framework is highly nuanced**, but that a global treaty would certainly neither impede nor nullify progress on the elimination of violence against women and that if careful formulation and strategy is employed, it could result in gains for the increased protection of women. She also considers that **if a global treaty on violence against women prescribes clear and legally binding enforcement mechanisms at both the international and domestic levels it could create some useful harmony to address the fragmentation of policies and legislation to address gender-based violence**.

F. The Working Group on Discrimination against Women in Law and in Practice (WGDAW)

22. The WGDAW believes that it is neither necessary nor feasible at this time to invest energy and resources in the development of a new stand-alone convention on VAW. Rather it would be advisable to invest the limited resources available in measures to strengthen existing mechanisms. [...]

IV. Thematic focus: modalities for the establishment of femicides/gender-related killings watch

A. Introduction: the call for the establishment of a femicide watch

Femicide or gender-related killings of women as referring to the killing of women because of their sex and/or gender. It constitutes the most extreme form of VAW and the most violent manifestation of discrimination against and inequality of women.

Gender-motivated killing of women **is a clear violation of women's rights**, including the right to life, freedom from torture and the right to a life free from violence and discrimination.

It is a **global phenomenon**, and takes place in both the private and public spheres, and results, inter alia, from intimate partner violence, armed conflict, dowry disputes or the protection of family 'honour'.

Gender-related killings of women are not isolated incidents that arise suddenly and unexpectedly, but represent the final stage of violence after an extended and ignored continuum of violence which has progressively escalated. It notes that globally, the prevalence of these killing is increasing.

Gender-related killings of women are not isolated incidents. Females are at greater risk than males, and that the majority of female homicide victims is killed by male intimate partners.

"FEMICIDE WATCH" or "GENDER-RELATED KILLING OF WOMEN WATCH"

The new mandate holder has decided that one of her immediate priorities is prevention of femicides and the use of data on violence against women as a tool to achieve it.

The UN Special Rapporteur on VAW, Dubravka Šimonović, suggests to globally collect that data on the number of femicides or cases of gender-related killings of women, disaggregated by age and ethnicity of victims, and the sex of the perpetrators, and indicating the relationship between the perpetrator and the victim or victims, be published every year.

1. General recommendations in relation to prevention of femicides:

- a. States should ratify, fully incorporate and accelerate implementation of relevant international and regional conventions on VAW and gender equality.
- b. States should review and update legislation on violence against women in order to strengthen prevention of VAW, prosecution of perpetrators and provision of services and compensation for victims of such violence.
- c. States should collect and publish data on femicides and on other forms of VAW and establish Femicide watch or observatories on VAW with such functions.
- d. States should cooperate to establish and implement common methodology for collection of comparable data and establishment of femicide watch.
- e. Provide police and prosecution office with specific expertise on risk assessment and risk management and establish specialized units on VAW, and encourage courts to gain specific expertise on femicide and VAW.

2. Recommendations on modalities for the establishment of femicide prevention watch/observatory on VAW:

The Special Rapporteur on VAW suggests:

- A flexible model for establishment of **national femicide watch** that should depend on needs and national realities in different States.
- **States should systematically collect disaggregated relevant data** on all forms of violence against women

and specifically on femicides or gender related killings of women (this could include killings of children related to such femicides.

- **States should establish femicide watch or femicide review panels** or observatories on VAW or at the national or regional or global level in order to analyze data on femicides and propose concrete measures needed to prevent such femicides.
- **Femicide watch panels should be established as interdisciplinary bodies** with inclusion of legal professionals (judges, prosecutors, ombudspersons and NGO representatives) and connected to or integrated with existing mechanisms on VAW.
- **NGOs or NHRIs could establish their femicide watch reviews panels.**
- **The mandate of Femicide watch panels/ observatories on VAW would include the systematic analyses of all femicide cases** (femicide reviews).
- As far as possible such **femicide reviews should also include suicide cases and killing of children related to a gender-based violence against their mothers.**
- In every case, the **personal information** that has been provided by the victims and the family members should only be incorporated into data bases with informed consent regarding the possible uses this information should be protected in accordance to international standards on the matter related to **protection of privacy.**

2.4 Excerpts from the Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to the Sudan, 18 April 2016

EXCERPTS¹

III. Manifestations of violence against women and girls

13. The human rights situation of women in the Sudan should be seen in the light of preexisting patterns of oppression and subordination, different manifestations of violence against women and girls, and multiple forms of discrimination which have been exacerbated by decades of armed conflict.

[...]

15. The Special Rapporteur received information and also noted during the visit that numerous manifestations of violence against women and girls existed and remained widespread. In addition, girl children are further exposed to harmful cultural practices, including female genital mutilation and early marriage (see A/HRC/24/31, para. 34). The following areas of concern were noted during the visit.

[...]

B. Rape

19. During her visit, the Special Rapporteur was informed of cases of sexual violence and rape in the Sudan, which seem to be more prevalent in conflict areas. She was also informed of the practice of abduction and rape of young women and girls, resulting in defilement, thus enabling the achievement of the goal of marriage through coercive and violent means.

[...]

C. Early and forced marriage

26. Lack of data makes it difficult to ascertain the extent of the practice of early and forced marriage. Nevertheless, throughout her visit, the Special Rapporteur was informed that early marriage remained prevalent in the country. Moreover, in situations of poverty and as accepted social practice, parents perceive a girl child as a source of wealth and income, which further contributes to the practice. Legislative provisions, including article 40 of the Sudanese Personal Status Law for Muslims, which states that a 10-year-old girl can get married if it is “justified” before a court of law, allow for justifications that do not take into

¹ A/HRC/32/42/Add.1, Report of the Special Rapporteur on violence against women, its causes and consequences on her mission to the Sudan, full report available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/079/16/PDF/G1607916.pdf?OpenElement>

consideration the best interests of the girl child. 27. In Khartoum, the Special Rapporteur met with a 13-year-old survivor of rape and forced marriage, who was married at the age of 10. As a result of being raped, she became pregnant and experienced physical difficulties due to her age. She suffered from eclampsia and lapsed into a coma for 14 days. At the time of the visit, she was undergoing treatment for psychological problems following the trauma of the rape, the forced marriage and the pregnancy. She was also being counselled regarding her rejection of her baby, who was being taken care of by her mother. That child is one of the few fortunate victims who has access to a service provider from a non-governmental organization (NGO). [...]

D. Female genital mutilation

28. The Special Rapporteur was informed that the practice of female genital mutilation remains prevalent in the country. Statistics indicate that the national rate of female genital mutilation is approximately 65.5 per cent,² [...] It is primarily girls under the age of 12 who undergo the procedure. Women who are not circumcised are also pressured to undergo the procedure before getting married. Reports indicate that some young girls die from the shock and pain caused by the mutilation, which is normally done without anaesthesia, as well as from infections and massive blood loss.

29. During the visit, the State authorities indicated their commitment to prohibit and eradicate female genital mutilation, including through the development of a strategy and a national action plan.

[...]

G. Violence against internally displaced women

35. The Special Rapporteur was informed that sexual and gender-based violence continues to be used in the context of conflict. The conflict and the humanitarian crisis, which have had a disproportionate impact on women and girls, and the particular vulnerability faced by persons displaced by conflict and drought, have further exposed women to violence. The presence of armed groups in the camps and surrounding areas has also contributed to the current situation of insecurity and the use of rape and sexual violence against civilian women and girls as a weapon of war, by all sides in the conflict.

36. The Special Rapporteur points to a lack of or limited reporting of sexual violence that is occurring in camps for internally displaced persons. Factors such as social stigma, inaction by the police and fears of reprisals against victims and eyewitnesses impede the reporting of violence.

37. In areas with lower security risks, the cases of sexual violence committed against internally displaced women that are reported to the police remain largely unaddressed by the authorities.

38. The security situation in camps for internally displaced persons is reportedly unstable, and there is criminality within the camps that targets women. The security risks

2 United Nations Population Fund (UNFPA), *Ending Female Genital Mutilation/Cutting in Sudan*, p. 2.

the women face when venturing outside the camps are also of concern (see A/HRC/23/44/Add.2, para. 38). To support their families, and in the light of recent changes to humanitarian assistance programmes within the camps, including reductions in food provisions, many women are forced to seek agricultural work and collect wood outside the camps, where they become vulnerable to sexual violence.

39. At the time of the visit of the Special Rapporteur to the Abu Shock camp for internally displaced persons, 47,500 people were living there. She was informed that the security situation in the camp was of concern, including allegations of armed men going into the camps at night, threatening people and demanding money. There are reportedly no doctors permanently based in the camp clinic and minimal medication is available. Allegations were made about women dying in childbirth.

H. Trafficking of women and girls

40. The Sudan is a transit and destination country for human trafficking. Since 2011, there has been a significant increase in the number of asylum seekers and refugees who have been trafficked into slavery and slavery-like situations.³ The Special Rapporteur has received reports of increased trafficking of women and girls, mainly in Eastern Sudan and Khartoum. It was reported that some women pay to travel via the Sudan using the services of male agents, who then allegedly transfer them to a Sudanese agent once in the country. Their identity documents are then taken away to prevent them from leaving.

41. Refugees reportedly arrive in the eastern part of Sudan, but due to the difficult conditions in the camps and the lack of employment opportunities in the region, they move from the camps to urban centres in the Sudan or other neighbouring countries. In addition, owing to the crisis affecting South Sudan, many South Sudanese refugees are reportedly moving to the Sudan.

42. Many of the trafficked persons are Eritrean, Ethiopian and Somali women and children, who are often seeking alternatives to living in refugee camps and a way to reach Europe. As a result of trafficking, they find themselves in involuntary domestic servitude or other types of forced labour, including sexual exploitation. During her visit to Somalia in 2011, the Special Rapporteur had been informed of cases of Somali women who had been intercepted by militias in the Sudan and were being trafficked (see A/HRC/20/16/Add.3, para. 32).

43. Trafficked women and girls are at higher risk of being subject to various forms of violence linked to trafficking for the purposes of sexual exploitation. They are also unable to negotiate safe sex, which puts them at risk of becoming pregnant, and contracting HIV/AIDS and/or other sexually transmitted diseases. There are reportedly cases in which victims of trafficking are killed and their organs sold.⁴

3 Office of the United Nations High Commissioner for Refugees-International Organization for Migration (IOM), *Joint UNHCR-IOM Strategy to Address Human Trafficking, Kidnappings and Smuggling of Persons in Sudan 2013-2014*, p. 2.

4 Ibid

Victims are reluctant to seek assistance because of their status as victims of trafficking.

IV. Observations of United Nations monitoring mechanisms

44. The Sudan has ratified numerous core international and regional human rights instruments. It has signed but not ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Sudan is a party to the Protocol on the Prevention and Suppression of Sexual Violence against Women and Children of the Pact on Security, Stability and Development of the Great Lakes Region, but is not a party to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Persons from Enforced Disappearance or the Rome Statute of the International Criminal Court.

[...]

46. The first visit to the Sudan by a special rapporteur on violence against women, its causes and consequences took place in 2004, and was limited to a short visit to Darfur. It took place in the context of the mandate holder's participation in the first African Regional Consultation on Violence against Women. In her report, the mandate holder called for investigations into all allegations of violence against women, the protection of witnesses and victims and the payment of compensation to survivors. She also recommended ensuring the security of civilians and introducing protection measures to reduce the ongoing risks of rape, beatings and abductions of women and girls when they move outside camps and villages for internally displaced persons. Another recommendation made was for the ratification of the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (see E/CN.4/2005/72/Add.5).

47. In his 2013 report (A/HRC/25/31), the Independent Expert on human rights in the Sudan raised concerns about the protection of women and children's rights and recommended upholding the guarantees contained in the Interim National Constitution.

48. The Special Rapporteur on the human rights of internally displaced persons in his 2013 report pointed out that displaced women and girls continued to be at increased risk of various forms of abuse and exploitation (see A/HRC/23/44/Add.2, para. 38).

49. The Committee on the Rights of the Child indicated in its concluding observations in 2010 (CRC/C/SDN/CO/3-4) that the action plan on female genital mutilation lacked a comprehensive human rights-based approach.

50. The Human Rights Committee in its concluding observations following the review of the Sudan in 2014, expressed concern about the persistence of discriminatory provisions against women in legislation, including in

the areas of family and personal status. The Committee also expressed concern about reports of discrimination against women in the enforcement of certain provisions, in particular article 152 of the Criminal Act, 1991, used in cases relating to indecent conduct or clothing. In addition, the Committee expressed concern that violence against women remained a serious problem, including in conflict affected areas (see CCPR/C/SDN/CO/4, paras. 10 and 12).

[...]

52. The Committee on the Elimination of Racial Discrimination, after its review of the Sudan in 2015, stated that it remained concerned about allegations of mass rape by soldiers of the Sudanese Armed Forces of women in the village of Thabit in October 2014, which have not been thoroughly and effectively investigated. In addition, it expressed concern about the reported occurrence of similar cases of sexual violence in conflict areas, with perpetrators remaining largely unpunished (see CERD/C/SDN/CO/12-16, para. 11).

VIII. Conclusions and recommendations

98. The Special Rapporteur recognizes the historical, political and environmental context characterizing the Sudan. This context, defined by the insecurity of the protracted conflict, extreme poverty and underdevelopment, food insecurity, drought and the massive internal displacement of people, will require measures to address individual, institutional and structural barriers in order to achieve a process of national reconciliation, political and social reforms and the guarantee of security and to address past and current violations of human rights. The proposed dialogue on a national rebuilding process provides a unique opportunity to promote respect for all human rights for all, including effectively addressing violence against women and girls.

99. The Special Rapporteur offers the following recommendations. Recommendations addressed to the Government of the Sudan

100. The Special Rapporteur urges the Government to ratify the core human rights instruments to which the country is not yet a party, i.e. the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocols to the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court.

101. The Government should ensure full implementation of the recommendations accepted during the universal periodic review, in particular those relating to promoting women's rights and addressing violence against women.

102. The Government and all stakeholders must honour their commitments regarding the Doha Document for Peace in Darfur. These include calls for the adequate representation of all relevant parties in the National Constitutional Review Commission, for the drafting of a permanent constitution, in accordance with international

human rights norms and standards, including the promotion and protection of the human rights of women and girls; and to ensure transparency and non-discrimination in all stages of the review, including in the conduct of consultations with all stakeholders, including women's organizations.

103. The Government should implement Security Council resolutions on women, peace and security, especially resolutions 1325 (2000) and 1820 (2008), and ensure that women's needs and interests are included in all negotiations, and that rape is prosecuted as a war crime. The State should facilitate the reporting of rape and ensure that all cases are investigated. Perpetrators of sexual violence, including State agents, must be held accountable, and the legislation that grants immunity from criminal prosecution for State agents should be abolished.

104. The Government should consider as a matter of priority the enactment of a comprehensive law on violence against women, which would contain specific provisions, among others, on domestic violence, sexual violence, including marital rape, and the criminalization of all forms of sexual harassment. The Special Rapporteur is of the view that a specialized law would provide protective, preventative, educative and remedial measures which would assist in the process of elimination of all manifestations of violence against women. The adoption of such a law requires an inclusive, transparent and consultative process. The law should be accompanied by an implementation plan and adequate budget allocations for its effective implementation.

105. The Special Rapporteur urges the Government to follow up on all recommendations of the legislative review process regarding laws that discriminate against women, in particular the Criminal Act, the Public Order Law and the Sudanese Personal Status Law for Muslims. Amendments to discriminatory laws must be made to ensure harmonization with other laws, including relevant procedural laws, in line with international human rights norms and standards. In particular, the Special Rapporteur recommends that the procedural requirement of form 8 should be repealed from the law in its entirety. She recommends that the application and interpretation of religious laws should also be in conformity with international standards on women's human rights.

106. The Government should strengthen the institutional framework for the protection and promotion of women's human rights, including through, among others, the units for combating violence against women and children and the Ministry of Welfare and Social Affairs. Relevant institutions should be provided with clearly defined mandates, power and authority, increased visibility and adequate human and financial resources. Relevant authorities should be encouraged to hold periodic meetings, open to all women's rights organizations, to discuss women's human rights challenges and solutions that could inform the formulation and implementation of national policies and programmes.

107. The Government should ensure that the National Human Rights Commission meets the standards of the principles relating to the status of national institutions for

the promotion and protection of human rights (the Paris Principles) in order to ensure its independence and allow it to carry out its mandate effectively. To ensure the efficient use of resources, the Government should avoid duplication in similar areas of work between the Commission and the Advisory Council for Human Rights.

108. The Government should establish a system of standardized collection and analysis of data, disaggregated by sex, race, age, ethnicity and other relevant characteristics, in order to understand the magnitude, trends and patterns of violence against women. Monitoring and evaluation tools must also be developed to assess progress made in eliminating violence against women in a clear and systematic way. Obstacles that prevent cases of violence against women from being diligently recorded should be removed, including barriers based on patriarchal norms and stereotypes that result in the failure of law enforcement officials to record criminal complaints or to inform victims of their rights.

109. The Special Rapporteur encourages discussions on the possibility of creating a commission of inquiry, consisting of both national and international persons, to look into the reports of allegations of mass rape in different regions. In addition to identifying and bringing to justice perpetrators of such violence, the commission could also deal with cases regarding compensation to victims of violence and their families. Such a process could serve as a forum to exchange views on national reconciliation, truth, justice and measures to repair the social fabric, as well as to address past human rights violations.

110. The Government should continue to facilitate training and awareness-raising programmes on international and regional instruments on women's human rights in public service training institutions.

111. Regarding the specific situation of internally displaced persons living in camps, the Government should introduce effective protection measures to reduce the risks of all manifestations of violence against women, both inside and outside the camps. Measures should include adequate lighting and security, geographically accessible police stations, and access to appropriate health care and schooling facilities, as well as adequate and accessible shelter and food. United Nations and donor agencies should be encouraged to assist the Government in providing such assistance.

112. The Government should continue to enhance the protection of victims and witnesses of human trafficking, including women and girls who find themselves in situations of servitude within the Sudan. There is a need for harmonized pathways for victim assistance, criminal prosecution of trafficking cases and the implementation of a national action plan to mobilize efforts and implement preventive measures, including reparation measures.

113. The Government should protect human rights defenders, including those from racial and religious minority groups, from harassment, intimidation, arbitrary arrest and detention, as well as torture and ill-treatment.

114. The Government should repeal laws that allow for capital punishment or punishment that includes lashes for women sentenced under the Criminal Act.

115. The Government should adopt the measures necessary to investigate allegations of violations of the rights to freedom of opinion and expression, movement and association in all its forms.

116. The Special Rapporteur recommends outlawing all forms of female genital mutilation and encourages the Government to adopt a federal law to prohibit the practice and ensure the inclusion of monitoring and reporting mechanisms.

117. If an exit strategy is considered for UNAMID, the Special Rapporteur recommends that it should be planned with sufficient time to allow for the effective handover of initiatives, to ensure sustainability afterwards. Recommendations addressed to United Nations agencies

118. The Special Rapporteur acknowledges the support provided by international organizations and donor agencies in promoting gender equality and combating violence against women. She encourages them to continue working with the Government at the federal and state levels to implement the recommendations of the present report, including those relating to the promotion and protection of women's human rights, in both the public and private spheres.

119. The United Nations and its specialized agencies should continue their support, including technical assistance, for the effective implementation of national laws and policies and also relevant Security Council resolutions. They must also continue to provide support services to women and girl victims of all manifestations of violence. The Sudan should be included as a priority country for the United Nations Action against Sexual Violence in Conflict initiative, with attention being focused on the individual, institutional and structural factors underlying such violence.

120. United Nations agencies and their partners should integrate the relevant recommendations from the universal periodic review, from treaty bodies and from special procedure mechanisms into their planning and programming, particularly those relating to promoting women's rights and addressing violence against women.

Agencies should provide the Government with the technical and financial support necessary for the implementation of such recommendations.

121. United Nations agencies and their partners should increase their participation in supporting the Government and civil society in monitoring cases of violence against women and in collecting data in this regard. Recommendations addressed to the donor community

122. The Special Rapporteur recommends that the donor community focus international assistance programmes on the empowerment of women and girls. Such programmes would include the promotion of women's rights and the eradication of violence against women through capacity-building projects for those involved in assisting and protecting women. Such programmes could be developed in parallel with the provision of infrastructure, such as shelters and centres that provide specialized integrated services for victims; protective measures against discrimination, harassment and violence; and affirmative action projects for women's housing and employment needs. [...]

123. Civil society in the Sudan has a crucial role to play in ending human rights violations, including violence against women. The Special Rapporteur met with many women who, mostly using their own initiative and resources, are working to empower women and girls. Such organizations require support from the diaspora community, donors and the State, to enable them to continue service provision and advocacy work, and to increase their capacity to monitor and report on the fulfilment of the Government's international obligations.

124. The media in the Sudan should conduct awareness-raising campaigns, with the aim of challenging discriminatory attitudes towards women and girls, and addressing stereotypical attitudes relating to the roles and responsibilities of women and men in the family, society and the workplace.

125. Women and men from the Sudanese diaspora should be given the opportunity to participate in the efforts to rebuild their country, and should be encouraged to share their expertise and assist in national efforts.

2.5 UN Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis (Greece and FYROM)

UNHCR (United Nations Refugee Agency), UNPF (United Nations Population Fund), WRC (Women's Refugee Commission)

SUMMARY

The mass movement of migrants and refugees that Europe is currently experiencing is the gravest since World War II. 950,469 people have arrived in Europe through the Mediterranean from January till November 2015, with Greece receiving the vast majority of them. The journey from the areas torn apart by mass killings, oppression and pervasive sexual and gender based violence has proved to be a perilous one, with migrants often becoming victims of violence, human trafficking, sexual exploitation and often murder. This raised concerns regarding the safety and protection of particularly vulnerable groups such as women travelling alone or with their children, unaccompanied minors, elderly people and people with disabilities. According to the 1951 Refugee Convention and other international instruments and protocols, Europe is required to guarantee the protection of these immigrants. However, protection responses by government agencies, civil society organizations and humanitarian actors has so far been rather ineffective and inadequate.

Alarmed by the low quality of protection offered to women and girls refugees particularly, in November 2015 the UNHCR, UNPF and WRC carried out a seven-day assessment mission in Greece (Athens and two of the arrival isles) and the Former Yugoslav Republic of Macedonia (Skopje, Gevgelija, Tabanovce), which aimed at developing practical recommendations for strengthening protection mechanisms for this particular group of migrants. The assessment team conducted site observations, focus group discussions, individual interviews and group interviews. The outcome document was the "UN Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis (Greece and FYROM)".

Throughout their mission the teams of the UNHCR, UNPF and WRC discovered that sexual and gender based violence (SGBV) has not been identified by the responsible actors as an issue of the migration crisis, due to lack of data on SGBV incidents. There was neither evidence of strategies designed to prevent and protect victims of SGBV, nor expertise or capacity provided by government authorities and humanitarian actors. The assessment mission identified the following forms of SGBV: early and forced marriage, domestic violence, transactional sex, rape, physical assault and sexual harassment during the journey and in the country of origin. In fact, the teams discovered that SGBV was also one of the major reasons behind the flight from the countries of origin and the first asylum countries. The assessment concluded that if qualified SGBV experts are deployed to humanitarian missions, the risks of incidents of SGBV would be significantly reduced.

