

TALKING POINTS Hy Shelow
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**Movement of Refugee and Asylum Seeking Women and Girls in the Middle East and North Africa:
Heightened Concerns and Vulnerabilities**

OPERATIONAL CONTEXT

The MENA region has historically ranked poorly in global measurements of gender equality¹, and is currently facing humanitarian crises and forced displacement on an unprecedented scale—a situation that could leave women and girls at particular risk in the absence of dedicated efforts to ensure the response is grounded in gender equality and inclusivity.

- The **MENA region** continues to witness unprecedented levels of conflict and displacement, leading to record numbers of refugees and internally displaced persons (IDPs) across the region.
- In the **Syria situation** alone, half the country's population is now forcibly displaced, with over 5.6 million refugees in the region of whom 45.4% are female and 54.6% are male, as well as more than 6.1 million internally displaced persons (IDPs) in Syria itself of whom 51% are female and 49% are male.
 - Syria Return: A **major deterrent to return is related to conscription** into the Syrian army. This results not only in families choosing not to return, but also – when the push and pull factors are such that the family wants to return - split families, where women are more likely to return.
 - Syria HLP issues: The realisation of **HLP rights by women** is often more challenging than for men for a multitude of reasons, including the practice of registering properties in male family members' names, constraints in accessing civil documentation which are compounded for many women.
- Similarly, renewed conflict and violence in **Iraq** has led to the displacement of over 3.2 million persons in the country since January 2014, whereas tens of thousands have been killed or wounded, and some 8.7 million persons are in urgent need of humanitarian assistance, including **some 2.9 million IDPs and over 3.9 million returnees**. There were also **271,282 Iraqi refugees and asylum seekers registered in the region as of end August 2018 of whom 47.6% female and 52.4% male**.
- Several other countries in MENA have also witnessed the rise of conflict, rights violations and forced displacement, notably including **Yemen**—which continues to rank last in the Global Gender Gap Report prepare by the World Economic Forum.²

¹ Women and girls in MENA continue to face widespread discrimination in national legal and policy frameworks, affecting their rights, security and well-being in various areas of life. See *Factsheet: Women, Peace and Security in the Middle East and North Africa Region*. OXFAM.2016, available at: http://iknowpolitics.org/sites/default/files/wps_factsheet_final_feb2016.pdf

² World Economic Forum, Global Gender Gap Report, <http://reports.weforum.org/global-gender-gap-report-2016/rankings/>.

- Yemen is not alone in relation to persistent gender gaps, however. The **MENA region as a whole is host to national legal and policy frameworks that deny women equal rights** in critical areas—such as property, marriage, inheritance, child custody, nationality and personal status—placing them at higher risk in the context of humanitarian emergencies, and making it more difficult for them to cope with the effects of conflict and protracted displacement.
- Sexual and gender-based violence (SGBV) is becoming increasingly widespread in these conflict-affected countries, and is often one of the causes of flight. Even as refugees escape from the immediate dangers of armed conflict, the risk of SGBV remains. Refugees—and women and girls in particular—face increasing risks of violence, abuse and exploitation as their displacement becomes more protracted.
- Yet, **national laws on sexual violence** in a number of countries **allow rapists to marry their victims to avoid prosecution and punishment**, placing the burden of shame and stigmatisation on survivors rather than perpetrators.

SITUATION IN NORTH AFRICA

- **In Libya**, refugees and migrants in an irregular situation, including those rescued and intercepted at sea or on land, are subject to indefinite detention with hard labour. There is no national registration system in place to track who is present and people's whereabouts including during transfers from one detention centre to another. Access to detention centres for identification and registration of persons of concern to UNHCR is on an ad hoc basis and contingent upon security conditions. Identification, screening and processing of asylum seekers scattered in urban settings is furthermore hindered by logistical, communication and outreach challenges.
- With some exceptions, access to border areas for the purpose of protection monitoring and establishment of screening and identification procedures is limited in **other North African countries**. A system is in place in **Morocco** for outreach and referrals by NGO networks. Good cooperation exists in **Tunisia** between the authorities and UNHCR with regard to referrals of persons presumed to be of concern rescued or intercepted by the authorities. In **Algeria**, a partnership is now in place with a local NGO in the South allowing for dissemination of information on how to contact UNHCR in Algiers.