EXCERPTS¹

Initial Assessment Objectives and Methodology

From 2 – 7 November 2015, five team members from UNHCR, UNFPA and the WRC carried out a joint assessment mission to understand the protection risks facing women and girls in the European refugee and migrant crisis. These organizations chose to collaborate based on their complementary combination of refugee, women and girls' protection, SGBV and reproductive health (RH), and research experience.

The assessment team travelled to Greece, including Athens and Chios and Samos, two of the arrival islands, then continued to the former Yugoslav Republic of Macedonia, including Skopje and Gevgelija, the entry point bordering Greece, as well as Tabanovce, the exit point bordering Serbia. In addition, field visits were conducted to detention centres, as well as sites where refugees and migrants stayed for longer periods, such as the Eleonas, Victoria Square and Galatsi Stadium in Athens.

The mission adopted a qualitative research methodology focused on making direct contact with refugee and migrant women and girls, men and boys, as well as key stakeholders involved in the protection and humanitarian response (...) In total, 67 refugees and migrants were interviewed in 10 individual interviews, 17 group interviews and 1 focus group discussion. In Greece, the team met with Faros and Melissa, local CSOs supporting the response work, and attended a refugee and migrant response coordination meeting in Samos.

The team developed questionnaires to guide the interviews with all stakeholders. The questionnaires addressed protection risks specific to women and girls in the country of origin and in transit towards the countries of destination. The assessment team made detailed observations and documented not only protection risks but also factors contributing to protection risks of women and girls. The team split up into smaller groups to conduct the interviews and focus group discussions. This was done keeping in mind that as people were on the move, only a short amount of time was available and therefore smaller groups of interviewers facilitated the establishment of trust and minimized the risk of overwhelming refugees and migrants who are already under heavy psychological pressure.

(...) the assessment team also noted protection risks for men and boys...received information on large numbers of unaccompanied male children, and noted that among the

¹ *UN Initial Assessment Report: Protection Risks for Women and Girls in the European Refugee and Migrant Crisis (Greece and FYROM)*, full document available at: https://www.unfpa.org/sites/default/files/resource-pdf/EuropeMission_Protection_Risks_19_Jan_Final_0.pdf

push factors is the fear of forced conscription of men and boys into armies and armed groups.

Initial Assessment Findings on Women and Girls' Protection Risks And Responses

The assessment findings include information gathered on the profile of the population, protection risks in the country of origin, during travel to Greece, in Greece and in Macedonia, as well as gaps in the protection response.

Protection risks in the country of origin:

All families and individuals interviewed, regardless of their nationality, exhibited significant protection concerns related to war, armed conflict, persecution or SGBV and harmful practices in their country of origin.

Case study: Farah is an Afghan refugee travelling alone through Europe with her eight children, seven of whom are girls under the age of 17. Farah's family had been living as refugees in Iran, when her husband and son were killed, leaving her and her children vulnerable to attacks. The children's uncle threatened to sell Farah's daughters for marriage and Farah felt she had no choice but to flee the country so her girls would not be taken away from her. The journey thus far has been dangerous. Farah noted that her daughters' primary fear is of men along the refugee and migration route

Protection Risks during Travel to Greece:

Throughout their journey to Greece, refugees and migrants face high risks of violence, extortion and exploitation, including rape, transactional sex, human and organ trafficking. Women and girls, especially those travelling alone, face particularly high risks of certain forms of violence, including sexual violence by smugglers, criminal groups and individuals in countries along the route.

Case study: Fatima was found in a state of shock at the port of a Greek Island. She was traumatized and had suffered violence from the man she was travelling with. On being alerted, government authorities took her to a hospital for treatment. She revealed that her husband had entrusted her and her young daughter to the man she was travelling with in order to get her to a destination country. During the journey, the man confiscated all her and her daughter's travel documents, mobile phone and money and turned physically abusive towards Fatima, denying her direct contact with her husband.

Protection Risks in Greece and the former Yugoslav Republic of Macedonia:

Sexual and Gender-Based Violence

The response to the European refugee and migrant crisis is currently not able to prevent or respond to SGBV survivors in any meaningful way. A comprehensive and survivor-centred approach led by government agencies, aimed at addressing SGBV-related protection risks, was not evident during the mission. Notwithstanding the existing research and progress made in the work against SGBV, *there is still a perception among many of the government authorities and humanitarian actors interviewed that SGBV is not a major feature of this crisis due to a lack of data on SGBV*

incidents. This perception is illustrative of a very incomplete understanding of this protection risk in situations of flight and forced displacement. From interviews with refugees and humanitarian actors, it was noted that SGBV survivors avoid disclosing their experience and seeking assistance unless there is a severe and visible health implication. This results in survivors remaining hidden also creates a serious challenge for government and humanitarian agencies in addressing their protection needs.

It is also imperative to remind the international community that, as per the recently issued (2015) *Inter-Agency Standing Committee (IASC) GBV Guidelines*, "[A]ll humanitarian personnel ought to assume GBV is occurring and threatening affected populations and take action based on sector recommendations in these Guidelines, regardless of the presence or absence of concrete evidence".

(...) through observation and interviews the assessment team identified instances of SGBV, including but not limited to early and forced marriage, transactional sex, domestic violence, rape, sexual harassment and physical assault in the country of origin and on the journey. This testifies to the fact that if relevant government and humanitarian agency staff with SGBV prevention and response knowledge are deployed and tasked to respond to cases of SGBV as a protection priority. This will result in an increase in the identification of protection gaps/risks and support appropriate prevention and response measures being put in place. *SGBV was identified as both a reason why refugees and migrants are leaving countries of origin and first asylum and a reality along the refugee and migration route for women and girls.*

Case study: Oumo is a young woman from a conflict-affected sub-Saharan African country. She fled her country of origin a month before the team met her, due to the political persecution of her family, including the killing of her brother-in-law and the disappearance of her sister. Fearing for her life, she was travelling alone towards Germany. During her journey to Greece, Oumo was forced to engage in transactional sex twice, the first time to access a fake passport and the second time to gain passage on a boat from Turkey. "I had no choice," Oumo explained... "I fear that I will go crazy," she admitted.

The assessment team saw little evidence of SGBV prevention programming for refugees and migrants. In Greece, as well as in the former Yugoslav Republic of Macedonia, there is a lack of government-supported systems to identify and respond to SGBV concerns, and limited SGBV capacity and expertise among humanitarian actors. There is a dearth of dedicated safe spaces for women and girls, including spaces for confidential interviews with service providers, a lack of psychosocial support, and a lack of translators, including female Farsi and Arabic translators, which is hindering access to existing services. It is important to note, however, that in comparison to the situation on some of the Greek islands, gender-related concerns had been taken into consideration in site planning in some locations. Overall, however, the conditions in the reception sites, particularly on the Greek islands, fail to meet minimum standards for SGBV risk mitigation. In Samos, the detention

center is massively overcrowded (...) there is no separation between men and women. These conditions increase the risk of SGBV.

Access to response services for SGBV survivors is limited. For example, there are challenges to accessing medical facilities run by government agencies and humanitarian actors, such as refugees and migrants being unaware that these services exist or being unable to access government or humanitarian personnel who can guide them to such services...There are currently informal or no referral mechanisms, and standard operating procedures (SOPs) either did not exist or were being developed at the local and national level. At the cross border level, the assessment team did not observe referral mechanisms or SOPs. Clinical management of rape (CMR) is absent and post-rape kits had not been pre-positioned.

SGBV services, in order to be relevant, accessible and used by survivors, must be tailored to the pace of the refugee and migrant movement. This means that there is no "one size fits all" model that should be implemented in all areas of the European refugee and migration route. In areas where refugees and migrants transit very quickly, a minimum of SGBV qualified personnel, information and services need to be available and accessible, including *psychological first aid and post-exposure prophylaxis (PEP) kits*.

By contrast, in areas where refugees and migrants stay for a longer period, (...) in destination countries or at borders with time-consuming registration procedures, comprehensive multi-sectoral SGBV prevention and response services linking into existing national systems led by government authorities with the support of humanitarian actors, must be made available.

Access to Services and Facilities

There is a dearth not only of prevention and response services to SGBV but of all services that specifically respond to the needs of women and girls, such as separate distribution lines for food, separate WASH facilities, separate accommodation for specific groups, including single women and female-headed households, and for families. Furthermore, challenges were observed in the availability of dedicated and trained government and humanitarian staff able to promptly identify persons at risk and those in need of special attention and prioritization. Police personnel who are in charge of security and organizing the flow of refugees and migrants into transit centres are not equipped to identify, prioritize and respond to protection risks.

(...) other challenges preventing women from accessing services and facilities, including a lack of effective crowd management and limited safe spaces to leave young children.

Reproductive Health

The assessment team observed a high number of pregnant women. Most of these women have suffered severe physical and psychological stress and hence, even if otherwise healthy, are at higher risk of complications, preterm delivery or even death. The large number of infants observed also suggests a high number of lactating

women among this refugee and migrant population, at risk of developing malnutrition disorders. (...)

Protection Response in Greece and the former Yugoslav Republic of Macedonia Capacity

There are a limited number of protection experts experienced in identifying and responding to SGBV-related protection risks. Most of these personnel are from humanitarian agencies and are currently overstretched and responding to protection risks in an ad hoc manner. This situation leads to serious challenges in the provision of information, ability to identify high-risk cases and provision of referrals and services. To address this, it is necessary for the respective governments to put in place response systems with an adequate number of well-trained personnel, inclusive of SGBV coordination and expertise, who can function at the local and national level, and be supported by humanitarian actors.

It is important to strengthen collaboration with CSOs, local women's rights groups and volunteer groups with the relevant expertise. The mission was able to observe good examples of such collaboration between UNHCR and CSOs in the former Yugoslav Republic of Macedonia.

Leadership and Coordination

A key concern, especially related to SGBV prevention and response, observed in some locations in Greece, are challenges emerging from lack of clearly established leadership and clear definition of roles and responsibilities of all actors at the local level.

(...) strengthening of cross-border coordination mechanisms between all relevant country governments with the central aim of strengthening and providing protection to refugees and migrants, especially against SGBV. There is some existing information sharing at an informal level among humanitarian actors, (...) , but this needs to be systematized.

Setting up and systematizing cross-border information sharing on high-risk individuals, such as unaccompanied children, single women, persons with disabilities, pregnant women and those with chronic health issues is a gap that needs to be addressed urgently. It is also a much-needed mechanism to ensure that SGBV survivors need not share the details of their experiences multiple times, in each country they cross, exposing themselves to further trauma.

(...) vulnerability criteria should be standardized and harmonized to ensure consistency in registration, identification and targeting of assistance to persons with specific needs. It is important to note that cross-border coordination will be possible and successful only with the support extended by national governments, which have a responsibility to ensure the protection of refugees and migrants passing through their countries.

Information Distribution

The overall low number of staff with adequate SGBV capacity among all actors on the ground, as well as an insufficient number of women interpreters, and in some cases a lack of interpreters who can translate to a common language spoken by other protection staff, constitutes

a major gap in the response to the refugee and migrant emergency. Information distribution mechanisms have not been adjusted to meet the needs of a population that speaks multiple languages and is very mobile.

Finally, the team observed a lack of visibility and thus accessibility of personnel, hindering refugees and migrants from easily identifying whom they could approach for information and support. Although in some locations key personnel, such as translators, UNHCR and Red Cross staff or other CSOs, wore visibility vests, this was neither consistent across the different locations nor within one location. This lack of visibility, compounded with insufficient information distribution and lack of access to interpretation, presents serious barriers for all refugees and migrants, including SGBV survivors and those experiencing domestic violence, to accessing protection.

RECOMMENDATIONS

Governments and the European Union (EU)

- Preserve the human rights, safety and dignity of all refugees and migrants, regardless of nationality, across all countries impacted by the crisis.
- Ensure that all refugees and migrants, regardless of nationality, are free from all forms of exploitation and abuse and have the right to seek asylum and international protection across all countries impacted by the crisis.

Leadership and Coordination:

- Strengthen leadership and coordination among government and humanitarian actors to ensure a streamlined response to the crisis, especially to mitigate protection risks to women and girls.
- Ensure that government authorities monitor and work to prevent exploitation and discrimination against refugees and migrants.
- Ensure actors who have an operational role in registration collect sex- and age disaggregated data in order to track and monitor flows and needs of vulnerable populations.
- Develop, standardize and use a standard set of vulnerability criteria to ensure that all actors engaging in the response identify, prioritize and respond to individuals who have heightened protection risks.
- Ensure protection risks are adequately addressed in site planning and management.
- Ensure all national contingency plans relating to this emergency consider and adequately integrate gender concerns within the plans.

Capacity and Expertise:

- Deploy relevant government agency staff (such as trained staff from Ministries of Health) with SGBV expertise and capacity across the refugee and migration route and in destination sites.
- Use local CSOs with relevant SGBV expertise to assist SGBV prevention and response efforts, including case management in line with a survivor-centred multi-sector approach.

Access to Services and Facilities:

- Ensure safe spaces for women and children that include spaces for confidential interviews are available at all transit and destination points.
- Ensure all reception centres and accommodation facilities are safe, accessible and responsive to women and girls.
- Establish cross-border protection mechanisms where they do not exist, including case management and referrals, for SGBV response and prevention.
- Develop SGBV SOPs and referral pathways in order to ensure SGBV prevention and response services are coordinated locally and across relevant countries.
- Ensure availability and accessibility of SGBV response services for refugees and migrants at all entry, exit and transit points. At a minimum, this must include psychosocial first aid; clinical management of rape (CMR) and PEP kits; functional referral pathways; and sufficient number of female interpreters.
- Ensure comprehensive multi-sectoral SGBV response services are available and accessible, with linkages to existing national/local systems (social protection, national health services, local CSOs, etc.), for refugees and migrants in places where they stay for longer durations, that is, destination countries, accommodation sites and/or various points on the refugee and migration route.
- Ensure legal assistance is available and accessible to refugees and migrants to address SGBV-related protection risks. This should be available for all countries, and should include the provision of information on all legal protection processes, such as family reunification.
- Strengthen efficient management of all accommodation/camp sites and ensure that gender and age analysis informs all activities in such sites.
- Ensure the availability of comprehensive reproductive health services, linked to national and local health facilities. This includes addressing prevention of maternal and infant mortality, prevention and treatment of STIs and HIV, prevention and response to pregnancy-associated complications, and provision of family planning commodities.
- Deploy mobile healthcare units where needed, linked to national/local health systems.

Information and Communications Mechanisms

- Ensure that information about all available services is uniformly disseminated, available and accessible in English, Arabic and Farsi (at a minimum) through signs, loudspeaker broadcasts and interactions with humanitarian actors.
- Distribute culturally appropriate educational materials to pregnant women, including information on key symptoms and health complications. Inter-Agency Standing Committee Guidelines for Integrating GBV Interventions.
- Implement the (2015) IASC Guidelines for Integrating Gender-Based Violence (GBV) Interventions in Humanitarian Action across all sectors.
- Ensure women, girls and other persons with specific needs are able to access all food and non-food items including female-specific hygiene kits. Humanitarian

Actors, including Civil Society Organizations (CSOs) Coordination:

- Collect sex- and age-disaggregated data on all aspects of humanitarian programming in order to track and monitor flows and needs of refugees and migrants.
- Develop and implement standard and risk-specific risk criteria in concert with government agencies to identify, prioritize and respond to individuals with heightened protection risks. This will include, but is not limited to, adolescent girls, women travelling alone, unaccompanied or separated children, women-headed households, pregnant women, persons with disabilities, persons with chronic illness and older persons.
- Support the consideration and inclusion of gender concerns within all national level contingency plans.

Capacity and Expertise

- Deploy SGBV experts, particularly female staff, to function as SGBV coordinators and field officers.
- Deploy Arabic and Farsi interpreters, including female interpreters, who are aware of the code of conduct to be followed on protection issues, especially on child protection- and SGBV-related issues.
- Collaborate with local CSOs with relevant expertise to assist SGBV prevention and response, including case management.
- Support national- and local-level health care agencies to address the reproductive health needs of refugees and migrants.

Access to Services and Facilities

- Support national and local authorities in the establishment of cross-border information sharing protocols, including case management for SGBV response.
- Support and facilitate the development and implementation of SGBV SOPs and referral pathways in order to ensure that SGBV prevention and response services are coordinated locally and across borders.
- Support countries along the route in ensuring availability and accessibility of SGBV response services for refugees and migrants at all entry, exit and transit points, including psychosocial first aid; CMR, PEP kits; and functional referral pathways.
- Support relevant countries in ensuring comprehensive, multi-sectoral SGBV prevention and response services are available, accessible and linked to existing national/

local systems (social protection, national health services, local CSOs, etc.), for refugees and migrants where they stay for longer durations, that is, destination countries, accommodation sites and/or various points on the refugee and migration route.

- Ensure legal assistance is available to refugees and migrants to address SGBV-related protection risks. This should include the provision of information on legal protection processes, such as family reunification.
- Implement the Minimal Initial Services Package (MISP)⁷ for prevention of maternal and infant mortality; prevention and treatment of sexually transmitted infections (STIs) and HIV; prevention and response to pregnancy-associated complications; and provision of family planning commodities and information.
- Support the deployment of mobile healthcare units, linked to national/local health systems.

Information and Communications Mechanisms

- Ensure that information about services is disseminated, available and accessible in English, Arabic and Farsi (at a minimum) through signs, loudspeaker broadcasts and interactions with humanitarian actors.
- Distribute culturally appropriate educational materials, including information on key symptoms and health complications, to pregnant women.
- Ensure humanitarian staff is always identifiable to refugees and migrants through visibility vests or t-shirts that are as consistent as possible in all countries.

Inter-Agency Standing Committee Guidelines for Integrating GBV Interventions

- Implement the IASC GBV Guidelines, which provide practical, step-by-step guidance on food, non-food items, protection, water and sanitation, and healthcare. This includes:
- Create separate and safe spaces for women and children that allow for confidential interviews.
- Ensure all camp sites managed by humanitarian actors are safe, accessible and responsive to women and girls' specific needs.
- Ensure the distribution of food and NFIs is implemented in a manner that is safe and accessible for women and girls.
- Ensure women and girls are able to access hygiene kits and sanitary napkins.

2.6 Excerpts from CEDAW General Recommendation No.32 - gender related dimensions of refugee status, asylum, nationality and statelessness of women

EXCERPTS¹

IV. Application of non-discrimination and gender equality to international refugee law

(...)

13. The Committee notes that asylum seekers seek international protection on the basis that they cannot return to their country of origin because they have a well-founded fear of persecution or are at risk of being ill-treated or subjected to other serious harm. It also notes that under article 1A(2) of the 1951 Convention relating to the Status of Refugees the reasons for persecution must be linked to one of the five grounds listed therein: race, religion, nationality, membership of a particular social group or political opinion. *Gender-related persecution is absent from the text. The present general recommendation is intended to ensure that States parties apply a gender perspective when interpreting all five grounds, use gender as a factor in recognizing membership of a particular social group for purposes of granting refugee status under the 1951 Convention and further introduce other grounds of persecution, namely sex and/or gender, into national legislation and policies relating to refugees and asylum seekers. (...)*

14. There are many reasons why women are compelled to leave their homes and seek asylum in other countries. In addition to aggravated or cumulative forms of discrimination against women amounting to persecution, women experience violations of their rights throughout the displacement cycle. (...) It also recognizes the persistence of other forms of exploitation concomitant with displacement, such as trafficking for purposes of sexual or labour exploitation, slavery and servitude. The Committee therefore reiterates the obligation of States parties to treat women with dignity and to respect, protect and fulfil their rights under the Convention at each stage of the displacement cycle² (...).

15. Gender-related forms of persecution are forms of persecution that are directed against a woman because she is a woman or that affect women disproportionately.³

1 CEDAW/C/GC/32. *General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women*. Full document available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/627/90/PDF/N1462790.pdf?OpenElement>

2 The word "displacement" in the present general recommendation refers to those persons who have fled and crossed their country's borders. See the definition of gender-based violence in paragraph 6 of general recommendation No. 19 on violence against women. See also UNHCR, "Guidelines on international protection: gender-related persecution within the context of article 1 A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees", guideline No. 1 (HCR/GIP/02/01), paras. 3, 9, 16 and 17.

3 See the definition of gender-based violence in paragraph 6 of general recommendation No. 19 on violence against women. See also UNHCR, "Guidelines on international protection: gender-related persecution within the context of article 1 A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees", guideline No. 1 (HCR/GIP/02/01), paras. 3, 9, 16 and 17.

The Committee notes that violence against women that is a prohibited form of discrimination against women is one of the major forms of persecution experienced by women in the context of refugee status and asylum. Such violence, just as other gender-related forms of persecution, may breach specific provisions of the Convention. Such forms are recognized as *legitimate grounds for international protection in law and in practice*. They may include the *threat of female genital mutilation, forced/early marriage, threat of violence and/or so-called "honour crimes", trafficking in women, acid attacks, rape and other forms of sexual assault, serious forms of domestic violence, the imposition of the death penalty or other physical punishments existing in discriminatory justice systems, forced sterilization, political or religious persecution for holding feminist or other views and the persecutory consequences of failing to conform to gender-prescribed social norms and mores or for claiming their rights under the Convention*.

16. (...) The Committee is concerned that many asylum systems continue to *treat the claims of women through the lens of male experiences*, which can result in their claims to refugee status not being properly assessed or being rejected. Even though *gender is not specifically referenced in the definition of a refugee given in the 1951 Convention relating to the Status of Refugees, it can influence or dictate the type of persecution or harm suffered by women and the reasons for such treatment*. The definition in the 1951 Convention, *properly interpreted, covers gender-related claims to refugee status*.⁴ It must be emphasized that asylum procedures that do not take into account the special situation or needs of women can impede a comprehensive determination of their claims.

B. Principle of non-refoulement

17. The *principle of non-refoulement of refugees is the cornerstone of refugee protection and is a norm of customary international law*. Since its formal codification in the 1951 Convention relating to the Status of Refugees, it has been developing and has been integrated into international human rights instruments, namely the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 3) and the International Covenant on Civil and Political Rights (art. 7).

18. Bearing in mind that the vast majority of States have become parties to international instruments *prohibiting the refoulement of asylum seekers and refugees*, in addition to State practice and, among others, the practice whereby non-signatory States to the 1951 Convention relating to the Status of Refugees host large numbers of refugees, often in mass-influx situations, the prohibition of refoulement of refugees, as enshrined in article 33 of the Convention and complemented by non-refoulement obligations under

4 UNHCR, "Guidelines on international protection: gender-related persecution", para. 6 (see footnote 9 above).

international human rights law, constitutes a rule of customary international law.⁵

(...)

20. According to those human rights provisions, no asylum seeker or refugee is to be expelled or returned (*refoulé*) in any manner whatsoever to the frontiers of territories where his or her life or freedom or the right to be free from torture or other cruel, inhuman or degrading treatment or punishment would be threatened.

(...)

22. The Committee further considers that, under article 2 (d) of the Convention, States parties undertake to *refrain from engaging in any act or practice of discrimination against women* and to ensure that public authorities and institutions act in conformity with that obligation. That duty encompasses the *obligation of States parties to protect women from being exposed to a real, personal and foreseeable risk of serious forms of discrimination against women*, including gender-based violence, irrespective of whether such consequences would take place outside the territorial boundaries of the sending State party: if a State party takes a decision relating to a person within its jurisdiction, and the necessary and foreseeable consequence is that the person's basic rights under the Convention will be seriously at risk in another jurisdiction, the State party itself may be in violation of the Convention. The foreseeability of the consequence would mean that there was a present violation by the State party, even though the consequence would not occur until later.

23. The Committee is therefore of the view that States parties have an obligation to ensure that no woman will be expelled or returned to another State where her life, physical integrity, liberty and security of person would be threatened, or where she would risk suffering serious forms of discrimination, including serious forms of gender-based persecution or gender-based violence.

C. Comments on specific articles of the Convention

(...)

26. In addition, articles 2, 15 (1) and 16 require States parties to recognize that women may present independent claims to asylum. In this respect, their *claims may also be based on fears relating to their children. For example, claims to refugee status may arise from a fear that their daughters will suffer female genital mutilation, be forced into marriage or be subjected to severe community ostracism and exclusion for being girls.*⁶ *The child's protection claim should also be considered on its own merits in a child-sensitive manner in the best interests of the child.*⁷ Once the principal claimant is recognized as a

5 UNHCR, "Advisory opinion on the extraterritorial application of non-refoulement obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol" (2007), para. 15

6 UNHCR, "Advisory opinion on the extraterritorial application of non-refoulement obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol" (2007), para. 15

7 For more on child asylum claims, see UNHCR, "Guidelines on international protection: child asylum claims under articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees", guideline No. 8 (2009) (HCR/GIP/09/08);

refugee, other members of the family should normally also be recognized as refugees ("derivative status").

27. *Harm perpetrated against women and girls is often at the hands of non-State actors, including family members, neighbours or society more generally.* In such cases, article 2 (e) of the Convention requires that States parties assume their due diligence obligation and ensure that women are effectively protected from harm that may be inflicted by non-State actors. It does not suffice to strive for vertical gender equality of the individual woman vis-à-vis public authorities; States must also work to secure non-discrimination at the horizontal level, even within the family. Harm perpetrated by non-State actors is persecution where the State is unable or unwilling to prevent such harm or protect the claimant because of discriminatory governmental policies or practices.

(...)

34. Gender sensitivity should be reflected in reception arrangements, taking into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture or ill-treatment and of other particularly vulnerable groups of women and girls. Reception arrangements should also allow for the unity of the family as present within the territory, in particular in the context of reception centres. As a general rule, pregnant women and nursing mothers, who both have special needs, should not be detained. Where detention of women asylum seekers is unavoidable, separate facilities and materials are required to meet the specific hygiene needs of women. The use of female guards and warders should be promoted. All staff assigned to work with women detainees should receive training relating to the gender-specific needs and human rights of women.

D. Specific recommendations of the Committee

45. States parties should recognize that *trafficking is part and parcel of gender related persecution*, with the result that women and girls who are victims of trafficking or who fear becoming victims should be informed of and effectively enjoy the right of access to asylum procedures without discrimination or any preconditions. States parties are encouraged to classify victims of trafficking under the "social group" ground in the refugee definition in line with the UNHCR "Guidelines on international protection: the application of article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked" and are recommended to take measures so that *women and girls are not returned to places where they risk being re-trafficked.*

46. States parties should establish adequate *screening mechanisms for the early identification of women asylum seekers with specific protection and assistance needs*, including women with disabilities, *unaccompanied girls*,⁸

Committee on the Rights of the Child, general comment No. 6 on treatment of unaccompanied and separated children outside their country of origin; and general comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1).

8 Committee on the Rights of the Child, general comment No. 6 on

victims of trauma, victims of trafficking and/or forced prostitution, victims of sexual violence and victims of torture and/or ill-treatment.

50. States parties should institute *gender-sensitive procedural safeguards in asylum procedures* to ensure that women asylum seekers are able to present their cases on the basis of equality and non-discrimination. States parties should ensure:

- a. That women asylum seekers have the *right to an independent claim to asylum* and, in this respect, to be interviewed separately, without the presence of male family members, so that they have the opportunity to present their case;
- b. That women asylum seekers are provided with information about the status of the determination process and how to gain access to it, in addition to legal advice, in a manner and language that they understand. They should be informed of the right to and, upon

treatment of unaccompanied and separated children outside their country of origin, para. 31 (i).

- c. (...) *Unaccompanied and separated girls* must in all cases be assigned a qualified legal representative and a guardian to assist them through the asylum procedure and ensure respect for their best interests;
- d. That interviewers use techniques and procedures that are sensitive to gender, age and other intersectional grounds of discrimination and disadvantage that compound the human rights violations that women refugees and asylum seekers experience;
- e. That a supportive interview environment is established so that the claimant can provide her account, including disclosure of sensitive and personal information, especially for survivors of trauma, torture and/or ill-treatment and sexual violence, and that sufficient time is allocated for interviews;
- f. That *childcare is made available* during the interviews so that the claimant does not have to present her claim, involving sensitive information, in front of her children.

2.7 Excerpts from “They came to destroy”: ISIS Crimes Against the Yazidis. Report presented to the Human Rights Council, Thirty-second session, 15 June 2016

EXCERPTS¹

Summary

ISIS has committed the crime of genocide as well as multiple crimes against humanity and war crimes against the Yazidis, thousands of whom are held captive in the Syrian Arab Republic where they are subjected to almost unimaginable horrors. The present report, which focuses on violations committed in Syria, is based on 45 interviews with survivors, religious leaders, smugglers, activists, lawyers, medical personnel, and journalists. Considerable documentary material was used to corroborate information collected by the Independent International Commission of Inquiry on the Syrian Arab Republic.

ISIS has sought to destroy the Yazidis through killings; sexual slavery, enslavement, torture and inhuman and degrading treatment and forcible transfer causing serious bodily and mental harm; the infliction of conditions of life that bring about a slow death; the imposition of measures to prevent Yazidi children from being born, including forced conversion of adults, the separation of Yazidi men and women, and mental trauma; and the transfer of Yazidi children from their own families and placing them with ISIS fighters, thereby cutting them off from beliefs and practices of their own religious community, and erasing their identity as Yazidis. The public statements and conduct of ISIS and its fighters clearly demonstrate that ISIS intended to destroy the Yazidis of Sinjar, composing the majority of the world’s Yazidi population, in whole or in part.

1 UN Commission of Inquiry Report A/HRC/32/CRP.2, “They came to destroy”: ISIS Crimes Against the Yazidis, Report presented to the Human Rights Council, Thirty-second session, 15 June 2016, full report available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A_HRC_32_CRP.2_en.pdf

In the present report, the Commission has made wide-ranging recommendations to the United Nations, the Governments of Syria and Iraq, and the wider international community concerning the protection of and care for the Yazidi community of Sinjar. While noting States’ obligations under the Genocide Convention, the Commission repeated its call for the Security Council to refer urgently the situation in Syria to the International Criminal Court, or to establish an ad hoc tribunal with relevant geographic and temporal jurisdiction.

Over 3,200 Yazidi women and children are still held by ISIS. Most are in Syria where Yazidi females continue to be sexually enslaved and Yazidi boys, indoctrinated, trained and used in hostilities. Thousands of Yazidi men and boys are missing. The genocide of the Yazidis is on-going.

D. ISIS treatment of Yazidi women and girls aged 9 and above

Men would come and select women and girls. Women would lie and say we were older. Girls would say they were younger. We tried to make ourselves less appealing. We would scratch ourselves and rub dirt on our faces. These things did not work.

Woman, held for 11 months, sold twice

We were registered. ISIS took our names, ages, where we came from and whether we were married or not. After that, ISIS fighters would come to select girls to go with them. The youngest girl I saw them take was about 9 years old. One girl told me that “if they try to take you, it is better that you kill yourself”.

Girl, aged 12 at capture, held for 7 months, sold four times

We were driven into Raqqa city at night and held in a building there. I was there for three weeks before I was

sold. Throughout that time, ISIS fighters were coming to buy women and girls. All of us were Yazidi. I think I was sold about 15 times in all. It is hard to remember all those who bought me.

Woman, held for 12 months, sold approximately 15 times

42. After separating Yazidi women and children from their male relatives aged 12 and above, ISIS fighters immediately and forcibly transferred them between multiple holding sites. Yazidi women and children who were eventually forcibly transferred into Syria were first held at between four and six sites in Iraq.

43. The first holding site was usually located within the Sinjar region. Captives were, on average, held there for less than 24 hours, before taken against their will to Tel Afar, Mosul or Baaj. For example, women and children from Kocho and Qani villages were held at Solagh Technical Institute (at different times); those captured in and around Sinjar town or in the area of Zalelah were held at the Civil Records Office or in Branch 17, KDP Headquarters inside Sinjar town. Women and children from some villages on the north side of Mount Sinjar, including Khanasour and Sinouni villages, were taken directly to ISIS bases in Al-Houl and the Tel Hamis region in Hasakah, Syria, where they were registered before being forcibly transferred back into Iraq.

44. At the primary holding sites, ISIS fighters sorted the Yazidi women and children into different groups. Fighters separated married females from unmarried females.² Only girls aged eight years and under were allowed to remain with their mothers. For the most part boys were not separated from their mothers at this stage.

45. Quickly surmising that the greatest danger lay in being placed in the group of unmarried females, unmarried women and girls pretended their younger siblings or nephews or nieces were their own children. Married women who had no children to provide evidence of the marriage did likewise. In some instances, ISIS did not identify this subterfuge. Some Yazidi women and girls reported that members of Sinjar's Arab community assisted ISIS by identifying those who were pretending to be married.

46. ISIS sometimes registered captured Yazidi women and girls at the primary holding sites. Fighters recorded the names of the women and girls, their age, the village they came from, whether they were married or not, and if they were married, how many children they had. Some women and girls reported ISIS fighters taking photographs of them, without their headscarves. One girl, aged 18, recalled being ordered to smile and laugh while fighters photographed her. Such registration was usually also repeated at later holding sites in Tel Afar and Mosul, and

2 In interviews, Yazidi women and men almost always used the term "girls" to mean females who were not married (and therefore presumed to be virgins) regardless of their age. Conversely, the term "woman" was used to denote a married female, again regardless of age. In this paper, the terms used are "married women", "unmarried women" and "girls". "Girls" refers to any females below the age of 18. Where specific reference is made to a girl who was married at the time of the attack, this will be stated clearly in the text.

for the women taken into Syria, again at the main holding site in Raqqah city.

47. The first 12 hours of capture were filled with sharply mounting terror. Many of the women and children had seen or heard their male relatives being killed by the armed ISIS fighters who now surrounded them. At the holding sites, relatives huddled together, trying to hide their adolescent daughters. ISIS fighters forced Yazidi women to give up valuables, including gold, money and mobile telephones. As the fighters did so, women rushed to write and memorize telephone numbers of relatives who, they hoped, might be in a position to assist them later.

48. One mass killing of Yazidi women has been documented and occurred at a primary holding site. In the early hours of 16 August 2014, ISIS executed older women (who were approximately 60 years and older) from Kocho at the Solagh Technical Institute, where the women and children had been forcibly transferred after the men had been killed inside Kocho village. Older women were separated and taken away by ISIS fighters, after which those left behind heard the sound of gunfire. The area has since been retaken and a mass grave holding the remains of older women has reportedly been discovered in the grounds of the Technical Institute.³

49. ISIS usually held Yazidi women and girls at primary holding sites for less than a day before loading them on to trucks and buses and forcibly transferring them to the following secondary holding sites: multiple schools in Tel Afar; Badoush prison outside of Mosul city; Galaxy wedding hall in Mosul; and houses in Al-Arabi neighbourhood of Mosul city. Every Yazidi women or child captured by ISIS was held in one, and usually moved between two or three, of these holding sites. Iraqi ISIS fighters from Tel Afar and Mosul, operating under pseudonyms, were in direct command of these sites and also supervised the forcible transfer of Yazidi women and girls from these sites into Syria.

50. Women and children were forcibly displaced from site to site as space became available as a result of ISIS fighters' purchasing and removing women and girls. Some transfers were motivated by security concerns. In August 2014, Yazidi captives were suddenly transferred from Badoush to schools in Tel Afar after a coalition airstrike struck a site close to the prison.

51. Each site held hundreds, sometimes thousands, of Yazidi women and children, and was surrounded by armed ISIS fighters. All were severely overcrowded. Those held at the secondary holding sites described receiving little food or water. Interviewees reported being given food with insects in it and having to drink water out of the toilets. Mothers often gave their share of food to their children. Many, particularly infants and young children, became very sick. No medical care was provided. At Badoush prison, ISIS brought in a female gynaecologist in an effort to identify

3 Yazda, "Mass Graves of Yazidis Killed by the Islamic State Organization or Local Affiliates On or After August 3, 2014", 28 January 2016, ("Yazda Mass Graves Report") p. 10. This report identified 35 mass graves sites in the Sinjar region.

single females who had falsely declared themselves to be married.

52. From the moment that Yazidi women and girls entered the holding sites, ISIS fighters came into the rooms where they were held in order to select women and girls they wished to take with them. Interviewees described feelings of abject terror on hearing footsteps in the corridor outside and keys opening the locks. Women and girls scrambled to the corners of the rooms, mothers hiding their daughters. The selection of any girl was accompanied by screaming as she was forcibly pulled from the room, with her mother and any other women who tried to keep hold of her being brutally beaten by fighters.

53. Yazidi women and girls began to scratch and bloody themselves in an attempt to make themselves unattractive to potential buyers. Some committed suicide at holding sites in Tel Afar, Mosul and in Raqqa city. At the main holding site in Raqqa city, a Yazidi girl attempted to kill herself by throwing herself from the second floor of the building. Severely injured, ISIS fighters forbade the other Yazidi captives from helping her. Some women and girls killed themselves by cutting their wrists or throats, while others hanged themselves using their headscarves.

54. While individual incidents of rape committed by ISIS fighters at the holding sites in Tel Afar and Mosul were reported, mass rape of Yazidi women and girls did not occur. This was despite the fact that hundreds of women and girls were held captive at the sites, surrounded by dozens of young, armed men. This serves to emphasize the rigid system and ideology governing ISIS's handling of Yazidi women and girls as chattel, as well as the control it exerted over the majority of its fighters. The sexual violence, including the sexual slavery, being committed against Yazidi women and girls is tightly controlled by ISIS, occurs in a manner prescribed and authorised, and is respectful only of the property rights of those who "own" the women and girls.

55. Captured Yazidi women and girls are deemed property of ISIS and are openly termed *sabaya* or slaves. ISIS made eighty percent of the women and girls available to its fighters for individual purchase, the apportioning being drawn directly from religious interpretation. ISIS sells Yazidi women and girls in slave markets, or *souk sabaya*, or as individual purchases to fighters who come to the holding centres. In some instances, an ISIS fighter might buy a group of Yazidi females in order to take them into rural areas without slave markets where he could sell them individually at a higher price. The remaining twenty percent are held as collective property of ISIS and were distributed in groups to military bases throughout Iraq and Syria. In Syria, Yazidi females have been held at bases in Al-Shaddadi and Tel Hamis in Hasakah; Al-Bab and Minbej in Aleppo; Raqqa and Tabqa cities in Raqqa; Tadmur in Homs; and in various locations including Al-Mayadin and Konica gas fields in Dayr Az-Zawr.

56. ISIS has forcibly transferred multiple groups of between 50 and 300 Yazidi women and girls into Syria by bus for sale to its fighters there. The first corroborated account of ISIS taking Yazidi females into Syria indicated that this

occurred on 17 August 2014, though it is considered likely that convoys had left earlier than this. They were taken to either or both of two locations in Raqqa city: an underground prison or security base, and/or a group of buildings densely surrounded by trees. The latter is referred to by ISIS fighters as "the farm". Women and girls held there describe it in eerily similar ways: "I was taken to the upper floor of a building in Raqqa city. It was surrounded by trees. We were not allowed outside but when we looked out of the window, it felt like we were in a forest".

57. Some – generally unmarried women and girls – were purchased by ISIS fighters and removed in a matter of days. Some women, often those with more than three children, might remain at the holding sites for up to four months before being sold. Yazidi women and girls were sold to individual fighters directly from the holding sites as well as in slave markets. In the last year, ISIS fighters have started to hold online slave auctions, using the encrypted Telegraph application to circulate photos of captured Yazidi women and girls, with details of their age, marital status, current location and price.

58. In Syria, slave markets were held in "the farm" in Raqqa city, and in buildings in Al-Bab, Al-Shaddadi, Al-Mayadin and Tadmur.⁴ A central committee, the Committee for the Buying and Selling of Slaves, organises the Yazidi slave markets. Where the central committee authorizes the opening of a slave market in a particular town, it devolves some of its functions to a local committee and commander. An ISIS document, released online and judged to be authentic, informed fighters were required to pre-register if they wish to attend a slave market in Homs, and explained the procedure for buying: "the bid is to be submitted in the sealed envelope at the time of purchase, and the one who wins the bid is obliged to purchase".⁵

59. A woman, sold at a slave market at "the farm" in Raqqa city, recounted, "After six days, the fighters moved us to a big white hall that was next to the river. ISIS would buy and sell girls there. There was a raised area we had to stand on. If we refused, the fighters would beat us with wooden sticks. There were maybe 200 Yazidi girls there. The youngest was between seven and nine years old. Most were quite young. They would tell us to take off our headscarves. They wanted to see our hair. Sometimes they would tell us to open our mouths so the men could check our teeth." Another Yazidi woman was sold at a slave market in a house in Tadmur (Homs). She and other Yazidi women and girls were placed in a small room away from the ISIS fighters. When the fighter in charge of the slave market called her name, fighters entered, took off her headscarf, and escorted her into a larger room of seated ISIS fighters. She was made to "walk through the room like a catwalk". She continued, "[I]f any of the men chose us he would raise his hand. The seller from ISIS had paper with our name and the price for us on it. They would give it to

4 Al-Shaddadi and Tadmur have since been recaptured. Undoubtedly, many more slave markets exist than are listed here.

5 Notice on buying sex slaves, Homs province, translated by Aymenn Jawad Al-Tamimi (<http://www.aymennjawad.org/2016/01/archive-of-islamic-state-administrative-documents-1>)

the man who raised that hand. Then he would take the woman, or women, to his car and he would go.”

60. Some Yazidi women and girls were present at their sale, and were aware of the amounts paid for them, which ranged between USD 200 and USD 1,500, depending on marital status, age, number of children, and beauty. Most were simply informed by their fighter-owner that he had bought or sold her. A Syrian fighter bought a Yazidi woman at a slave auction at “the farm” in Raqqah city in 2015. On placing her in his car, he told her “You are like a sheep. I have bought you.” He sold her seven days later to an Algerian ISIS fighter living in Aleppo governorate.

61. Yazidi females initially purchased in Iraq might also be taken into Syria with their fighter-owners, or else would be sold on from an ISIS fighter in Iraq to a fighter in Syria. Fighters who buy and sell Yazidi women and girls, as well as those who arrange the trading of them, come from all over the world. Those interviewed reported being purchased by men from Iraq, Syria, Saudi Arabia, Turkey, Morocco, Algeria, Tunisia, Libya, Egypt, and Kazakhstan. Interviews conducted by other documentation organisations indicate that fighters from many more countries, including Sudan, Belgium, Uzbekistan, and Australia, took active part in the crimes committed against Yazidi women and girls, or were otherwise complicit in them.

62. Once ISIS sells a Yazidi woman and girl, the purchasing fighter receives complete rights of ownership and can resell, gift, or will his “slave” as he wishes. One Yazidi woman, held with her young children, recounted her purchase by an Algerian ISIS commander in northern Syria and then her being given as a gift to his nephew. Another woman carefully explained that when her fighter-owner died intestate, she reverted to being the collective property of ISIS, with the local Wali charged with organising her resale.

63. In Syria, Yazidi women and girls (and any young children sold with their mothers) are held in a variety of locations, including in the fighter’s family home, alone in apartments and houses, and in makeshift shelters nearer to the ISIS frontlines or in gas fields. They are usually kept locked inside. The only exception is young boys who fighters sometimes take with them to pray in the local mosque. Yazidi women and girls are not given abayas⁶ which all females over the age of 10 are obliged to wear in public in ISIS-controlled territory. This has proved to be a powerful way of preventing escapes. The few Yazidi women or girls who managed to break out of the locations where they were held were quickly caught once they were on the street without being covered.

64. While held by ISIS fighters, Yazidi women and girls over the age of nine are subjected to brutal sexual violence. Most of those interviewed reported violent daily rapes by their fighter-owners. Some were handcuffed behind their backs during the rapes while others had their hands and legs tied to the corners of the beds. Little, if anything, protects against rape. Girls as young as nine were raped, as were pregnant women. Many women and girls reported being injured as a result of the rapes, suffering bleeding, cuts, and bruising.

65. ISIS fighters threatened Yazidi women and girls, saying that any resistance on their part would be punished by gang rape. One woman, bought by an ISIS fighter from Saudi Arabia and held in a village in Aleppo governorate, stated “[H]e raped me every day that I was with him... He told me that if I did not let him do this thing to me that he would bring four or five men and they would all take turns raping me. I had no choice. I wanted to die”. Another woman, held in Minbej (Aleppo), was told by her Syrian fighterowner that if she resisted, he would throw her off the roof of his house. Some women also reported that the fighter threatened to sell or beat their children.

66. ISIS fighters routinely beat Yazidi women and girls in their possession. One woman, who tried unsuccessfully to escape from a house in Al-Shaddadi (Hasakah) described being beaten by her Iraqi fighter-owner until her “body was black and blue”. Another woman was held with her young children in ISIS-controlled areas of Iraq and Syria for 15 months, during which time she was sold five times. She was beaten severely by a Syrian fighter in Raqqah city and later by another fighter in Al-Mayadin (Dayr Az-Zawr). One woman, held by a Saudi fighter in Raqqah city, was severely beaten as she resisted the rapes. She was still suffering from her injuries when interviewed over six months later. Wives and children of ISIS fighters sometimes participate in these beatings. Where Yazidi women and children are injured by rapes or beatings, ISIS fighters do not permit them access to medical care.

67. When women or girls try to escape and are caught and returned to their fighterowners, the consequences are severe. One woman, held in northern Syria, reported that her fighter-owner killed several of her children after an escape attempt. The fighter continued to hold and rape her for over six months after her children’s deaths.

68. Fighters also order and supervise the gang rapes of Yazidi women and girls who try to escape. A woman, unmarried and in her early twenties, was held by ISIS for over a year during which she was sold nine times. Purchased by a fighter in Minbej, she attempted to escape. When she was caught, he dragged her back to the house where he and several other fighters raped and beat her. He sold her to an Algerian fighter based elsewhere in Syria shortly afterwards.

69. Many Yazidi women and girls reported that they were forced to take birth control, in the form of pills and injections, by their fighter-owners. One Yazidi girl, aged 18 and unmarried at the time of capture, was bought by a Libyan fighter and held in an oil field compound in Dayr Az-Zawr. She was raped daily throughout her time with this fighter, and described being forced to take pills every day. Held in ISIS captivity for over a year, she was sold eight times and raped hundreds of times, before being sold back to her family for over 20,000 US dollars.

70. Other women were given no birth control. One woman, bought by a Tunisian fighter and held and raped in Al-Bab for several months, had not been made to take any form of birth control. “It was only luck that I did not get pregnant”, she said. Held for a year, she was taken into Syria within weeks of the August 2014 attack on Sinjar and

6 A loose fitting garment that covers the body and head.

was sold between four different ISIS fighters before she was smuggled out at an unknown cost to her family. Her husband has since divorced her.

71. There was, unsurprisingly, a profound reluctance to discuss pregnancies that resulted from rapes by ISIS fighters. This is particularly so for women and girls who were no longer pregnant, in contexts where abortion is illegal. Nevertheless, those interviewed reported that such pregnancies inevitably occurred. Some Yazidi women gave birth in captivity or upon release but many appear to have given the infants away in circumstances that remain unclear. None of the birth control methods forced upon the Yazidi women and girls protected them from sexually transmitted diseases but interviewees generally refused to acknowledge this possibility.

72. ISIS fighters, and sometimes the wives of ISIS fighters, regularly force Yazidi women and girls to work in their houses. Many of those interviewed recounted being forced to be the domestic servant of the fighter and his family. Sometimes, they were also made to look after his children. When held closer to the frontlines, Yazidi women and girls are forced to cook for their respective fighter-owners and other ISIS fighters housed with or near him. One Yazidi girl, 13 years old, was held for 11 months in ISIS-controlled territory and sold multiple times. Sexually enslaved, she recounted also being forced to cook, clean and wash the clothes of her Syrian fighter-owner and his family at a house in Raqqah city.

73. ISIS fighter-owners often deny captured Yazidi women and children adequate food. Some Yazidi females were starved as punishments for escape attempts or for resisting rapes but most interviewees reported regularly having little food while held in captivity regardless of whether they were being punished or not. Many lost significant amounts of weight while held captive by ISIS. In photographs circulated by fighters in online ISIS slave auctions, some captured Yazidi women and girls appear emaciated.

74. From the moment of capture, through the various holding sites and while being bought and raped by ISIS fighters, Yazidi women and girls were verbally abused by ISIS fighters. Insults were specifically directed at their Yazidi faith, saying that they “worshipped stones” and referring to them as “dirty kuffar” and “devil worshippers”.

75. ISIS has overarching rules governing the resale of Yazidi women and girls: for example, they should not be sold between brothers or until they had completed their menstrual cycle (indicating they were not pregnant). It is also forbidden to sell them to non-ISIS members. All of these rules are regularly breached by ISIS fighters.

76. As the sabaya are “spoils of war” ISIS does not permit the reselling of Yazidis to non-ISIS members. Such sale is punishable by death. In effect this is meant to prevent Yazidis being sold back to their families. The financial incentives for an individual fighter to break this rule, however, are tremendous. Whereas Yazidi women and children are sold between fighters for between USD 200 and USD 1,500, they are generally sold back to their families for between USD 10,000 and 40,000. Many of the

families of the Yazidi women and girls who were sold back are now heavily in debt and worry not only about making payments, but also about how they will be able to afford to buy back any other relatives that fighter-owners wish to sell in future. Some are still making payments to ISIS fighters, who regularly call to threaten them.

77. Many of the Yazidi women and girls interviewed bore physical wounds and scars of the abuse they suffered. More apparent, however, was the mental trauma all are enduring. Most spoke of thoughts of suicide, of being unable to sleep due to nightmares about ISIS fighters at their door. “I wish I was dead. I wish the ground would open and kill me and my children”, said one woman, held for 17 months. Many reported feeling angry and hopeless. “I don’t sleep, I don’t eat, my body feels very heavy”, said one 17- year old girl who had been held for more than a year.

78. Women and girls who were rescued or sold back are consumed by thoughts of their missing husbands, fathers and brothers, and by the distress of not knowing the locations and fate of young sons taken for training and/or daughters who were sold into sexual slavery and remain in the hands of ISIS. One Yazidi woman, in her early twenties and married with children, has over twenty members of her family missing, including most of her close male relatives. She described overcoming thoughts of suicide by the need to care for her young children and her hope that her husband, father, and brothers are alive and waiting to be rescued. One woman, whose daughters had been taken from her at a holding site and sold and whose whereabouts were still unknown at the time of interview, said she could not take her youngest daughter to the school in the IDP camp because the sight of seeing children at play was too much for her to bear.

79. The Yazidi community has largely embraced the women and girls who have returned from ISIS captivity, following clear statements by their religious leaders that survivors remain Yazidi and are to be accepted. Whereas previously they may have been ostracised, this religious-backed embrace of female survivors has provided a space in which those who were unmarried at the time of capture can still marry within the faith, and in which those who are married are more likely to be accepted and supported by their husbands and extended families.

80. Nevertheless, Yazidi women and girls, heavily traumatised, face additional challenges to their recovery. Many, particularly those from the more rural parts of Sinjar, have limited education, and married and had children early. Their communication with the world beyond their extended families was through their husbands or male relatives. With so many Yazidi men killed or missing, these women’s ability to survive and thrive is limited by their lack of personal and financial independence, an issue that must be addressed. Further, discussions around accountability and reconciliation, as well as what is best for the Yazidi community of Sinjar, must take the views and experiences of these women and girls more clearly into account.

2.8 Excerpts from Women on the Run. First-Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras and Mexico: A Study Conducted by the United Nations High Commissioner for Refugees (UNHCR) in 2015

SUMMARY

Today the world is witness to the biggest refugee crisis since World War II. This concerns refugees from both, the Middle East, and Central America. The so-called “Northern Triangle of Central America” (NTCA), consisting of El Salvador, Honduras and Guatemala, is one of the most dangerous places on earth as it is under increasing control of organized armed groups driving up the rates of murder, forced disappearance, gender-based violence and other forms of serious harm. The national governments lack the ability to protect victims of these crimes, which leads to a “protection crisis” causing the exodus of vulnerable groups. Together with their children and other family members, tens of thousands of women living in the NTCA and parts of Mexico, are fleeing the devastating violence to seek asylum in the United States (US) or neighbouring countries. In addition, 66,000 unaccompanied and separated children from the NTCA reached the US in 2014, many of them fleeing forcible recruitment into criminal armed groups. For this report, which is a follow up of two studies by UNHCR in 2014 (*Children on the Run and Uprooted*), 160 women over 18 years were interviewed in the US about their experiences on the run to shed light on their motives. Amongst them were 15 transgender women and 65% mothers, 36% who travelled with one or more children and only 7% with a partner or spouse. The situation in Mexico is specifically complex, since it is a country of origin, transit and asylum simultaneously.

Women and children are facing extreme levels of violence on a daily basis. This includes being raped, assaulted, extorted and threatened by members of criminal armed groups, such as gangs and drug cartels. 85 % of the interviewed women described living in neighbourhoods under the control of such criminal groups. 64 % stated that the threats and attacks (including murders and forced disappearances, but also physical and sexual assault) of these groups were amongst their primary flight reasons. The situation had a strong effect on the interviewees' general quality of living; for instance, many of them faced gunfights or dead bodies on their way to work or school and felt constrained to their own homes due to direct threats and attacks. Furthermore, the violence from criminal groups often occurs alongside repeated physical and sexual violence at home, often to a life-threatening extent. The interviewed transgender women were similarly affected by these patterns of violence but suffered additional pressure such as discrimination, harassment and violence specific to their gender identity.

In general, the women stated that police and other state law authorities were not able to protect them despite legislation addressing violence against women being in place. 60% made reports of attacks but were left without sufficient protection, 40% regarded reports to the police as futile. 10% even stated that the police or other authorities were the source of their harm, either by being threatening

or by colluding with the criminal groups. More than two thirds of the interviewees attempted to seek safety in other parts of their country, but ultimately found it insufficient to provide help. UNHCR, therefore, concludes that the de facto control of criminal armed groups over certain territories has exceeded the concerned governments' capacity to respond.

Women also reported exposure to extortion and physical and sexual abuse during their journeys. In view of their demonstrated fear of persecution or torture and the absence of effective State protection, many of the interviewed women are likely to fall under the margin of the 1951 Convention relating to the Status of Refugees. Their stories are not atypical; thousands of women fleeing the region may face a similar situation. Thus, host countries should ensure an opportunity for each woman to present her asylum case.

The report continues with an extensive analysis of the reasons for women fleeing El Salvador, Guatemala, Honduras and Mexico. These include the following:

- Direct harm by criminal armed groups;
- Threats or attacks after failure to pay extortion fees;
- Children recruited and killed by criminal armed groups targeted for suspected or actual involvement in rival criminal groups;
- Threats to police or government authorities and their family members;
- Inadequate protection in home countries;
- Severe and prolonged domestic violence;
- Targeted violence faced by transgender women.

Furthermore, the report explains specific issues of certain vulnerable groups of refugees and points out the various legal perspectives that need to be taken into account to develop an appropriate protection strategy for female refugees from this region:

- International protection of refugees in US law;
- International protection of women;
- Domestic violence as the basis for international protection;
- Protecting families and children;
- Particular concerns for LGBTI people seeking refugee status;
- Political opinion and violence against women;
- Religion, race and refugee status.

In its last chapter, the report continues by assessing dangers that women faced during their journey to the North and which obstacles they encountered during their attempt to access asylum in Mexico and the US.

Recommendations by UNHCR

“The growing refugee situation originating from the NTCA and Mexico requires a comprehensive regional approach. Governments have a duty to manage migration, and must do so using policies that protect human lives and ensure that individuals fleeing persecution can find safety, acknowledging that border security and refugee protection are not mutually exclusive.”

Thus, the UNHCR recommendations include the following:

- **Make saving lives a top priority:** by applying refugee law and the principle of non-refoulement, the right to seek asylum without using detention as a deterrent and provide safe and legal avenues to counteract human smuggling;
- **Reinforce host countries’ capacity to provide refuge:** including individualized screening to identify specific

protection needs, adequate and humane reception conditions (i.e.: appropriate shelter, especially for vulnerable groups such as transgender women and unaccompanied children; alternatives to detention), fair and efficient asylum procedures (i.e.: legal assistance, access to information, decisions within an appropriate time frame, deportation with safety and dignity, training of adjudicators) and the promotion of durable solutions and shared responsibility for refugee protection in the regions (e.g. through resettlement);

- **Address root causes of displacement:** for instance, by developing political solutions for push factors and the prosecution of traffickers and smugglers while respecting the rights of victims.

Full report is available at www.unhcr.org/publications/operations/5630f24c6/women-run.html

PART III

OTHER RELEVANT DOCUMENTS

“HUNDREDS OF THOUSANDS OF WOMEN ARE SUBJECTED TO BRUTAL ACTS OF VIOLENCE EVERY YEAR. TO PREVENT THIS FROM HAPPENING MUST REMAIN ONE OF OUR HIGHEST PRIORITIES. THE 16 DAYS OF ACTIVISM ARE AN OPPORTUNITY TO UNDERSCORE OUR COMMITMENT, BUT IT IS CLEAR THAT OUR RESPONSE, PERSONAL AS MUCH COLLECTIVE CANNOT BE CONFINED TO THE 16 DAYS.”

*MESSAGE TO THE STAFF BY UN HIGH COMMISSIONER FOR REFUGEES, ANTONIO GUTERRES,
NOVEMBER 25, 2011*

3.1 Summary of INSPIRE: Seven strategies for ending violence against children (2016) by the World Health Organization

SUMMARY¹

This package reflects the contributions of technical experts from all core UN agencies and many other partners.

INSPIRE is an evidence-based resource for everyone committed to preventing and responding to violence against children and adolescents – from government to grassroots, and from civil society to the private sector. It represents a select group of strategies based on the best available evidence to help countries and communities intensify their focus on the prevention programmes and services with the greatest potential to reduce violence against children. The seven strategies are:

- Implementation and enforcement of laws;
- Norms and values;
- Safe environments;
- Parent and caregiver support;
- Income and economic strengthening;
- Response and support services;
- Education and life skills.

Additionally, INSPIRE includes two cross-cutting activities that together help connect and strengthen – and assess progress towards – the seven strategies.

The seven INSPIRE strategies are most effective when implemented as part of a comprehensive, multi-sectoral plan that harnesses their synergies, as the strategies are intended to work in combination and reinforce each other. Though stakeholders in many countries are working to eliminate violence against children, their efforts are not always well coordinated and supported, and few are undertaken on a large scale. Coordination mechanisms are therefore essential, as no single sector can deliver the full package of interventions, and no individual government can tackle the growing threats to its children that now transcend national borders. Efforts to implement the package should therefore encourage cooperation and learning both within and between countries.

The World Health Organization (WHO) initiated preparation of the INSPIRE package, in collaboration with the United States Centers for Disease Control and Prevention (CDC), End Violence Against Children: The Global Partnership, the Pan American Health Organization (PAHO), the President's Emergency Program for AIDS Relief (PEPFAR), Together for Girls, the United Nations Children's Fund (UNICEF), United Nations Office on Drugs and Crime (UNODC), United States Agency for International Development (USAID), and the World Bank (agencies with a long history of galvanizing a consistent, evidence-based approach to preventing violence against children).

Magnitude of violence against children

An analysis of nationally representative survey data on the prevalence of violence against children in 96 countries

estimates that 1 billion children globally – over half of all children aged 2–17 years – have experienced emotional, physical or sexual violence in the past year. Despite its high prevalence, violence against children is often hidden, unseen or under-reported. Its hidden nature is well documented – for example, a meta-analysis of global data finds self-reported child sexual abuse 30 times higher and physical abuse 75 times higher than official reports would suggest. Girls are particularly vulnerable to sexual violence. For example, the lifetime prevalence of childhood sexual abuse is 18% for girls, compared to 8% for boys. Perpetrators of sexual violence against girls are predominantly males.

Girls are also more likely to experience intimate partner violence (sexual and/or physical); rape by acquaintances or strangers; child or early/forced marriage; trafficking for the purposes of sexual exploitation and child labour, and genital mutilation/cutting. Such violence occurs in many settings, including those where girls should be safe and nurtured – at home; travelling to, from and within school; in their communities; and in situations of humanitarian emergency, displacement, or post-conflict settings.

*Globally, nearly **one in three** adolescent girls aged 15 to 19 (84 million) have been the victims of emotional, physical and/or sexual violence perpetrated by their husbands or partners.*

This package defines children as all persons aged under 18 years, and therefore defines violence against children as violence against all persons aged under 18 years. According to WHO, violence is “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation”. Violence thus includes more than acts leading to physical harm. Its consequences are far wider than deaths and injuries, and can include communicable and noncommunicable disease, psychological harm, risky behaviours, educational and occupational underachievement and involvement in crime.

Root causes of violence against children

A key factor that makes children and adolescents, particularly girls, vulnerable to violence (and increases the likelihood that boys and men perpetrate such violence) is social tolerance of both victimization of girls and perpetration by boys and men. Often this abuse or exploitation is perceived as normal and beyond the control of communities which, alongside shame, fear and the belief that no one can help, results in low levels of reporting to authorities. In addition, victims are often blamed for the violence they experience.

This social tolerance of violence in general, and intimate partner and sexual violence in particular, stems from the low status of women and children in many societies, and cultural norms surrounding gender and masculinity.

¹ INSPIRE: 7 Strategies for Ending Violence Against Children (2016), World Health Organization, full package is available at: https://www.unodc.org/documents/justice-and-prison-reform/who---inspire_-seven-strategies-for-ending-violence-against-children.pdf

Therefore, changing gender norms relating to male entitlement over girls and women's bodies – and control over their behaviour – is a critical strategy to achieve gender equality, reduce violence aimed at girls, shape prevention activities and address specific care and support needs.

The 7 Strategies:

1. Implementation and enforcement of laws
2. Norms and values
3. Safe environments
4. Parent and caregiver support
5. Income and economic strengthening
6. Response and support services
7. Education and life skills

1. Implementation and enforcement of laws

Objective: Ensure the implementation and enforcement of laws to prevent violent behaviours, reduce excessive alcohol use, and limit youth access to firearms and other weapons.

Rationale:

Developing and strengthening legal protections and policies for children and youth, in conjunction with the means to enforce these protections, is a prudent step in preventing violence against children. Laws that prohibit behaviours such as violent punishment and child sexual abuse, are useful in several ways. First, they show society that violent behaviour is wrong, and can therefore help eradicate prevailing norms that tolerate it. Second, they hold perpetrators accountable for their actions. Third, laws and policies can also be useful in reducing exposure to key risk factors for violence against children, by reducing alcohol misuse and limiting youth access to firearms and weapons.

This strategy contributes to and is supported by activities to achieve SDG Targets 3.5, 5.c and 16.3:

- 3.5 Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.
- 5.c Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.
- 16.3 Promote the rule of law at national and international levels and ensure equal access to justice for all.

Potential effects of implementing and enforcing laws on reducing violence against children:

- Reductions in physical violence towards children by parents, caregivers and authority figures.
- Reductions in sexual abuse of children, including forced or pressured sex, unwanted attempted sex, and unwanted sexual touching.
- Reductions in sexual exploitation of children including trafficking, pornography and prostitution.
- Reductions in excessive alcohol consumption and binge drinking.

- Reductions in firearm-related deaths and non-fatal injuries.
- Increases in social norms and attitudes that protect against the use of violent punishment against children
- Increases in social norms and attitudes that protect against the sexual abuse and exploitation of children.
- Increases in social norms and attitudes that support gender equality.

2. Norms and values

Objective: Strengthen norms and values that support non-violent, respectful, nurturing, positive and gender equitable relationships for all children and adolescents.

Rationale:

Changing attitudes and norms in society is an important part of preventing violence against children. Doing so often requires modifying deeply ingrained social and cultural norms and behaviours – in particular, the idea that some forms of violence are not only normal, but sometimes justifiable. Examples include teachers hitting children because violent punishment is seen as legitimate; girls forced to have sex because of the sexual entitlement felt by boys and men; accepting child marriage or wifebeating as normal; male peers coercing younger boys into gang violence as a “rite of passage”; and girls and boys not reporting violence because of fear of stigma and shame.

A strategy to change attitudes and social norms is therefore a key part of the INSPIRE package, and, while hard to evaluate, norm-change activities at community or small-group level appear to be most effective when combined with other elements such as legislation or life-skills training.

This strategy contributes to and is supported by activities to achieve SDG Targets 4.7 and 5.1:

- 4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.
- 5.1 End all forms of discrimination against all women and girls everywhere.

Potential effects of norms and value change on reducing violence against children include:

- Reduced acceptance of violence against women and children;
- Reductions in early and forced marriage;
- More favourable beliefs towards gender equity and gender-equitable division of labour;
- More favourable attitudes to non-violent approaches to parental discipline;
- Greater recognition of what constitutes abusive behaviour towards intimate partners and children;
- Increased bystander intervention to prevent violence against children and intimate partners;

- Reductions in physical or sexual violence by a parent or intimate partner.

3. Safe environments

Objective: Create and sustain safe streets and other environments where children and youth gather and spend time.

Rationale:

Creating and sustaining safe community environments is a promising strategy for reducing violence against children and focuses on community environments other than homes and schools, as these are covered in the “Parent and caregiver support” and “Education and life skills” strategies in this package. Safe environments strategies focus on modifying communities’ social and physical environment (rather than the individuals within it) with the aim of fostering positive behaviours and deterring harmful ones. The current evidence base supporting community-level interventions to prevent violence does not typically disaggregate the protective impact by age; therefore, for the purposes of this strategy, it is assumed that effective community-based interventions benefit children, youth and adults alike.

This strategy contributes to and is supported by activities to achieve SDG Targets 11.1 and 11.7:

- 11.1 By 2030, ensure access for all to adequate, safe and affordable housing and basic services, and upgrade slums.
- 11.7 By 2030, provide universal access to safe, inclusive and accessible green and public spaces, in particular for women and children, older persons and persons with disabilities.

Potential effects of safe environments on reducing violence against children:

- Reductions in assault-related injuries;
- Increased safety when moving around the community.

4. Parent and caregiver support

Objective: Reduce harsh parenting practices and create positive parent-child relationships.

Rationale:

Helping parents and caregivers to understand the importance of positive, non-violent discipline in child development and of close, effective parent-child communication reduces harsh parenting practices, creates positive parent-child interactions and helps increase bonding between parents or other caregivers and children – all factors that help prevent violence against children. Supporting families, parents and caregivers to learn positive parenting can prevent the separation of children from families, the risk of child maltreatment at home, witnessing intimate partner violence against mothers or stepmothers, and violent behaviour among children and adolescents.

Evaluations of these programmes also indicate that this type of prevention is less costly than paying the price for the consequences of violence against children.

This strategy contributes to and is supported by activities to achieve SDG Targets 1.3, 3.2 and 4.2:

- 1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and vulnerable.
- 3.2 By 2030, end preventable deaths of newborns and children under 5 years of age, with all countries aiming to reduce neonatal mortality to at least 12 per 1000 live births and under-5 mortality to at least 25 per 1000 live births.
- 4.2 By 2030, ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education.

Potential effects of parental and caregiver support on reducing violence against children:

- Reductions in proven child maltreatment cases and in referrals to child protection services;
- Reductions in abusive, negative or harsh parenting, especially in relation to discipline;
- Reductions in bullying and being bullied;
- Reductions in physical, emotional or sexual violence victimization by partners or peers;
- Reductions in aggression and delinquency during adolescence;
- Increases in positive parent-child interactions;
- Increases in parental monitoring of child and youth safety.

5. Income and economic strengthening

Objective: Improve families’ economic security and stability, reduce child maltreatment and intimate partner violence.

Rationale:

Income and economic strengthening interventions can benefit children by reducing child maltreatment and decreasing intimate partner violence, thereby minimizing the likelihood that children witness such violence and suffer the consequences, including the potential that children themselves become victims or perpetrators of violence. In addition, increasing women’s access to economic resources strengthens household economic status in ways that can prevent the abuse and neglect of children. For example, it enables women to increase investments in their children’s education, thereby improving school attendance – a protective factor for violence against children.

This strategy contributes to and is supported by activities to achieve SDG Targets 1.3, 1.4, 5.2, 5.3 and 10.2:

- 1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and vulnerable.
- 1.4 By 2030, ensure that all men and women, in particular the poor and the vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources,

appropriate new technology and financial services, including microfinance.

- 5.2 Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- 5.3 Eliminate all harmful practices such as child, early and forced marriage, and female genital mutilation.
- 10.2 By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.

Potential effects of empowering families economically on reducing violence against children:

- Reductions in physical violence towards children by parents or other caregivers;
- Reductions in intimate partner violence;
- Reductions in children witnessing intimate partner violence in the home;
- Reductions in early and forced marriage of young girls;
- Increases in social norms and attitudes that disapprove of intimate partner violence.

6. Response and support services

Objective: Improve access to good-quality health, social welfare and criminal justice support services for all children who need them – including for reporting violence – to reduce the long-term impact of violence.

Rationale:

Basic health services, such as emergency medical care for violence-related injuries and clinical care for victims of sexual violence, including post-exposure prophylaxis against HIV in cases of rape when indicated, must be in place before provision of the more specialized counselling and social services described here are contemplated. Guidance on emergency medical care and on clinical care for victims of sexual violence is already available. Where these basic services are in place, providing counselling and social services to victims and perpetrators of violence against children can help to break the cycle of violence in children's lives and help them better cope with and recover from the health and mental health consequences of these experiences, including trauma symptoms. However, in low and middle-income settings the proportion of child victims of violence receiving health and social welfare services is very low. For instance, less than 10% of children who experienced sexual violence reported receiving services according to surveys in Cambodia, Haiti, Kenya, Malawi, Swaziland, Tanzania and Zimbabwe. Increasing the proportion of children that receive response and support services requires that effective child-focused services and mechanisms for children to seek help, support and care, and to report violent incidents, are put in place. These can include counselling and referrals to child protection services such as the police, health care providers, and social welfare workers, and assistance with securing temporary accommodation when necessary.

Treatment programmes for juvenile offenders in the criminal justice system can also reduce the likelihood of further violence on their part, and are called for in the

United Nations model strategies and practical measures on the elimination of violence against children in the field of crime prevention and criminal justice. The effectiveness of such services requires that relevant protection, safety, social welfare, health and other service providers and government authorities act on referrals and requests. In addition, there must be government-supported safe, child-sensitive, well-publicized, confidential and accessible mechanisms, staffed by specially trained providers, to whom children can report incidents of violence. Although hotlines and helplines do not have evidence demonstrating their effectiveness, some communities use these in an effort to make it easier for child victims and their families to report violence and seek information and assistance.

This strategy contributes to and is supported by activities to achieve SDG Targets 3.8 and 16.3:

- 3.8 Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.
- 16.3 Promote the rule of law at national and international levels and ensure equal access to justice for all.

Potential effects of providing clinical, therapeutic and criminal justice support services on reducing violence against children:

- Reductions in recurrence of the same type of violence in the short term;
- Reductions in trauma symptoms (e.g., post-traumatic stress disorder, depression, anxiety);
- Reductions in sexually transmitted infections and negative reproductive health outcomes;
- Reductions in victimization or perpetration of violence in the short term and later in life.

7. Education and life skills

Objective: Increase children's access to more effective, gender-equitable education and social-emotional learning and life-skills training, and ensure that schools environments are safe and enabling.

Rationale:

Gains in education for both girls and boys, as measured by school enrolment and attendance, protect against both victimization and perpetration of certain forms of violence, including childhood sexual violence, youth violence, partner violence and childhood marriage. These advances also protect against the consequences of violence, including HIV, sexually transmitted infections and unintended pregnancy.

Schools offer an important space where children, teachers and education personnel can learn and adopt pro-social behaviours that can contribute to preventing violence within the school and in the community. Life skills training can prevent violence against children by enhancing their communication, conflict management and problem solving skills, and assisting them to build positive peer-to-peer relationships. While schools are an especially

important space where life skills training programmes can be delivered, they can also be provided in informal settings such as community centres (for children not in school) and refugee camps. They are usually delivered over several years, and can involve 20–150 classroom-based sessions. Many programmes include age-specific modules, ranging from those for pre-school and kindergarten-age children, through primary school and up to secondary school age.

This strategy contributes to and is supported by activities to achieve SDG Targets 4.4, 4.7, 4.a and 5.1:

- 4.4 By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.
- 4.7 By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.
- 4.a Build and upgrade education facilities that are child, disability and gender sensitive; and provide safe, non-

violent, inclusive and effective learning environments for all.

- 5.1 End all forms of discrimination against all women and girls everywhere.

Potential effects of education and life skills on reducing violence against children:

- Increases in school attendance and academic success;
- Reductions in child marriage;
- Reductions in sexual assault;
- Reductions in physical and sexual intimate partner violence victimization and perpetration:
- Empowers girls and boys to recognize and protect themselves against intimate partner violence;
- Reductions in aggressive and violent behaviours;
- Reductions in drug use and excessive alcohol use;
- Reductions in bullying behaviours.

Conclusion:

Every child has the right to live free from violence. Yet far too many children continue to suffer the negative effects of violence without support or services that can provide a pathway to recovery. Policy-makers and other decision-makers have the power to transform these circumstances. The seven INSPIRE strategies give policymakers and key actors the tools to act, and to act now.

3.2 Ms. Thelma Aldana, General Attorney of Guatemala, Translation of Statement at XIII UN Congress on Crime Prevention and Criminal Justice, Doha, Qatar, 12-15 April 2015

GUATEMALA'S STATEMENT

Ms. Thelma Aldana, General Attorney of Guatemala

Mr President:

Let me congratulate you on your national election, as well as the rest of the Board Members of this XIII United Nations Congress on Crime Prevention and Criminal Justice, wishing you all the best in your future endeavours. We also want to thank the people and government of Qatar for their hospitality and their efforts in the celebration of this Sixtieth Anniversary of the United Nation's Congress on this matter. Moreover, my delegation wishes to adhere to what has been already expressed by the Group of the Latin American and the Caribbean States in their declaration.

One of the biggest global challenges the majority of the countries face is public safety. Hence, the Guatemalan government has decided to establish and strengthen programs aimed at preventing violence and enforcing the law, based on a clear understanding of and respect for the human rights standards.

The current government established, at the beginning, the "Pact for Security, Justice and Peace", to face the challenges presented by human trafficking; smuggling of migrants; organ trafficking, cultural and environmental trafficking; arms trafficking; cybercrime; drug trafficking and its ramifications, as well as domestic violence, femicide, violence against children and other perils.

Due to the dimensions and mutations of the transnational crime, the pillaging of our cultural heritage and the illegal trafficking of our precious woods and protected species persist. Therefore, we call on the international cooperation to fight these problems, both in the control and in the reduction of the demand of these goods and resources.

Thanks to the coordinated actions between the Guatemalan institutions in charge of justice, prevention and safety, new means of criminal research have been designed, using modern methods of scientific research. We have left behind investigation processes based on testimony evidence, in order to make a qualitative leap in the use and strengthening of the scientific research through the National Institute of Forensic Sciences.

Mr President:

Guatemala recognises the support given by the research criminal justice institutions in our region and subregion, in tackling challenges originated by illicit trafficking and people smuggling, particularly of unaccompanied minors, who are subjected to violence and abuse, always within the scaffolding of transnational organized crime and drug trafficking. Furthermore, we also recognise the assistance given to Guatemala by the United Nations Office on Drugs and Crime Office, in the struggles against those scourges.

Consequently, as a result of this support and coordination, in March 2015 we installed the "Maya-Chortí Task Force" agreement in the border between Guatemala

and Honduras, aimed to reinforce the efforts to combat organized crime with the use of improved border control. Additionally, it provides the staff with better methods to fight against this criminal phenomenon.

In the last three years, the increase of seizure trends shows that clear actions have been made to combat drug trafficking. At the same time, it reveals that we have sent a serious message to those who use our territory as a corridor for crime. Besides, we have cooperated in this struggle with the authorities in Nicaragua, El Salvador and Honduras, having resolved several important cases to date.

While we are far from achieving our goals, the current progress shows that the State, together with the support of the civil society, has the ability to dismantle criminal networks and to make their members accountable.

In terms of fighting corruption, it is important to mention that the Public Ministry, joining this struggle, has restructured the Anti-Corruption Division of the Public Prosecutor, increasing its number of employees and officers. This also happened with the Administrative Crime Section, issuing the rules of organization and operation of both prosecutors' offices. This allows us to investigate corruption acts according to the appropriate prosecution. As corruption undermines public institutions and destroys the values of democracy, ethical values and justice, the Prosecutor's newly created Internal Affairs

Section will investigate corruption committed by the staff of Public Prosecutions. These measures also involve the strengthening of human resources and their dignity.

Mr President:

After three years of effort, the "National Policy for Prevention of Violence and Crime, Public Safety and Peaceful Coexistence" has been presented and has brought to the pertinent local authorities concrete actions to generate a peace culture and public safety, in order to achieve the country's development and in the consolidation of peace. This policy also aims to foster cooperation with the private sector through various ministries of State, in charge of health, development, education, public safety and the pursuit of justice.

The Republic of Guatemala and the and the Attorney General of the Republic, which I have the honour to represent, remain firm in its commitment to protect life and integrity of individuals, as well as in the fight against the transnational crime and the narcoactivity and its ramifications, in compliance with the United Nations conventions and protocols. Finally, from this XIII Congress we hope to achieve the results that we all long for the welfare of humanity.

Thank you, Mr. President.

3.3 Excerpts from Listening to women and girls displaced to urban Afghanistan (2015) by the Norwegian Refugee Council and the Liaison Office

EXCERPTS¹

EXECUTIVE SUMMARY

Growing numbers of internally displaced people (IDPs) live in informal settlements in major Afghan urban centres. Compared with other Afghans they are more likely to be non-literate, to have lower rates of school enrolment, to live in larger households (but with lower household incomes), to be unemployed and to be highly food insecure. There is insufficient understanding of and response to the needs of youth, and particularly vulnerable females, displaced to urban areas. This report presents findings of research in three informal settlements in Jalalabad, Kabul and Kandahar which was commissioned by the Norwegian Refugee Council and researched by The Liaison Office (TLO), an Afghan non-governmental organisation.

[...]

The findings of the research break new ground, confounding the common assumption that urban women and girls should be more able – in a supposedly more secure and progressive urban environment with a concentration of service providers – to access services and employment and social opportunities than prior to their displacement.

VULNERABILITIES FACED BY URBAN FEMALE IDPS:

- ENTRENCHED GENDER INEQUALITY
- EARLY MARRIAGE AND CHILD MOTHERS
- WIDESPREAD DOMESTIC VIOLENCE
- LIMITED MOBILITY
- FEAR OF REPRISALS FOR MALE BEHAVIOUR
- POVERTY
- DRUGS
- FOOD INSECURITY
- SHELTER: OVERCROWDING AND TENURE INSECURITY
- POOR ACCESS TO WATER, SANITATION AND ELECTRICITY
- ILL-HEALTH AND UNAFFORDABLE HEALTH CARE
- LACK OF ACCESS TO EDUCATION
- PSYCHOLOGICAL PROBLEMS

This research found the opposite, showing that displacement places women and children at disproportionate risk, living with fewer freedoms and opportunities than those they enjoyed in their natal villages or when living in Pakistan or Iran. ... displaced females face significant enhanced gendered constraints to accessing education, health and employment opportunities. They have lost freedoms, social capital and networks they may have previously enjoyed. The controlling tendencies of their male kin, and their propensity to violence, are enhanced by their own desperation.

1 Tyler, Dan. Schmeidl, Susanne (2015). *Listening to women and girls displaced to urban Afghanistan*, full publication available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/9194461.pdf>

UN-HABITAT defines informal settlements as:

- Residential areas where a group of housing units has been constructed on land in urban areas to which the occupants have no legal claim, or which they occupy illegally.
- Unplanned settlements and areas where housing is not in compliance with current planning and building regulations (unauthorized housing).

Many are kept in seclusion, not allowed to venture much outside the house, reducing access to education and health care, but also opportunities to contribute to the family's livelihoods. In general, across Afghanistan, women are marrying at a later age than they used to. However, this is not the case for displaced women. Representing a form of income, they are instead often married off to older men who are able to pay bridewealth/dowry. This leads to early child bearing with associated health risks and also to early widowhood. Furthermore, crowded living conditions and frustrated male family members often lead to an increase in domestic violence.

[...]

Many female interviewees demonstrated a palpable feeling of despair, an alarming number wishing for death or regret at having been born. Many reported the reason they wanted to talk about their lives was the hope they might get some form of support and assistance.

[...]

Hunger is a real problem, many women fearing for the survival of their children. Nearly half of those interviewed reported they are forced to buy food on credit. Nationwide, there have been impressive increases in rates of school enrolment for girls. This is not the case in the informal settlements. A majority of all young IDP women (71 per cent) reported never having attended schools and not one among the group of informants in Kabul had ever gone to school. [...]

This report, largely presented through their own words, is the story of an often forgotten group of Afghani women, many of whom are in despair, potentially suicidal and with unmet mental health needs.

Triple Jeopardy for Young Women (displacement, youth and gender)

Displacement usually results in the loss of financial capital, natural resources and important social connections. They often flee with few resources and their family and friend networks are disrupted.

Young women, especially, and young men may arrive in their host city with even fewer assets than adult refugees.

www.womensrefugeecommission.org/.../870-economic-empowerment-o... p.5

Our elders try to marry or engage our daughters from the age of 12. They say that it is a sin when girls are at the house of their fathers and that we should marry them as soon as possible. They are just like butchers; they don't take care for the future of their children. They just put them in the fire by marrying them off early. 19 year-old woman, Arghandab district, Kandahar, focus group discussion, Mirza Mohammad Khan Kalacha, Alokozo Mena, Kandahar City, 27 October 2013

Recommendations for Response Actors:

To better address the specific vulnerabilities of young women and girls in urban settings, it is important that:

- non-specialised humanitarian staff, including local staff, must be sensitized and trained to identify mental health care issues and understand how to refer cases appropriately ;
- gender analysis be mainstreamed into assessments and response strategies for informal settlements;
- all IDP assessments include a component on mental health needs and fast track referrals for those populations at heightened risk;
- advocacy for community-based psychosocial support are included in programming implementation and planning;
- women and girls are targeted for a mixed package of assistance, from specialized psychosocial support services, increased community and family support through to provision of basic services. Humanitarian actors should explore how to restart formal or informal education provision as early in the displacement cycle as possible, perhaps through home-based vocational training and livelihood-support activities.

INTRODUCTION

Urbanisation and the growth of informal settlements

Urbanisation has been largely driven by large-scale refugee return (around six million since 2002) and the movement of IDPs and migrants to urban areas. [...]

[...] many government officials informally acknowledge that some 70 per cent per cent of the urban populations

"I'm a young widow living with young orphans, my stepdaughters. I have many problems, we are very helpless, and we don't have food, water or residence. There's a child in our camp who goes out of home every day, collects plastic, cans and papers, sells them and brings us food. I, two young women and two children are living with the money he brings. I was a rich man's daughter and I could have whatever I wanted. My wedding was very luxurious but war took everything from me, my husband and his family. I don't even know whether or not my parents are alive. Here I live with two young girls and two children in sorrow. We just endure our life of poverty". 24 year-old woman, Lashkargha, Helmand, focus group discussion, Bagrami, Kart e Naw, opposite textile factory, Kabul, 2 November 2013

Of all things in the whole world we don't even own a tent. People from the government come to us and tell us that we should leave this place. Where should we go and how should we find food? 24 year-old woman, Daman district, Kandahar, focus group discussion, Bagrami, Opposite of Nasaji Factory, Kabul, 07 October 2013

of Herat, Jalalabad, Kabul and Kandahar resides in informal settlements.

With an estimated 76 per cent of all Afghans having been displaced at least once in their lives, many several times, one in three Afghans having been a refugee and some 2.5 million still registered as refugees in neighbouring Iran and Pakistan, the lines between the displaced and the non-displaced are extremely blurred: displacement is the norm, not exception. [...]

Additionally, many in Afghanistan, especially women, do not know their exact age or date of birth. This leads to high incidences of age misreporting. Reported ages in surveys and censuses should thus be treated with caution.

Young not listened to

Cultural norms often attach little value to the views of those considered young or under-age, assuming that adults know best. Though some two-thirds of the Afghan population are under the age of 25, "young people's voices are rarely heard." The percentage of individuals between the ages of 15 and 24 is higher in urban than rural areas.

VULNERABILITIES OF URBAN FEMALE IDPs

Entrenched gender equality

Despite some recent achievements by women in Afghanistan, young women and girls face significantly more and qualitatively different challenges in accessing education, health care and employment than their male counterparts. This seems to be even more pronounced in informal settlements. ... Afghanistan has one of the world's highest maternal mortality rates. Nearly half of all deaths of women aged 15-49 in Afghanistan result from complications during pregnancy and childbirth.

School enrolment rates for girls continue to lag significantly behind that for boys, maternal health remains among the worst in the world and the government has shown little interest in either implementing new laws and policies that offer women protection from violence or in proactively promoting other improvements in the lives of women. [...] There are continuing reports of exceedingly brutal violence against women who defy family and societal control. In all ethnic groups a woman's 'purity' is closely linked to a man's honour and that of his family and extended clan. This is particularly prevalent among the Pashtuns,²⁵ enshrined in their customary law and the Pashtunwali, their cultural codex.

Early marriage and child mothers

Afghanistan's high adolescent birth rate (90/1,000 women aged 15 to 19) poses a major risk to young girls' and

women's health. In general, across Afghanistan, women are marrying at a later age than they used to. However, this is not the case for displaced women.

Widows and female-headed households

Early marriage can also lead to early widowhood. Many of the young women interviewed were widows, several only in their twenties. [...]

Shelter: overcrowding and tenure insecurity

Those lucky enough to have housing are in very cramped living conditions with more than one family and more than one generation living together. In the Kabul settlement people live in a tent or a mud building with a tarpaulin and very few are able to consider renting. All are subject to threats of eviction as the government has repeatedly threatened to close their camp. In Kandahar and Jalalabad the luckier ones might have more than one room and some are able to afford to rent. Some households have as many as 20 people. The mental health of women forced to live in such close proximity to so many others, and not able to go out, inevitably suffers.

RESPONDING TO WOMEN AND GIRLS DISPLACED TO URBAN AFGHANISTAN

At this time of the uncertainties of transition it is ever more important for coordination and advocacy for IDPs in urban settings to be intensified. This requires systematic profiling of urban IDP populations and their needs and the establishment of referral and response mechanisms. To better address the specific vulnerabilities of young women and girls in urban settings, it is important that:

- non-specialised humanitarian staff, including local staff, must be sensitized and trained to identify mental health care issues and understand how to refer cases appropriately;
- gender analysis be mainstreamed into assessments and response strategies for informal settlements;
- all IDP assessments include a component on mental health needs and fast track referrals for those populations at heightened risk;
- advocacy for community-based psychosocial support are included in programming implementation and planning;
- women and girls are targeted for a mixed package of assistance, from specialised psychosocial support services, increased community and family support through to provision of basic services. Humanitarian actors should explore how to restart formal or informal education provision as early in the displacement cycle as possible, perhaps through home-based vocational training and livelihood-support activities.

"I wish you would help us and not just ask questions and then leave". 25 year-old woman, Laghman Centre, focus group discussion, Jalalabad, Nangarhar, First District Camps, 11 November 2013

3.4 Excerpts from END FGM Network Guidelines for Civil Society: FGM in EU Asylum Directives on Qualification, Procedures and Reception Conditions (2016)

EXCERPTS¹

I. Introduction

The purpose of this guide is to explain the changes that have taken place in the Common European Asylum System (CEAS) since 2013 and how they apply to asylum seekers affected by or at risk of female genital mutilation (FGM). The guide will serve to highlight the relevant provisions of revised EU directives and explain their application in an accessible and pragmatic manner to civil society representatives working with FGM survivors.

This guide is intended to be used primarily by the members of the END FGM Network - as organisations working on FGM in Europe, they need to have a good understanding of the obligations of EU member states under EU asylum legislation to be able to perform their watchdog function vis-à-vis the state. The guide will also be useful to other NGOs or CSOs working on asylum, in order to reinforce their knowledge of the gender and FGM-specific provisions within the CEAS and the revised asylum directives.

This publication is a result of a six-year collaboration between END FGM and UN Refugee Agency (UNHCR) on issues relating to FGM and asylum (p.5).

II. What's new? The revised legal framework on asylum in the EU and its impact on FGM

Progress has been made in the new directives as sexual violence and FGM are classified as acts of persecution and the definition of vulnerable groups includes victims of sexual violence; (...) It is therefore essential that organisations and professionals supporting asylum seekers affected by, or at risk of FGM, be informed of these new provisions in EU law to monitor their proper implementation by national authorities and to make an effective use of them in asylum procedures (p.6).

The expanded body of EU asylum legislation is further strengthened by legally binding commitments taken on by individual EU member states, as well as the EU as a whole. This is the case in particular with regards to the Council of Europe Convention on violence against women (*Istanbul Convention*)², which contains a number of provisions relevant to asylum law, therefore adding to the legal protections afforded to women asylum-seekers in the countries that ratified (p.7).

III. Revised directives: provisions relevant for asylum seekers affected by or at risk of FGM

III.1. Provisions relating to FGM within the Qualifications Directive

The EU Qualification Directive *ensures eligibility for international protection for women and girls* with a well-founded fear of persecution or facing the risk of suffering FGM.

Apart from the victims themselves, it *extends international protection to parents fearing persecution or facing a real risk of suffering serious harm* because they refuse to consent to their child undergoing FGM³. It further lists the criteria for subsidiary protection to include serious harm, such as torture or inhuman or degrading treatment or punishment, therefore qualifying FGM survivors for this type of protection⁴ (p. 7).

The revision of the directive has also strengthened protection for women and girls who have not undergone FGM but are at risk of it, as the directive now explicitly *recognises that issues arising from an applicant's gender* should be given due consideration if they are related to the applicant's well-founded fear of persecution. The directive clearly states that such issues include gender identity and sexual orientation, and may be related to certain legal traditions and customs such as genital mutilation.⁵

Following the provisions of the Convention on the Rights of the Child⁶, the new Qualification Directive also underlines the importance of the principle of the best interests of the child as a primary consideration for member states to take into account in various provisions.⁷

FGM-based asylum claims in the EU:

The UNHCR estimates that 16,000 women and girls could potentially have already been affected by FGM at the time of their arrival in the EU in 2013, i.e. the 62% of all female applicants coming from FGM-practising countries (p. 8).

FGM is a gender-specific violation to which girls can be particularly vulnerable, and it is prevalent within specific ethnic groups and countries and regions, meaning that all of these factors should be considered when an application for international protection is assessed (p. 8).

The directive stipulates that *member state authorities are to cooperate with the applicant in order to assess the relevant elements of the asylum application*.⁸ This is particularly important regarding FGM and other forms of gender-based violence. In some cases, women and girls who are victims of such violence are not always aware of being (potential) victims. Thus, women and girls victims

1 END FGM Network, *FGM in EU Asylum Directives on Qualification, Procedures and Reception Conditions*, full document available at: http://www.endfgm.eu/editor/files/2016/05/End_FGM_Asylum_Guide.pdf

2 Council of Europe Convention on preventing and combating violence against women and domestic violence, 12 April 2011.

3 Recital 36, 2011/95/EU.

4 Article 15b, *ibid*.

5 Recital 30, *ibid*.

6 Article 3.1, Convention on the Rights of the Child.

7 Recital 18, 19 and article 20.5, 2011/95/EU.

8 Article 4.1, 2011/95/EU.

of FGM may sometimes refrain from sharing certain information relating to the violence they have suffered (...) *An active cooperation of the asylum authorities is particularly essential when the best interests of the child are at stake.* If a mother applies for asylum but does not raise the issue of her child being at risk of or having suffered FGM, it is essential that the asylum officer raise the issue, especially if the applicant comes from a country or an ethnic group with a high FGM prevalence rate (p. 8 – 9).

The Qualification Directive requires member states to give special consideration to applications from children and to have regard to child-specific forms of persecution (p. 9).

*Member states are to ensure that staff in charge of implementing the directive are properly trained and bound by the confidentiality principle.*⁹ This is particularly important as staff who are adequately sensitised to gender-based issues and the confidentiality of personal information submitted by applicants will be better qualified to recognise FGM-based claims. (...)

III.2. Provisions relating to FGM within the Asylum Procedures Directive

Children must have access to making individual asylum claims (i.e. separately from their families, even if they are accompanied) and to be interviewed in a child-appropriate manner (p. 10).

The Asylum Procedures Directive obliges *Member States to ensure that a child has the right to make an application for international protection either on their own behalf, through their parents or other adult family members, or through another adult responsible for them.*¹⁰ As girls are particularly vulnerable to FGM, it is crucial that the authorities provide clear and detailed information to parents on the process of claiming asylum specific to children (p. 11).

Best interests of the child: The Reception Directive recalls that the best interests of the child shall be a primary consideration, in particular in order to ensure a standard of living adequate for the child's well-being.¹¹ While FGM is not a violation which occurs exclusively to children, many applicants who have suffered or are at risk of it are girls, and it is key that *their best interests, including that of right to family unity, be prioritised* (p.12).

The revised Reception Directive states that it is essential the personnel working in reception facilities be properly trained, in particular to accompany vulnerable applicants such as victims of sexual violence (p. 13).

As FGM is a gender-specific violation, this provision is crucial to the adequate reception of women and girls who

have suffered from or are at risk of it and must be carefully implemented (p. 13)

Children should be detained only as a measure of last resort, with the child's best interests as a primary consideration. Unaccompanied children shall be detained only in exceptional circumstances, separately from adults and never in prison accommodation¹² (p.13).

IV. Istanbul Convention: adding a gender dimension to the Common European Asylum System

The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force on 1 August 2014, is **legally binding** to those *member states of the Council of Europe* who have ratified it, providing an additional level of protection on top of the existing national, EU and international legal instruments aimed to combat violence against women. Crucially, the Istanbul Convention specifically lists FGM as a form of gender-based violence which it aims to combat.¹³

The Istanbul Convention further reiterates the principle of non-refoulement which ensures that victims of violence against women in need of protection, regardless of their status or residence, are not returned to any country where their life would be at risk or where they may be subjected to torture or inhuman or degrading treatment or punishment.¹⁴ This applies specifically to those women and girls who are at risk of FGM, which is considered to constitute torture and cruel, inhuman or degrading treatment under international jurisprudence (p. 15).

V. Conclusion

However, as this guide has often mentioned, it is crucial for *member states to adequately and efficiently implement the provisions contained in the revised directives* for the system to be operating to its full potential. To ensure this, *monitoring and evaluation of the implementation at national level will be crucial, signalling an important role for NGOs and civil society.* (...) Furthermore, with the Istanbul Convention so far only ratified by 12 EU member states, its application in the EU is not yet a given (p. 16).

CSOs within the EU member states have therefore a significant part to play in ensuring that their governments (i) transpose the revised asylum directives (ii) sign and ratify the Istanbul Convention. (...) States must further be urged to collect data and statistics on asylum applications on the grounds of FGM that were received and granted (...).

9 Article 37, *ibid*

10 Article 7.3, *ibid*.

11 Article 23, *ibid*.

12 Article 11, *ibid*.

13 Article 38a, Council of Europe Convention on preventing and combating violence against women and domestic violence.

14 Article 61.2, *ibid*

PART IV

VIOLENCE AGAINST GIRLS: CONTRIBUTIONS SUBMITTED BY RESEARCHERS AND ACADEMICS

“IN A WORLD RIDDLED WITH CONFLICT, MASS POPULATION MOVEMENT IS A REALITY. BUILDING FENCES AND WALLS TO KEEP PEOPLE OUT IS NOT A SOLUTION. IT WILL ONLY INCREASE THE SUFFERING OF PEOPLE WHO HAVE ALREADY SUFFERED THE UNIMAGINABLE. AND WOMEN EVERYWHERE ARE AMONG THE MOST EXPOSED. IN THE FACE OF MASSIVE DISPLACEMENT AND ARRIVALS, VERY OFTEN THE FIRST REACTION OF POLITICIANS IS TO RESORT TO SCAREMONGERING. MANIPULATION OF PUBLIC OPINION AND INCITING HATE AGAINST THOSE WHO ARE DIFFERENT ARE UNACCEPTABLE. A REAL RESPONSE CAN ONLY BE BASED ON SOLIDARITY AND HUMAN RIGHTS, ON RESPONSIBILITY SHARING AND RESPECT FOR INTERNATIONAL LAW.”

“WOMEN REFUGEES AND ASYLUM SEEKERS IN THE EUROPEAN UNION.” CEREMONY TO MARK INTERNATIONAL WOMEN’S DAY. FILIPPO GRANDI, UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES TO THE CHAMBER OF THE EUROPEAN PARLIAMENT, STRASBOURG, 8 MARCH 2016

4.1 The psychological impact of sexual violence against girls in the Democratic Republic of Congo

Lorena Aguirre, COOPERA Country Director, and Laura Cárdenas, Program Officer, Esperanza Pertusa Foundation

The *Fundación Esperanza Pertusa* is a private Spanish Foundation tied to the fashion brand Gioseppo. Its mission is to contribute to human development in Spain and in other countries all over the world. The Foundation supports non-governmental organisations (NGOs) that work with people in vulnerable situations, gender being one of its focal points of action. Its Women4Change program contributes to raising awareness about the challenges faced by women in Southern and Northern countries and also allocates funds to projects for the empowerment of girls and women in developing countries. In 2015 the program's focus was sexual violence against women and girls in the Democratic Republic of Congo. Women4Change worked for a year with Ms Caddy Abzuba, winner of the 2014 Princess of Asturias Award for Concord and a much-lauded campaigner for human rights and press freedom in the war zones of the Democratic Republic of Congo. She has been at the forefront of the battle against sexual violence against women in a region where it is estimated that an average of 40 women per day have been raped since the conflict erupted in 1996. In 2015 and 2016 the Foundation supported a project led by Ms Caddy Adzuba to improve the living standards of women victims of sexual violence and human rights abuses.

The Esperanza Pertusa Foundation also supports the work of COOPERA, a Spanish NGO working in the field of rehabilitation and reinsertion of girls under 18 years old who are victims of sexual violence. They also work on the issue of child soldiers, both girls and boys, in Kalehe (Kabare territory of Sur Kivu), in the Democratic Republic of Congo. This work is being developed in a context in which the recruitment of children by armed groups and sexual violence against girls, including rape, have been used as a weapon of war. Precise figures are hard to come by and, at best, confusing, but UNICEF reports around 5,000 rapes in 2012 alone.

COOPERA has worked in Sur Kivu, the Democratic Republic of Congo, since 2006. The NGO started with an innovative Community Conservation Program in 2006, by which it helped wild animals and rural communities. The instability in the country inspired the organisation to work not only to protect chimpanzees and primates, but also to address the problems of the human population.

In order to make a real change, they conduct projects in six different areas, such as biodiversity protection, education, health, rural development, ecotourism, mental health and psychosocial support. Their work focuses on providing psychological treatment through structured group therapy, and a continued follow-up with families and teachers. This NGO is the only one that does long-term group therapy with minors in rural areas.

In some cases, COOPERA provides medical treatment for at least two years as well as legal support. The medical

treatment takes place in the Panzi Hospital in Bukavu, and is performed by Mr Denis Mukwege, a Congolese gynecologist specialized in the treatment of women who have been gang-raped by rebel forces. Mukwege has become the world's leading expert on how to repair the internal physical damage caused by gang-rape and he has been nominated for the Nobel Prize.

As we have spent more than 10 years working in the area and analyzing the psychological impact of sexual violence against the girls and women of the DRC, we composed this article to describe our experience in the region - it is not an academic paper.

Findings about sexual violence against girls

Over the years COOPERA has collected evidence, derived from victims' testimonies, of **different scenarios of rape**: armed groups abducting women and girls to be used as sexual slaves in the forests; armed groups attacking villages to loot and rape women, with no distinction of age, from children to elderly persons; night thieves breaking into houses to conduct robberies and to rape the girls and women of the house; strangers raping random women in the market; neighbor's abuse when child is going to school in the morning; fathers raping their 16-year-old daughters; policemen from the village raping girls when they go to wash their clothes in the river; military members of the regular army attacking groups of girls, as they believe that the blood of a virgin will make them immune to bullets, more powerful, richer or cure them from AIDS. In some Eastern Congo zones, COOPERA has reported rapes both from armed groups and from regular civilians, witnessing the terrible life-lasting consequences for the victims -mainly girls, adolescents and women.

The consequences of rape and other forms of sexual abuse can reach three different levels: physical, psychological and behavioral. It seems relevant to mention the impact that these long-term consequences have on the social fabric, as a large number of women and girls are traumatized. In this sense, there is ample evidence of victims' predisposition to alcoholism, smoking, substance abuse, tendency to prostitution and crime, family conflict with possible abandonment of the home, failure in and/or dropping out of school, unemployment, unwanted teenage pregnancies, interpersonal difficulties and high rates of divorce and separation.

It appears relevant to note that boys and men are also physically and/or sexually abused, which makes it important to distinguish the psychological and behavioral long-term consequences depending on the victim's sex. In general, girls tend to have anxious-depressive reactions and are more likely to be abused and battered again, while boys have socialization problems and tend to be abusers themselves prone to aggressive sexual behaviors.

These trends in men are one of the factors that explain the rise in the incidence of civilians who perpetrate physical and sexual abuse in the DRC. If sexual offenders -mostly men- are more likely to have been themselves victims of physical assault or sexual abuse, in a society immersed in a violent context, where every boy or adolescent has a high probability of witnessing mass violence or being a victim of it, both inside and outside of the family, there is a high probability of victims becoming perpetrators. This happens widely with child soldiers.

Lewis et al. (1981), found that 76.5% of sex offenders had experienced physical abuse and 78% had witnessed physical abuse. Ryan (1987) found that 40% of sex offenders had been victims of physical abuses, but did not find such correlation regarding sexual abuses.

It is important to note that not all male victims of abuse become abusers and sex offenders, and that not all sex offenders have been victims. But still, it is always clear that the victims of this historical and generational chain of violence that triggers more violence are girls, youth and women. These situations are unquestionably one of the consequences of war.

A possible solution to prevent civilians from increasingly becoming aggressors is to provide **psychological support** for them at an early age, especially during adolescence.

Transgenerational inheritance of the femicide: a society stuck in fear

To comprehend the society of the Eastern Congo and its population's current mental health state, it is extremely important to understand Congolese history, from the colonialism of Leopold II of Belgium that represented 90 years of brutality against the owners of the land - the Congolese - to the present. This part of the article aims at exploring the causes and consequences of the stress this population lives with, in order to understand the psychological roots of femicide of Congolese women.

In the DRC people live in constant fear, and they experience difficulties to find income for their families, to buy enough food for everyone at home, to pay school fees for their children, or to pay health expenses when they are sick: these factors are considered as "stressors". The term "stress" was coined by Dr Hans Selye, who explained how stress works for mammals through the General Adaptation Syndrome (GAS) or "theory of stress". This theory refers to the organism's efforts to adapt and respond coherently to the stimuli or stressors that it is facing. The stimuli could be negative or positive, resulting in negative stress or "distress" and positive stress or "eustress".

A stressful situation causes a cascade of symptoms in the body, whose primary purpose at that time is to compensate for this tension or pressure in order to regain its normal balance or homeostasis as soon as possible. The stressors can be physical (caused by a metabolic disease or a structural injury), emotional, social, mental and/or spiritual (consisting of how we perceive life and fit in). If people live in a place in which almost all stimuli are negative, and they cannot recover their homeostasis (the

normal functioning of the body of a person) they will have **chronic distress**.

When studying Congolese lives, we find that there are too many stressful stimuli. What are the consequences of living in emotional stress? Basically, when humans are under a threat or are facing a stressor, they close down the neocortex and limbic brains and act with the reptilian brain, triggering their "survival mode". Then, when the threat or stressor goes away, they recover their normal functioning. The Congolese population, as mentioned above, has been living in a conflict area for many years, facing many stressors, so they cannot recover their "homeostasis" and **they live only in this "survival mode"**.

The body of persons living with chronic stress and in survival mode is always prepared to defend itself, to control its space. It will also seek for other allies to establish a clan protection. Most probably, its emotional manifestations will be excessive and mainly composed of anger, fear or sadness. This whirlwind of emotions will give these persons a sense of lack of control. When getting to that stage, both men and women will need to release their emotions, but they will do it differently: women will need to talk and to feel supported by the group, while men will need to feel in control, for example, by doing physical exercise, usually alone.

The consequences of chronic stress can go even further: the neocortex can experience difficulties in paying attention, concentrating and retaining or remembering information; the person can suffer a loss of the global vision of the surroundings and have trouble thinking clearly; people can even lose the ability to balance between logic and creative thinking. As a result of living in "survival mode", the individuals of the society live below their full potential. Their way to face life and solve problems in order to improve their future will be average and ineffective. This can plunge the country into a severe recession.

As women and girls live with stress, their psychological sphere is damaged, and they do not maximize their skills and power to change their environment, their community, their lives and their country. Their interpersonal relationships are neither constructive nor rewarding and, at the intrapersonal level, their identity will not have a strong basis, as they will not be able to control their emotions, to express their thoughts and to dream. They will lose themselves into this threatening world with no hope.

It is important to underline the fact that these girls and women not only suffer from their own stress, but also have inherited stress from past generations. One hundred and forty-six years have passed from the time King Leopold II arrived in the "Belgian Congo" until the current Democratic Republic of Congo of Laurent Kabila: the Congolese population has spent these 146 years living in continuous insecurity, with governmental forces not only not protecting them, but sometimes being the perpetrators of robbery, rape or murder. This is the reason why girls and women from the DRC not only have their current physical and psychological **scars from the abuses faced**, but they have also inherited 146 years of burden from the women of previous generations, such as the

torture, assassination, mutilation, viciousness, harassment and/or sexual violence they experienced.

Moreover, the government does not promote the security, prosperity or welfare of the Congolese girls and women. In Marcela Lagarde's opinion, femicide consists of the state not giving guarantees to women and not creating secure conditions for their lives in the community, at home, at their workplace, on public roads or at entertainment venues. Currently, there are thousands of women and girls displaced by the conflict; many families of eight members are living on \$1.5 per day; people cannot have access to education or health; they cannot build houses with bricks, metal doors or windows with bars that could make them have at least a sense of safety. Millions of individuals are living with fear and cannot escape from it.

How many times have Congolese women been attacked when they were working in the fields? How many times have armed men looted their houses and abused them? How many times have girls, when going to school, been raped? How many times girls gone to the market to buy food for their families and been sexually injured?

Each woman or girl who has witnessed or been a victim of an aggression, torture, humiliation, sexual abuse or who has been in the middle of gun fire, has experienced a traumatic event. During those moments they thought they could die or be physically damaged, making them emotionally overwhelmed, and experiencing feelings of helplessness and terror. In **consequence**, they may develop a mental disorder, such as Post Traumatic Stress Disorder (PTSD), but not necessarily. Higher rates of PTSD are reported in the higher-risk populations, such as with women and girls in conflict zones; in the DRC, all women and girls are at risk, as they are repeatedly exposed to violence, such as social and political violence through war or torture, domestic violence (as victims or witnesses), mistrust in relationships with attachment figures, or childhood abuse - a complex trauma with a high risk of developing into a mental disorder.

Life is extremely hard for these girls and women. When they have experienced these kind of traumas, they see the world as a dangerous place, they cannot trust others as they received no help from them before and, as they will not fit into their expected role in the world, they will have shattered assumptions about themselves and reality, as they will not fit their supposed role. If they develop PTSD, they will have intrusive symptoms (nightmares and flashbacks), hyperarousal (constant alert for danger, chronic irritability and anger) and avoidance (suppressing feelings and memories of the trauma, avoiding situations related to the trauma and using maladaptive behaviors such as substance abuse or self-injury). Along with PTSD, other health issues appear, such as a major depressive disorder, agoraphobia, obsessive-compulsive disorder, generalized anxiety disorder, social phobia, panic disorder, substance related disorders, bipolar disorder, borderline personality disorder, or specific disorder. These can precede, follow or co-occur with PTSD (American Psychiatric Association, 2000).

These facts lead to the **psychological death of women or girls**, who experience real difficulties in carrying out their lives as children, and then as adolescents, wives, mothers and much more as human beings, with all of their potential shattered regarding having a fulfilling life and contributing to the development of their society and country.

However, these remarkable women and girls, even with all of these heavy duties, can wake up singing. They always have a true smile; they take care of their children in the best way they are taught and they can; they are hard workers, never lazy, and love to dress properly according to tradition; they love to take care of their bodies, which means they still love themselves. That is real resilience.

It is important to note that hurting the female population of the DRC actually damages the whole country. First, because it is the majority of the population: in 2015, the UN Population Division published that there were 40,412,863 women in the DRC, representing 50.33% of the total, compared to 39,990,551 men, representing 49.7%. Any injury caused to a girl or woman damages her whole family, harming a family can destroy a community, destroying a community can harm the whole province, and so on.

The importance of therapeutic work

COOPERA has designed a program with excellent results for girl victims of sexual violence. The first step consists of the **training of Congolese psychosocial agents** (both women and men) from different ethnic backgrounds so they can conduct group therapy in the zones' dialects, mashi or kitembo. When possible, men will work with ex-soldier boys and women with girl victims of sexual violence. COOPERA conducts a 90-hour training, consisting of explaining the psychological and psychotherapeutical bases, and then having the agents experience group therapy activities themselves. This aims at improving their lives and at making them understand the exercises proposed in the sessions through practical experience.

Second, COOPERA organizes **therapy sessions with girl who are victims of sexual violence**. Before and after therapy, it distributes psychometric questionnaires to screen for post-traumatic symptoms and thereby measure changes in symptomatology over time, in order to measure the impact of therapy. The working tool is the Child Report of Post-traumatic Symptoms (CROPS) for girls under 12 and the Parent Report of Post-traumatic Symptoms (PROPS) for their mothers or direct parental figures.

As for the therapy itself, COOPERA has designed a structured group therapy with applied techniques from psychodynamic, cognitive-behavior and humanistic approaches. It is conducted during almost five months, with 16 sessions once a week. On the last day of therapy, attendants receive an assistance diploma as a symbolic acknowledgment of their treatment.

After participants have therapy, COOPERA incorporates them into environmental-education groups, called **Root & Shoots groups**. These girls continue to work as a group, but they also integrate with other child communities while playing and learning about the environmental problems

of their country. By acting like “normal” girls, they become Nature Protection Ambassadors and have some meaningful activities in their lives.

As mentioned above, girls arrive into the program in a state of psychological “death”. After group therapy, they have improved their internal symptoms, such as anxiety, depression, fear and withdrawal; they also ameliorate their external symptoms, such as conflictual interactions with others or interpersonal difficulties - which are also consequences of the stigmatization; and they make progress regarding their somatic and other symptoms, such as sleeping problems, difficulties with concentration or hyper-alertness.

Recommendations

The obvious solution is the achievement of peace in the DRC and the end of violence against girls and women.

4.2 Gender, Girls and Juvenile Justice Systems

Dr. Francisco Legaz, Founding Chairman of the International Juvenile Justice Observatory (IJJO), Cédric Foussard, Director International Affairs IJJO, and Eléonore Komai, IJJO Collaborator

The UN defines violence against women and girls as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.¹

Violence against girls is a reality in juvenile justice be it psychological, physical or sexual and across all the stages of the judicial process.

This article proposes to shed light on the issue of girls, gender and juvenile justice systems and advances some recommendations to make significant gender-sensitive improvements in juvenile justice.

Conceptual Framework

The subject of girls and gender issues in the criminal justice systems has increasingly become a focus of attention worldwide.

Because there have always been, and still are, more boys involved in the system than girls, many programmes and facilities are structured around the realities and needs of males and do not deal enough with girls’ conditions and specific issues. In fact, looking back at the history of youth justice, it appears that the separation of the youth justice system from the adult one has occurred in the absence of sufficient consideration of gender and the difference between the treatment of girls and boys.

Girls and gender minorities are particularly vulnerable groups whose experiences often remain silenced and

While these issues are solved in the high spheres of power, without losing faith in it, we must propose practical solutions.

The Congolese government has to provide **Free Mental Health Services** around the country and facilitate the work of international NGOs to develop this task. Functioning **psychology departments** are desperately needed at the Reference Hospitals and Health Rural Centers.

NGOs have to train local agents as **psychosocial supporters**, and they need to implement **Mental Health programs** in refugee camps and with women and girls at risk.

COOPERA is also looking for more **donors** to help with the provision of its Mental Health & Psychological support.

invisible. The invisibility of girls is highlighted by the lack of gender-segregated data in juvenile justice and the lack of research on the consequences of a disparate treatment of the genders within the criminal justice system for juveniles.

As a matter of fact, research highlights the need for gender-specific programmes that take into account girls’ needs but also their particular pathway to delinquency. Girls require specific methods of care and intervention for a successful rehabilitation. However, this statement has to be nuanced. While some factors play a role in girls’ violence, there is no one homogenous pathway to delinquency. There would be a risk in stereotyping girls and their relation to the criminal system. There is often a combination of several factors such as psychological and family factors, but problems of abuse, victimisation and health also come into play.

While gender-specific programmes are necessary and useful, they should be carefully designed not to perpetuate gender norms and standards for behaviours. Adherence to norms of hegemonic masculinity has negative impacts on girls but also on all individuals who do not conform to traditional gender roles and norms.

It is also important to address the issue of girls in the juvenile justice system with an intersectional lens: this means developing programmes that consider, inter alia, girls’ origin, substance abuse, sexual abuse, employment or motherhood.

Girls are not a homogenous group experiencing the criminal justice system in the same way. Depending on the State, the country’s history, political situation and culture, girls have distinct experiences based on their intersectional identity.

¹ General Assembly Resolution 48/104 Declaration on the Elimination of Violence against Women, 1993

Legislative Framework

International standards are important when it comes to girls and gender issues in juvenile justice systems because they are part of the international policy framework that calls upon States to incorporate gender-mainstreaming and gender-sensitive approaches to security into the rule of law.

There are three important instruments touching upon the issue of gender equality not only for women and girls but also for gender minorities:

- The Beijing Declaration and Platform for Action +20 of 2015, the most solid and widespread standard for advancing women's rights.
- The UNSC Resolution 1325 on Women, Peace and Security adopted in 2000 which promotes the participation of women and the incorporation of gender perspectives within the UN agenda related to peace and security.
- The UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) adopted in 2010 by the General Assembly.

Alongside these standards, there are a number of conventions dealing with juvenile justice and criminal law.

The Convention on the Rights of Child (1989), in its Article 19, highlights the obligation for all States to prevent all forms of violence against girls. Article 37(b) also provides that detention should be used only "as a measure of last resort and for the shortest appropriate time period" for children.

In addition, the United Nations Model Strategies and Practical Measure on the Elimination of Violence against Children in the field of Crime Prevention and Criminal Justice adopted in 2014 draws attention to strategies for preventing violence against children with a particular emphasis on gender.

Overall, instruments aiming to safeguard both children's rights and women's rights are necessary to understand and promote girls' rights in juvenile justice systems.

Political Framework

The issue of girls, gender and the juvenile justice system highlights the existence of systematic gender injustice and discrimination against girls. Gender constructions and social expectations have hidden structural gender discrimination for over one hundred years of juvenile justice.

Criminal justice systems are inherently created by and for males and criminal law in particular punishes violence against women from a male point of view.

Although girls are brought into the system for less serious offenses than their male counterparts, their case dispositions are most of the time as or more severe.² The system perceives their behaviour as a threat to established gender-role expectations. Advocacy work is more than

² Laura A. Barnickol, *The Disparate Treatment of Males and Females Within the Juvenile Justice System*, 2 *Wash. U. J. L. & Pol'y* 429 (2000).

needed to deconstruct gender stereotyping alongside with gender bias.

If the inherent structures of criminal systems are themselves biased, a structural shift is needed. The whole conception of violence, punishment, detention and isolation must be thought through and reviewed in order to build more coherent, gender sensitive, inclusive and participatory criminal justice systems.

The institutions of juvenile justice are in fact built on structural gender inequalities that affect the most vulnerable groups - girls but also LGBTQI+ and non-gender conforming individuals. Violence, sexual exploitation and abuse are among the main violations to which girls are subjected. Often, there is a lack of access to justice. For girls, claiming their rights in an environment that lacks participation, inclusion and gender-sensitivity and discriminates against them regarding access to services and the equal distribution of resources is often an uphill battle.

Despite recognising that girls have specific needs, nothing or little has been done concretely, be it at the policy level or in practice. The discourse of exceptionalism must be eradicated from the political and all levels in order to start creating and adopting effective measures to make the criminal system more suitable and appropriate to girls' lives, experiences and realities.

It seems essential that we take a deeper look into detention facilities for girls. At present, these facilities are not only failing to address girls' needs but also may be causing them further damage.

Points for Improvement

The following 10 points highlight concrete policy recommendations based on research and comparative reviews of positive and transformative experiences. These are key factors aiming at building juvenile justice systems that would be more gender-sensitive, participatory and inclusive.

- **Ensure access to justice.** Make sure that girls and women, no matter where they come from, have access to fair trials and accessible, accountable and effective resources including information about their rights and proceedings.
- **Improve the quality and rigor of data collection and analysis through disaggregated information and statistics.** Evidence and data about the experiences of girls in the justice systems (detention, conditions, needs) are crucial in order to be able to create coherent and transformative policy and frameworks.
- **Promote structural reforms to increase gender-specific legislation, policies and practices** by governments. Political will is very important to create specialised structures for girls. Girls' voices must be taken into account in the reform process, and adequate and realistic funding must be made available.
- **Increase cross-system cooperation.** Make public systems of child welfare, health and education, among other things, part of the reform efforts.
- **Promote and support the involvement and the**

effective participation of children throughout the criminal justice services and professionals. Girls who have been involved with juvenile justice systems know better than anyone the system's gaps. It is thus important to engage girls and gender minorities and promote their participation in all components of criminal justice systems and with professionals.

- **Develop innovative approaches to dealing with girls in conflict with the law based on community-connections and positive peer culture.** This includes building programmes not based on failures but instead aiming at empowering girls to make their own positive choices.
- **Promote more integrative programmes that include gender-responsive action to their environment and promote diversion, alternatives and community-based programming.**
- **Develop training for criminal-justice professionals.**

Professionals must be aware of girls' needs and vulnerabilities. Therefore, a rigorous and evidence-based training must be part of every training curriculum for professionals interacting with them directly or indirectly.

- **Prevent the detention of girls for status offences and technical violations.** Secondly, deprivation of liberty only when there is a real threat to the public safety. The girls' environment must be adapted to their risk factors and the reduction of dangers. Also, access to medical and mental health services must be ensured.
- **Ensure the implementation of special measures and programmes for girls as part of a transformative and healing strategy for girls.** All of the actions and recommendations developed by research and research-related activities must be implemented and used in practice.

4.3 Paternalism and Girls in the US Juvenile Justice System: An Intersectional Approach

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The juvenile justice system should be understood as a major force in the social control of women, as it has historically served to reinforce the sexual piety of girls by holding them to a different standard of behaviour than boys.¹

The word paternalism is rooted in the Latin "pater" meaning father. It is to be understood in relation to social hierarchies in which the father represents the figure of authority. In this article, it refers more precisely to the concept of power dynamics within a family and as a model for the exercise of power by institutions or the State. It is important to bear in mind that paternalism reinforces a gendered repartition of power and male parental domination.

This is reflected in the justice system practices regarding girls. Like a form of "parental control", courts and other actors involved in juvenile justice tend to base their acts, views and judgments on hierarchical and normative social and sexual-gendered behaviours.

One of the main roots of the problem comes from the commonly-shared definition and conceptions of m and f.² Roles and norms assigned to m/f create paternalistic attitudes towards girls in juvenile justice systems that are not questioned by the discretion of the judiciary. While the sexist narrative of "boys will be boys" is often used to justify and excuse boys' sexual expression, it seems

conversely that girls' sexual expression is controlled and shamed by social norms and parental supervision.

This article proposes to highlight and reveal some particularly unseemly parts of judicial paternalism across time in the US. It then explains how the concept of paternalism in juvenile justice has evolved in light of the development of new ideas and concepts such as heteronormativity and intersectionality.

A brief history of US juvenile justice systems and girls' condition

History reveals that the US juvenile justice system was originally designed to instill the standards and values of the white middle class regarding what is considered appropriate behaviour. Girls whose sexual expression, orientation or race are not in line with those standards see themselves being the focus of attention of courts that try to assimilate them into the dominant culture.

Nuclear family, nuclear institutions

The first juvenile court was created in 1899 in Chicago. While the need to separate juvenile justice from adults' was expressed through the public narrative of protecting young people from horrors taking place in the adult system, it appeared that traditional institutions based on the model of "nuclear family" have been shored up.³ Therefore, juvenile justice was mainly about instilling

1 Chesney-Lind, M., «Out of sight, out of mind»: Girls in the juvenile justice system, Women, Crime, and Criminal Justice, Los Angeles, California, Roxbury Publishing Company, 2001.

2 m can refer to masculine gender/man/male/masculinity and f can refer to feminine gender/woman/female/femininity.

3 Barnickol, L., *The Disparate Treatment of Males and Females Within the Juvenile Justice System*, 2 Wash. U. J. L. & Pol'y 429, 2000.

a normative behaviour to youth toward authority and morality.

At the same time, in traditional families, the control over daughters has always been stricter, particularly regarding their virginity. Sexual purity was in fact a determinant marker of femininity and a requirement to maintain a good reputation for the family.⁴ Mary Odem shows in her study⁵ that, in the late-nineteenth century, girls received judicial penalties for willfulness and sexual encounter, even when those were coerced, while there was no or little control or guidance regarding male sexual behaviours.⁶

Paternalism towards girls is clearly expressed through the use of pelvic examination. In the first decades of the 20th century, almost all courts' decisions implied a gynecological exam for girls⁷ while boys had to go through a detailed physical exam very rarely. These gynecological exams served as a virginity test to figure out if the girl had been sexually active. Decisions and detention conditions were obviously made and experienced in accordance.

This obsession with girls' sexual morality can also be observed within the double standard in juvenile justice. The double standard is indeed closely linked to norms of sexual morality that tolerate promiscuity for boys but on the contrary condemn girls for being sexually expressive: such an element could similarly be found in the traditional nuclear family. As a result, girls were more likely to face such charges compared to boys.

It has been shown that through the use of status offenses, US courts create a de facto double standard for girls and boys. A status offence is a misbehaviour which is not criminal for adults but becomes reprehensible when it concerns youth, such as runaway, unruliness or certain sexual behaviours. In the early days of the juvenile court, girls were most likely to be charged with "immorality" and more likely than boys to be institutionalized (59% girls vs 21% boys committed to institutions on the first offense).⁸ Other descriptive charges include "masturbating" or "strutting about in a lascivious manner".⁹

The idea behind a status offense was to protect girls. Typically, female and male offenders were charged with substantially different offenses. A study in the 1970s found that 75% of girls in the juvenile justice system were there for status offenses that had more often to do with gender or sexuality-related nature as masturbation, relationship with older people or pregnancy, while boys were far more concerned with criminal offenses such as theft and violence.¹⁰

In short, when it comes to girls, juvenile justice tends to intervene not primarily with the aim of protecting society but with the aim of protecting girls from "inappropriate" conduct.

A grounded paternalism

Since the 1960s, many important changes have taken place in the juvenile justice system of the US. In the 1970s, the opinion that status offences served as a way to control girls' sexualities emerged. Following that was the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDP) that requires states receiving federal delinquency prevention money to divert and deinstitutionalise status offenders and to stop detaining non-criminal youth. Girls clearly benefited from that act as they could no longer be incarcerated on the ground of immorality or filial disobedience: the rate of girls in correctional and detention centres across the US dropped significantly in the following years.¹¹ In addition, the emergence of important concepts in medical and social sciences (child abuse, sexual assault) and feminist movements (patriarchy, prostitution as violence toward women) considerably impacted judicial reactions.

However, although a growing consciousness about girls' treatment in juvenile justice systems is undeniable, at the theoretical level, a paternalistic ideology has persisted in some layers of the judicial system. The deinstitutionalisation of status offenders has not structurally changed the correctional environment.

In this regard, a part of the speech of Hunter Hurst, director of the National Center of Juvenile Justice, highlights how, although aware of their double standard of justice, courts still see themselves as the best option to regulate girls' sexuality:

"The issue is that status offenses are offenses against our values. Girls are seemingly over-represented as status offenders because we have a strong heritage of being protective toward females in this country. It offends our sensibility and our values to have a fourteen year old girl engage in sexually promiscuous activity. It's not the way we like to think about females in this country. As long as it offends our values, be sure that police or the church or vigilante groups, or somebody is going to do something about it. For me, I would rather that something occur in court where the rights of the parties can be protected"¹².

Expanding the lens on paternalism and girls in the US Juvenile Justice System

Despite social, cultural and legal transformations, the present-day juvenile justice processing continues to work under a paternalistic ideology. Other issues regarding gender, race and sexuality have also come into the focus of research recently. It is important to realize that among

4 Pasko, L., *Damaged Daughters: The History of Girls' Sexuality and the Juvenile Justice System*, 100 J. Crim. L. & Criminology 1099, 2010

5 Odem, M., *Delinquent Daughters: Protecting And Policing Adolescent Female Sexuality In The United States, 1885-1920* (1995).

6 Ibid.

7 Dohrn, B., *Schooling and the Vexing Social Control of Girls, A Century of Juvenile Justice*, edited by Margaret K. Rosenheim et al. (Chicago: Univ. of Chicago Press, 2002), 276-79.

8 Ibid.

9 Odem & Schlossman, 1991.

10 Sarri, R., Vinter, R., *Juvenile Justice and the Injustice*, Resolution, Winter, 1975.

11 Neiman, N., *Gender Bias in the Juvenile Justice System*, Law School Student Scholarship, Paper 790, 2015.

12 Hunter H., *Juvenile Status Offenders*, speech given to the New Mexico Council on Crime and Delinquency, June 1975.

girls, some groups are more exposed to paternalism: a paternalism that is experienced in different ways.

Hetero-normative environments

It seems that the courts' long history of concern over girls' sexuality is also a concern over a hetero-normative construction of their sexuality.

Basically, several dimensions of female offenders' identities are important in understanding how paternalism goes beyond the traditional binary division of gender. LBQ/GNCT¹³ identities are in fact often ignored in juvenile justice environments.¹⁴ Young girls are assumed to be "straight" and to conform themselves to a hetero-feminine understanding of their gender and sexuality (wearing make-up and "feminine clothing" for instance). This form of denial of girls' sexualities, gender and queerphobic pressure also participates in the creation of a more global hetero-normative paternalist juvenile justice environment. A report released by the National Crittenton Foundation in partnership with the National Women's Law Center¹⁵ reveals how girls experience the American juvenile justice system in a different way than boys and highlights the vulnerability of LBQ/GNCT girls. It reminds us of the case of Jane Doe, "an example of the way juvenile justice systems too often prioritizes control over treatment, disregarding the clear need for a developmental approach." In 2016, Jane Doe a 16-year-old trans* girl of colour who had been sexually abused during her whole life was sent to an adult women's prison. She eventually ended up in isolation in a secure facility for boys. Her case shows a misunderstanding of gender identity and gender expressions by the police, facilities' staff and the juvenile justice system in general.

One key recommendation is to develop research on LBQ/NGCT girls and their experiences in the juvenile justice system as well as to develop LBQ/NGCT-sensitive programming. To date, there is no "best practice" for LBT/NGCT youth in the criminal system¹⁶ while they constitute 40% of girls in the juvenile justice system across the country.¹⁷ It appears thus urgent to acknowledge and conceptualize girls' LBQ/NGCT identity and experiences.

Race, gender and the judicial system

Despite a growing amount of research on gender disparities in the juvenile justice system in the US, the number of studies including race remains particularly poor. It is however acknowledged that girls of colour are disproportionately represented within the juvenile justice

system.¹⁸ As a matter of fact, girls who suffer discrimination as a result of race or sexual practices and experiences continue to be the primary focus of attention. The US justice system particularly targets girls of colour living in poverty and punishes them for not behaving as society expects girls to behave.

Based on outcomes of the different studies available (Bortner et al., 1985; Horowitz & Pottieger, 1991; Krohn, Curry, & Nelson-Kilger, 1983; Leiber & Mack, 2003; Miller, 1994; Sarri, 1983; Visser, 1983), it appears that white females received more lenient outcomes than racial and ethnic minority females. The concept of intersectionality comes as an explanation of this result. Indeed, African-American women are victims of both sexism and racism. Furthermore, stereotypes and social constructions of African American girls as "crime prone" or "hyper-sexual"¹⁹ participate in harsher judicial outcomes.

The fact that discretion is exercised at almost every stage of the judicial process also reinforces this racial and gender bias. A study in 2002²⁰ found that prosecutors dismiss seven out of ten cases involving white girls against three out of ten cases regarding African-American girls.

It appears that the concept of paternalism has to be redesigned along racial lines, too. Indeed, as we are more accurately talking about a 'white middle class paternalism', the juvenile system is actually based on a gender and racially-driven power trying to impose a code of conduct.

Today's policy-makers and juvenile justice officers do not claim that their objective is to enforce gender and racial norms. However, facts might tell otherwise.

This illustrates that more research and studies should focus on the reasons why girls, and more specifically girls of colour, end up in the juvenile justice system. There is also a real need for professionals to consider their misconceptions about girls and girls of colours. Racial, cultural, relational and psychological dimensions must be added to the research about gender bias.

Final considerations

This article only touches upon a few ideas and problematic aspects of intersectional paternalism in US juvenile justice systems, but the reality is much more diverse and complex.

The juvenile justice system shows a disconcerting adherence to the objective of enforcing normative gender roles as a means of exercising social control on "delinquents". There is a tendency to stick with meanings and values that tend to represent heterosexual white middle class attitudes regarding what constitutes and does not constitute acceptable conduct and to judge other people accordingly based on their race or sexual expression and orientation.

As a consequence, this system - based on a stubborn idea of deviance - participates in the reproduction of power

13 Lesbian, bisexual and sexually questioning girls/gender-non-conforming, transgender.

14 Curtin, M., *Lesbian & Bisexual Girls in the Juvenile Justice System*, 19 Child & Adolescent Soc. Work J. 285, 290-91, 2002.

15 The National Crittenton Foundation & National Women's Law Center, *Gender Injustice: System-level juvenile justice reforms for girls*, 2015, http://www.nationalcrittenton.org/wp-content/uploads/2015/09/Gender_Injustice_Report.pdf

16 Chesney-Lind, M., Pasko, L., *Girls, Women and Crime : Selected Readings*, Sage Publications, 2012.

17 «40 percent of girls in the juvenile justice system across the country describe themselves as lesbian, bisexual, questioning/gender non conforming or transgender», *Gender Injustice: System-level juvenile justice reforms for girls*, The National Crittenton Foundation & National Women's Law Center, see Angela Irvine, memo to author, March 30, 2015.

18 Chesney-Lind, M., *Gender bias and Juvenile Justice Revisited : a Multiyear Analysis, Crime & Delinquency*, Vol. 47 N°2, 173-195, 2001.

19 Davis, A. Y., *Women, race, and class*. New York: Vintage, 1983.

20 American Bar Association & National Bar Association, *Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System*, 9 WM. & MARY J. WOMEN & L. 73, 79, 2002.

relations in terms of gender, race, sexual orientation and economic hierarchies, and reinforces it. Race and gender in particular seem to be the driving forces in judicial renderings.

Instead of adopting “protective”, paternalistic and sometimes discriminatory behaviours towards girls, more resources should be devoted to advancing prevention as well as a genuine intersectional understanding of girls’ path to delinquency.

Eventually, changes in legislations, policies and mentalities and concrete tools for decision-making that take into account the multiple dimensions of one’s identity would help in removing some of the paternalist bias existing the judicial process.

It additionally should be mentioned that in 2015, the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice issued policy guidelines²¹ to address the needs of girls in the juvenile justice system in a developmentally-appropriate manner. The guidelines note the wide gender disparities in the justice system: *“In 2013, 37 percent of detained girls were held for status offenses and technical violations, compared to 25 percent of boys. And 21 percent of girls were detained for simple assault and public order offenses (excluding weapons), compared to 12 percent of boys.”*

The policy recommendations also acknowledge the underlying history of trauma and violence that can lead to involvement of girls in the justice system, and urges that a developmentally-appropriate manner is critical to ensure that girls are not re-victimized through traumatic treatment in the justice system (shackling, strip searches, isolation, sexual assault within institutions, etc).

These guidelines²² also address the issues of girls of color and LGBTQI youth: *“In 2013, black females were nearly three times as likely as their white peers to be referred to juvenile court for a delinquency offense. Similarly, black females were 20 percent more likely to be detained and 20 percent more likely to be formally petitioned to court than their white peers. Also, American Indian and Native Alaskan girls were 40 percent more likely to be referred to juvenile court for delinquency, 50 percent more likely to be detained, and 20 percent more likely to be adjudicated”* and precisely that: *“Lesbian, gay, bisexual, transgender, questioning, and intersex (LGBTQI) youth also often experience systemic disparities. One national study found that non-heterosexual girls were about twice as likely to be arrested and convicted as other girls who had engaged in similar behavior; and according to 2012 data, youth who identify their sexual orientation as lesbian, gay, bisexual, or other reported seven times the rate of youth-on-youth victimization in juvenile facilities than their heterosexual peers.”*

The US juvenile justice system is slowly recognizing its internal intersectional gender bias and has started to make some moves forward in terms of inclusion and non-

discrimination. The 2015 OJJDP guidelines, by explicitly promoting a commitment to the condition of girls and young women in juvenile justice, are a positive start to building a more gender-sensitive and inclusive juvenile justice system for all.

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21 https://www.ojjdp.gov/policyguidance/girls-juvenile-justice-system/?utm_source=youth.gov&utm_medium=federal-links&utm_campaign=reports-and-resources

22 <https://www.ojjdp.gov/policyguidance/girls-juvenile-justice-system/>

4.4 Femicide of Girls in India

Shalva Weil, Senior Researcher, RIFIE, Hebrew University of Jerusalem, Israel; Chair of the COST Action IS1206 "Femicide across Europe", and Nishi Mitra, Associate Professor, Advanced Centre for Women's Studies, Tata Institute of Social Sciences, Mumbai, India

Missing Girls in India

The femicide of girls is usually implicit in the general definition of femicide. Indeed, the United Nations General Assembly has been consistent in including girls in the definition of gender-related killings of women.¹ However, the femicide of girls is rarely examined. One of the reasons may relate to definitional problems in deciding who qualifies as a 'girl', which varies from culture to culture, country to country, and state to state. In some places, a girl becomes a woman at first puberty; in other countries, a girl is considered a woman at the age of 18 or later.

Despite definitional obstacles, the femicide of girls, is rampant the world over. We would therefore propose a definition of femicide of girls as *the murder of girls because they are girls, and because they will grow up to be women*. Femicide of girls happens in European Western societies as well as non-Western societies. In some places, it takes place randomly. In other countries, it is systematically perpetuated. One of the latter countries is India, where the lethal killing of girls is common. Indicative of this phenomenon is the skewed sex ration. According to the population Census of 2011, India had 944 females per 1000 males.² There is not only son preference in India, but also a widespread mentality of considering sons indispensable and daughters dispensable.³

Rita Banerji has been campaigning for a decade about the 50 million missing women and girls, many of them killed before they are born in a conscious sex-selection decision taken by men and women. In *Sex and Power: Defining History, Shaping Societies*, she traces the relationship between sex and power, which leads, in her opinion, to what she calls 'female genocide'.⁴ Even if we do not accept this rhetoric,⁵ attention has been brought to the fact that femicide in India has reached alarming proportions, thanks to the advocacy of Banerji and others; it is particularly noticeable in some states like Haryana, Punjab, Jammu and Kashmir, Delhi, Chandigarh and Lakshadweep. Scarcity of young marriageable girls in the worst affected regions in Punjab and Haryana has led to 'male marriage squeeze' with young men finding it difficult to find brides.⁶ Mapping

the adverse consequences of sex selection and gender imbalance, Kaur fears that the many gains made by women in India (and China) may be endangered.⁷ She considers the possibility that the threat of violence in case of shortage of girls may lead to reinforcement of women's gendered roles in reproduction, domestic and care work with early marriage being seen as a solution to safeguarding the virginity of girls before marriage. She writes: "...women would have little agency of their own and could indeed suffer a deterioration in their equity prospects ... (as) female security gets compromised, parents may withdraw unmarried girls from school and higher education, or restrict them from taking employment before marriage".⁸

A Typology of Femicide of Girls

Femicide of girls in India falls into several categories:

- Female Foeticide
- Female Infanticide
- Dowry murder femicides
- Femicides by intimate partners
- "Honour"-related killings
- Other 'stranger' femicides

Female Foeticide

Foeticide is the killing of a foetus or forced abortion, usually of a girl. It is difficult to estimate how many female fetuses are aborted per annum, since most of the foeticides are carried out illegally and remain unreported. In India, irrespective of caste, religion or class, most families to this day still prefer the birth of a boy, even if they are of middle-class or upper middle-class origin. The practice of foeticide emerges from the hardship girls are perceived to inflict on their families due to ancient dowry practices.⁹ According to traditional Hindu caste rules, a family has to provide large sums of money and property at marriage in order to marry its daughter. The result can be sex-selection before birth, thereby enabling some families to avoid the stigma of an unmarried daughter or expenses entailed in marrying one; instead, they prefer to give birth to males so that they receive prestige and wealth at marriage.¹⁰ In villages and in times past, foeticide was carried out by

1 Crime prevention and criminal justice, Action against gender-related killing of women and girls, Report of the Secretary-General In : Dimitrijevic, M., Filip, A and Platzer M (Eds.) *Femicide: Taking Action against Gender-Related Killing of Women and Girls* 4. Vienna: ACUNS, pp.118-121.

2 <http://www.indiaonlinepages.com/population/sex-ratio-of-india.html>

3 Ahlawat, N. 2013. Dispensable Daughters and Indispensable Sons: Discrete Family Choices. *Social Change*, 43 (3): 365-376.

4 Banerji, R. 2009. *Sex and Power: Defining History, Shaping Societies*. Penguin Global

5 Females do not constitute a genus, and a genus cannot continue without females. See: Weil, S. 2016. Making Femicide Visible. *Current Sociology*, Special Issue on Femicide. DOI:10.1177/0011392115623602

6 In ethnographic studies of these regions, Ahlawat found that in both rural and urban sites, in villages and towns, small family norm is being

practised by deliberate de-selection of girls. Affluent and educated households across caste lines were found to use sex selective technologies particularly from the second order birth onwards. Ahlawat, N. 2009. Missing Brides in Rural Haryana. *Social Change*, 39 (1):46-63; Ahlawat, N. 2013. op. cit.

7 Kaur, R. 2013. Mapping the Adverse Consequences of Sex Selection and Gender Imbalance in India and China. *Economic and Political Weekly*, 48 (35): 37-43.

8 Ibid. p. 43.

9 Kumari, R. 2013. How do we fight Femicide: Best Practices and Strategies. In: Claire Laurent, C., Platzer, M. and Idomir, M. *Femicide: A Global Issue That Demands Action*. Vienna: ACUNS, p. 38.

10 Haveripeth, P.D. 2013. 'Causes and Consequences of Dowry Menace in India—a Criminological Perspective.' *Radix International Journal of Research in Social Science*, 2 (2): 1-15. <http://www.rierc.org/social/paper173.pdf>

traditional means, but today abortions are common and family members resort to the use of modern reproductive technologies. In a chilling book entitled *Disappearing Daughters*, Aravamudam quotes an informant from Chandigarh who had five abortions in four years, and whose husband insisted that she go through with all them all at the clinic. According to Aravamudam, in this way, femicide is perpetrated and the ultrasound machine has mutated into an instrument of murder.¹¹

Female Infanticide

According to a UNICEF report from 2007, which provided data for 150 countries, a girl in India is more than 40 per cent more likely than a boy to die between ages one and five. Moreover, in the last 40 years, India has the highest rate of female child mortality among the 150 countries surveyed, including countries classified as Less Developed Regions.¹² For every 56 boys who die in the 0-5 category, there are 100 girls.¹³

If female foeticide has failed, or was not attempted, and if a girl is born, she may still be unwanted among some Indians. In urban slums or poor villages, if there is not enough food to go round, baby girls are starved or not offered food and therefore die. Baby boys are given preference. While malnutrition or starvation is a primary cause of femicide, lack of access to health facilities is another. If a baby girl gets ill, poor families may not pay out for medicines that they may offer baby boys. The result is skewed statistics for gender on infant mortality in India. Among some castes or families, the prevention of use of medicine may be sub-conscious; among others, it may be deliberate. In *Disappearing Daughters*, the author describes modern techniques of femicide, which receive legitimation. For example, a family may wrap a just-born baby in a cold, wet towel thereby inducing pneumonia. The baby is taken to a doctor, who prescribes medicine, which is abandoned. When the baby dies, a medical certificate if available, legitimizing the death. According to a 2005 study reported in *The Lancet*, girls in central India had a five times higher mortality rate (per 1000 live births) from pneumonia than did boys in south India and four times higher mortality rate from diarrhea diseases than did boys in west India.¹⁴ Better opportunities for girl's education, expanding labour market opportunities for women, and increasing urbanization still do not address the conception of girls as a burden or guarantee daughters equal status to sons. Neither nutrition, health, nor education and leisure are considered the rights of girls, even among affluent families in India.¹⁵

Intimate partner and dowry marriage femicides

In the West, intimate partner femicides are the most common form of female homicides.¹⁶ In India, statistics are unavailable about intimate partner femicides, except some that are emerging in relation to dowry murders. In a 2014 compendium of crime in India, femicide was not mentioned once. However, in 2014 alone, 8,455 dowry deaths were reported, of which one third were convicted.¹⁷ It should be pointed out that dowry murders are concentrated in particular states in India, with the highest incidences in Uttar Pradesh and Bihar.

Dowry murders are associated with the large amounts of money families have to pay at marriage in order to marry off their daughters. Dowry marriage killings often involve mothers-in law and sisters-in-law, which shows the vulnerability of young brides on grounds of age and affinal relations due to their low status in the marital home. Increasing demand for dowry and commercialization of marriage in recent times have converted an ancient practice of a form of inheritance for girls into a form of extortion.¹⁸

Different forms of physical abuse are related to dowry marriages.¹⁹ These include kerosene stove deaths, bride drowning, poisoning and suicides by self-immolation, some of which are difficult to prove that they were in fact murders. A study reported in *The Lancet* made the revelation that in one year, at least 106,000 women were killed by fires in their homes in India. These statistics point to one woman being burned to death every 5 minutes.²⁰

'Honour'-related killings

Both Hindus and Muslims have elaborate conceptions of honour and dishonour related to women and their conduct. The framework of patriarchal family structures, communities and societies, maintains the main justification for the perpetration of violence as the compulsion to protect the social honour of the community, and the family as a value.²¹ Tradition is upheld as the most important element of community life, which is threatened by individual violation of it through marriages or transgressions outside its norms. On that continuum, 'honour' killings constitute the most extreme of a wide range of violent and abusive

11 Aravamudam, G. 2007. *Disappearing Daughters: The Tragedy of Female Foeticide*. Penguin India.

12 Moccia, P. et al. 2007. *The State of the World's Children: South Asia Edition*. New York: UNICEF.

13 Ministry of Statistics and Programme Development, Government of India. *Children In India 2012: A Statistical Appraisal*. Available at: http://mospi.nic.in/Mospi_New/upload/Children_in_India_2012.pdf

14 Jha, P. et al. 2011. Trends in selective abortions of girls in India: analysis of nationally representative birth histories from 1990 to 2005 and census data from 1991 to 2011. *The Lancet* 377 (9781): 1921 – 1928.

15 Sekher, T.V. and Hatti, N. 2010. *Disappearing Daughters and Intensification of Gender Bias: Evidence from Two Village Studies in South India*. *Sociological Bulletin*, 59 (1):111-133.

16 Intimate partners commit at least 41 percent of all female homicides and 6 percent of male homicides. Stöckl H et al (2013). The global prevalence of intimate partner homicide: a systematic review. *The Lancet* 382: 859-865.

17 National Crime Records Bureau, Ministry of Home Affairs Crime in India 2014, Compendium, p. 3. Available at: <http://ncrb.nic.in/CD-CII2012/Compendium2012.pdf>

18 Bloch, F and Rao, V. 2002. Terror as a Bargaining Instrument: A Case Study of Dowry Violence in Rural India. *American Economic Review*, 92 (4):1029-1043.

19 Singh M. 2013. Dowry as a Factor of Violence in Marriage: A Study of Women seeking Help in Family Counseling Centers in Chandigarh. *International Journal of Advancements in Research & Technology*, 2 (6): 40-52.

20 Ellsberg, M. 2008. Intimate Partner Violence and Women's Physical and Mental Health in the WHO Multi-country Study on Women's Health and Domestic Violence: An Observational Study. *The Lancet* 371: 9619: 1165-1172.

21 For further information on 'honour' killings, see: Gill, A. 2015. In: Dimitrijevic, M., Filip, A and Platzer M (Eds.) *Femicide: Taking Action against Gender-Related Killing of Women and Girls* 4. Vienna: ACUNS, pp.118-121.

acts. Utilizing a theoretical framework from Bourdieu, Gryzb shows that masculine domination is a fine example of symbolic violence.²²

Although so-called 'honour killings' are associated with Islam and the Middle East and refugees from that region, the United Nations has shown that of 5,000 *known* 'honour' killings carried out in the world per annum, 1,000 are carried out each year in India.²³ Clearly, the numbers are far greater. Often these murders are couched as suicides or accidents, and are silenced.

Within the Hindu religion, claims of 'honour' can also be heard when a high-caste boy or girl marries a Dalit (Untouchable) or lower caste person of the opposite sex. The concept of *izzat* (honour), prevalent in North India and Pakistan, is a valued ideal that signifies status in the social hierarchy through patriarchal control of the community and family on the behaviour and conduct of its kinsmen, particularly women.²⁴ Both Hindus and Muslims place high value on women's modesty and appropriate conduct so that the honour of a family is deemed to increase or decrease depending on women's behavior. Marriage outside of caste and religion is seen to be dishonorable and polluting and is severely punished by family members and the community. Young girls who marry outside their caste and religion are targeted for punishment, often with death sentence, in order to uphold the idealized norms of the community. Despite the existence of a secular legal system in India, there is an increase in recent years in the unlawful interference of caste based assemblies or kangaroo courts locally called khap panchayats, which harass and victimize young girls and their families through arbitrary death sentences in case they marry outside their caste. A number of cases go unreported despite illegality of these acts for fear of reprisals, as powerful village seniors are involved and there is a silencing of the community through the threat of violence.²⁵ Some girls in runaway marriages, or marriages of love, face death through the flagrant violation of the rule of law, where panchayat members take law into their own hands.²⁶

'Stranger' Femicides

Non-intimate girl femicides include kidnapping for prostitution and trafficking, and rape followed by murder due to non-compliance. Dalit girls are routinely violated and at times killed brutally to shame and humiliate the community on caste grounds. The police response to these

murders is selective with little outrage and high caste violators are shielded.²⁷

Other forms of 'stranger' femicides can be seen in those communities, which mistreat and accuse lower caste and poor women of being witches, which sometimes ends up in death. However, witches are usually older women and rarely girls.

An exceptional case of 'stranger' femicide is that of a young girl, who was murdered for religious sacrifice. In 2012, it was reported that a five-year-old Dalit girl called Rajlakshmi was sacrificed on a full moon day based on the superstitious belief that if her blood were sprinkled at the construction site where her parents were working, it would give the structure life and enduring strength.²⁸ When the body was found, it was devoid of blood, and the flesh near the child's face had been cut using a sharp weapon. The incident sent shock waves throughout India.

Conclusions

Femicide of girls in India is a monumental and multi-faceted issue. It consists of several types of different crimes, ranging from foeticide to infanticide to intimate partner femicide, including dowry marriage femicides, 'honour' killings and other forms of non-intimate femicides. These lethal killings are perpetrated against a weakened minority – women – and an even more weakened minority – girls. These crimes have to be eradicated from India, and the killing of girls because they are not boys, has to terminate.

The sex ratio at birth in India shows that the problem of femicide begins even before girls are born and is influenced by antenatal sex selection. Ironically, in the modern era, sex ratios have deteriorated in favour of males. Though the Indian Government passed the Pre-natal Diagnostic Techniques Regulation and Prevention of Misuse (PNDR) Act in 1994 that made sex selective abortions illegal, this law has had little impact on the problem. Studies show significant drop in the sex ratios after 1980s when ultrasound machines for the antenatal sex determination became available.²⁹

Legislation is not always the answer when the causes of femicide, and in particular, girl femicide in India are deeply ingrained in society. A 2005 law The Protection of Women from Domestic Violence Act is aimed at protecting women and girls from different forms of intimate violence, but is difficult to enforce. Many women are forced to withdraw their complaints of abuse and cruelty by their husbands and relatives due to their dependence on them and the non-implementation of existing laws. Some are compelled to commit suicide due to inability to compromise and bear with the excessive violence.³⁰

22 Gryzb, M. 2016. 'An Explanation of Honour-related Killings of Women in Europe through Bourdieu's Concept of Symbolic Violence and Masculine Domination', *Current Sociology*. Published online before print March 3, 2016, doi:10.1177/0011392115627479

23 United Nations. 2010. Honor Diaries. Honor Violence Factsheet. <http://www.honordiaries.com/wp-content/uploads/2013/06/HD-FactSheet-HonorViolenceEast.pdf>

24 Chakravorti, U. 2006. Caste and Gender in Contemporary India. In: Chakravorti, U. (Ed.) *Gendering Caste through a Feminist Lens*. Stree, pp. 140-171

25 Bharadwaj S B. 2012. Myth and Reality of Khap Panchayats: A Historical Analysis of the Panchayats and Khap Panchayat. *Studies in History* 28- 9(1): 43-67.

26 <http://www.womensweb.in/2015/09/5-decisions-by-khap-panchayats-took-us-back-dark-ages>.

27 <http://www.indiaresists.com/after-damini-101-brutal-atrocities-heinous-crime-against-dalit-women-india>

28 <http://www.thehindu.com/news/cities/Madurai/hapless-dalit-girl-child-a-victim-of-superstition/article3364983.ece>

29 Patel, T. 2007. *Sex Selective Abortion in India: Gender, Society and New Reproductive Technologies*. Sage India; Miller, B.D. 2001. Female -Selective Abortion in Asia: Patterns, Policies and Debates. *American Anthropologist*, 103(4):1083-1095.

30 Jennifer L. et al. 2014. *Violence Against Women and Girls: Lessons From South Asia*. Washington, DC: World Bank.

Some of the phenomena described in this article, dowry marriage femicide, and different forms of 'honour' killings on caste lines, are distinctive to India. Others are general and global. Community initiatives and grass root interventions are useful to help change mind-sets and

prevent femicide. But these are not enough. A joint and systematic evidence-based campaign against femicides of all kinds in India and abroad needs to be launched so that different stakeholders recognize the magnitude of the problem.

4.5 The International Face of Forced Marriage as an Aspect of Human Trafficking

Delivered by Pat Black, Director of Advocacy, Soroptimist International Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC), October 2016, Vienna

My name is Pat Black and I am Director of Advocacy for Soroptimist International, a worldwide organisation of women working together to advance human rights and the status of women and girls through advocacy, awareness and action.

Thank you for this opportunity to bring to your attention an aspect of human trafficking which is often not recognised as trafficking. Forced Marriage and the associated so called Honour Killing is considered in many countries to be a traditional practice, part of that country's culture. With an increasing level of migration over the last 20 years, as well as access to education for third and fourth generation young women families are often resorting to underhand or even criminal practices to entice young women out of their birth country into a country unfamiliar to them to be married to a stranger. When this marriage goes wrong and the young woman tries to leave the tragic result may be what is known as 'honour killing'.

This issue can also be addressed as child marriage or early marriage, many of the girls being well under 18 years of age.

"Child marriage happens because adults believe they have the right to impose marriage upon a child. This denies children, particularly girls, their dignity and the opportunity to make choices that are central to their lives, such as when and whom to marry or when to have children. Choices define us and allow us to realize our potential. Child marriage robs girls of this chance."

Desmond Tutu and Gracia Machel have summed it up very well in this quotation.

- Child marriage is a violation of human rights and children's rights.
- Sustainable Development Goal 5.3 *Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.*

Each year 15 million girls are married before the age of 18, mostly without their consent but at the instigation of adults, usually parents but it may be brothers or other relatives.

Child marriage is a global problem which cuts across countries, cultures, religions and ethnicities.

Child brides can be found in every region from the Middle East to Latin America, and South Asia to Europe. One in three girls in the developing world are said to be married

by 18 and over 700 million women, who are alive today, were married as children. (Girls Not Brides 2016)

Many have been forcibly or deceptively removed from their birth country or home country.

In a survey by UNICEF, the following 20 countries had the highest rates of child marriage involving a woman who was married before they were 18 years old: **Niger, Chad, Mali, Bangladesh, Burkina Faso, India, Somalia, Ethiopia, Madagascar, Uganda, Cameroon, Central African Republic, Guinea, South Sudan, Mozambique, Malawi, Nigeria, Nicaragua, Eritrea, Sierra Leone.**

Child marriage prevalence is the percentage of women 20-24 years old who were first married or in union before they were 18 years old (UNICEF State of the World's Children, 2016). It is based on Multiple Indicator Cluster Surveys (MICS), Demographic and Health Surveys (DHS) and other national surveys, and refers to the most recent year available during the period 2008-2014.

Many countries are now dealing with this issue and in 2014 the UK Government criminalised Forced Marriage – there were already laws dealing with the age at which young people could marry. The Forced Marriage Unit (FMU) was established and is a joint-initiative with the Foreign & Commonwealth Office and Home Office. They are dedicated to preventing forced marriage. They work with embassy staff overseas to rescue British nationals, both male and female, who may have been/or who are being forced to marry.

Often the arrangements for such marriages take place within one country but increasingly the developed world is experiencing marriages which entail the removal of the young woman from her home country, often by deception. The age range is wide – some young women are being taken from school to another country being told it is for a holiday, only to find that a marriage has been arranged, that there is no way out and they are unable to return to the UK.

I wish to highlight this one aspect of the huge global issue which is a part of dealing in human beings, it is human trafficking and how Soroptimist are raising awareness of the transnational nature of this crime.

Soroptimist have partnered with and are supporting a small charity, Karma Nirvana.

Karma Nirvana is a UK registered charity that supports victims and survivors of Forced Marriage and Honour Based Abuse.

The charity was established by Jasvinder Sanghera in 1993. She herself is a survivor of Forced Marriage and Honour Based Abuse; Jasvinder wanted to create a support network for other women like her. She knew that victims of this abuse may face cultural or language barriers becoming isolated, and so wished to provide other women with an accessible, informed and supportive service.

Since establishment, Karma Nirvana has expanded from a local, regional and then national organisation, to a project that now spans the world.

Jasvinder offers training to schools so that young people are aware of what can happen to them and to frontline staff in services such as the police. Police forces such as Manchester have established specialised units to handle cases with Karma Nirvana helping them to understand appropriate ways of dealing with girls and their families.

We don't know exactly how many victims there are in the UK of honour based violence and forced marriage. What we do know is that victims are afraid of bringing shame onto their family and therefore are reluctant to seek support. This abuse or coercion is usually hidden from view and victims may be too young, too scared or too ashamed to tell anyone about what is happening to them. However, there are a growing number of different sources of information, including official government statistics and academic research.

The figures on the slide are the 2015 statistics for the cases Karma Nirvana alone has dealt with. There are other organisations working in this field. But there are personal and tragic stories behind every case and every statistic.

Every year both survivors and those who have died are remembered through a Day of Memory, and this is how Soroptimists first became involved.

Two Soroptimists in the Midlands region of the UK were invited to attend the launch of a Day of Memory in 2014 to honour girls who had been murdered by their families. The event was organised by Karma Nirvana and Cosmopolitan Magazine. The date marks the birthday of Shafiea Ahmed who sadly lost her life at the hands of her parents at the age of 17. The day, which has cross Governmental support was chosen because it is the birthday of Shafiea. Louise Court, Editor in Chief Cosmopolitan chaired the day and speakers included Baroness Cox of Queensbury, Karen Bradley MP at the time Minister for Modern Slavery & Organised Crime at the Home Office, Scotland Yard's Commander Mak Chisty, Superintendent Geraint Jones (Cheshire Police), Janice Kovach (Mayor of Clinton New Jersey) and Emily Dyer from Henry Jackson Society.

The day brought together survivors who had experienced honour based abuse and forced marriage. Some of them bravely shared their personal experiences for the first time to raise awareness and showcase that you can survive.

In July 2015 Karma Nirvana launched the spoon campaign supported by a mini spoon lapel badge. The spoon

campaign is based on a humble kitchen utensil and can save lives. As a last resort Karma Nirvana volunteers or staff suggest to girls who are at risk of being forced into marriage outside the UK to place a metal spoon in their underwear so that the airport scanner will sound and the girl will be taken aside hopefully to the safety of border agency. The miniature spoon lapel badges imitating the metal spoons create a talking point enabling Soroptimist and others to raise awareness of the issue.

The mini-spoons are created by a -volunteer working for Karma Nirvana. Soroptimists have sold the badges all around the world for a small sum (approximately 2 Euros) and the money has been used to support a Helpline in the UK for young women to call in confidence.

The UK Government has just agreed to support the Helpline with funding raised by the Tampon Tax so the funds raised by the mini spoons will enable Survivors to provide a support programme based on their experiences to other survivors.

Soroptimists have used the mini spoons to help Break the Silence about Forced Marriage and Honour based killings. Through this partnership and the spread of information we hope that fewer girls will be taken out of the UK and forced to marry in another country.

What can you do?

- Be aware of the extent of Forced Marriage and Honour based killings in your country
- Ensure the laws in your country protect young women
- Tell others – raise awareness especially to vulnerable young women and girls.
- Ensure the police, border agency and other security staff are aware that young women may be moved under duress across borders by families.
- Make sure everyone knows how to respond if a security scanner detects a metal spoon on a young woman.
- Wear your mini spoon badge with pride and make sure everyone knows why you wear it.

Thank you for listening and I hope we can save more lives together in future.

List of further readings

- Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action by the Inter-Agency Standing Committee (IASC), 2015
- A Guide to Sexual and Gender-based Violence. Legal Protection in Acute Emergencies by War Child Canada
- Child-centred adaptation: Realising children's rights in a changing climate (2015), Children in a Changing Climate report
- Protecting children affected by armed violence in the community (2016), UN Special Representative of the Secretary-General on Violence Against Children, 3.2. The gender dimension of violence (p.17), available at: <http://srsg.violenceagainstchildren.org/sites/default/files/2016/armedviolence/Armed%20Violence%20Publication%20Web.pdf>
- Because I am a Girl. Digital and Urban Frontiers: Girls in a Changing Landscape (2010) by Plan International available at: <https://plan-international.org/publications/state-worlds-girls-2010-digital-and-urban-frontiers>
- Childhood and Migration in North and Central America, Center for Gender and Refugee Studies
- Girl, disrupted: challenges for internally displaced girls worldwide by The Internal Displacement Monitoring Centre (IDMC)
- Submission from the Internal Displacement Monitoring Centre of the Norwegian Refugee Council to the Committee on the Elimination of Discrimination against Women in anticipation of consideration of the sixth periodic report of Nigeria
- WIDE + and EWL International Conference "Movements, Borders, Rights? Feminist perspectives on global issues in Europe", 24-25 October, 2016, Brussels, Belgium. Final Conference Statement available at: https://wideplusnetwork.files.wordpress.com/2016/07/statement_conference_2016.pdf
- Responding to FGM in Europe. Striking the Right Balance Between Prosecution and Prevention (A Review of Legislation, June 2009)

“The Islamic State didn’t come to kill the women and girls, but to use us as spoils of war, as objects to be sold with little, or to be gifted for free. Their cruelty was not merely opportunistic. The IS soldiers came with a pre-established policy to commit such crimes.”

Statement by Nadia Murad Basee Taha, IS trafficking survivor, to the UN Security Council, currently UNODC Goodwill Ambassador



“The many forms of slavery, the commercialisation, and mutilation of the bodies of women call out to us to defeat these types of degradation that reduce them to mere objects which are bought and sold.”

Pope Francis



We have been largely failing. Failing the long-suffering people of Syria, in not ending the war in its infancy. Failing others in now chronic conflict zones, for the same reason. Failing millions of migrants who deserve far more than lives marked by cradle-to-grave indignity and desperation. (...) It is shameful that victims of abominable crimes should be made to suffer further by our failures to give them protection. It is abhorrent that desperate women, men and children can be branded as criminals, and detained for months, even years, incurring further damage to their physical and mental health.”

Zeid, Ra’ad Al Hussein, UN High Commissioner for Human Rights, Statement to the UN Summit on Refugees and Migrants



We must work together, more than ever before. The situation today requires urgent attention and urgent action. We have heard moving accounts of the stark reality of being a refugee or a migrant; the suffering in times of war, the unimaginable sexual violence and exploitation, the experience of alienation and discrimination in a new land (...) We must also ensure that all migrant and refugee girls and boys have access to education within a few months of their arrival. It was widely recognized that we must increase financial support for the education of refugee children and youth. (...) We need to respond to humanitarian crises. We need to protect the human rights of all. We need to address root causes and ensure that no one is left behind. And we need to counter polarizing forces which aim to instill fear and divide into Us and Them.

Jan Eliasson, Deputy Secretary General of the United Nations