MIXED MIGRATION – ONWARD MOVEMENT

- **Arrivals to Spain** more than doubled during the first eight months of 2018 as compared to the same period of 2017; sea arrivals tripled by July making Spain the primary entry point to Europe.
- **In Greece**, land and sea arrivals almost doubled during January - August 2018, mainly due to a five-fold increase of arrivals by land. In parallel, the rate of sea arrivals witnessed a growth of 29 per cent.
- With regard to sea **arrivals to Italy**, an 80 per cent decrease was observed during first eight months of 2018. No conclusive evidence can be drawn at this stage, but the changing patterns could be attributed to the Libyan Coast Guards' enhanced capacity to prevent sea crossings to

Europe and undertake search and rescue at high seas as well as restrictions on the work of NGO rescue vessels and tensions on access to European ports for the purpose of disembarkation.

- In the **Gulf of Aden/Red Sea**, movements by sea continued regardless of the challenging security environment in Yemen and limited access from Yemen to Saudi Arabia (KSA). IOM estimates are of 50,000 people having crossed from the Horn of Africa to Yemen, the majority of whom were Ethiopians. Ten per cent are estimated to seek international protection. From November 2017 to August 2018 some 26,738 individuals, including 14,706 Yemenis, were denied access to the KSA.

HUMAN TRAFFICKING AND SMUGGLING OF REFUGEES AND MIGRANTS

- The region is also significant as a point of origin, destination and transit for refugees and migrants, with many resorting to smuggling routes and dangerous movements by sea. These factors expose them to risks of being sold, trafficked, sexually or economically exploited, or enslaved, with these risks escalating further when the women and children undertaking these journeys are separated from their families. For instance, refugee girls attempting to travel on their own from the Horn of Africa to the Gulf region face serious risks of trafficking and exploitation during the journey, with reports of girls being forced into “marriages” and otherwise subject to sexual violence and exploitation by older men during the journey.
- Mixed movements provide the conditions for smuggling to turn into trafficking with criminal networks leveraging the desperation of refugees seeking life elsewhere to coerce into exploitation.
- The escalation of conflict and rise in militant groups has resulted in violence not previously seen in the region, including the abduction, trafficking and enslavement of women and girls on an unprecedented scale.³
- In recent years **Libya** has become a central actor in human trafficking and migrant smuggling activities. While recent sanctions imposed by the United Nations on six people involved in trafficking and smuggling of migrants signal a positive development, further concerted actions are urgently needed.
- Deeply concerned by the rise in human trafficking in areas affected by armed conflict within the MENA region, UNHCR continues to implement a range of complementary measures designed to strengthen identification, prevention, protection and assistance for survivors and persons at risk of trafficking. These include active communication with communities to raise awareness of the risks of irregular movements, which include falling prey to traffickers and criminal enterprises. To improve the identification of survivors and persons at risk of human trafficking, UNHCR supports national authorities in strengthening national legislation and protection-sensitive screening guidelines. As part of this effort, UNHCR works with governments to identify appropriate alternatives to detention for trafficking survivors, especially children, encouraging the development of legal and policy frameworks that recognize trafficking survivors as persons

³ See, e.g., UN Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights on the human rights situation in Iraq in the light of abuses committed by the so-called Islamic State in Iraq and the Levant and associated groups, 13 March 2015, A/HRC/28/18, available at: <http://www.refworld.org/docid/550ad5814.html>

in need of protection and assistance, rather than prosecution, in line with UNCHR's global Beyond Detention strategy

- UNHCR seeks to increase cooperation with other United Nations agencies, notably the United Nations Office on Drugs and Crime (UNODC) and International organisation for Migration (IOM).
- As regards capacity building, in 2018 UNHCR Libya benefited from a training on trafficking and smuggling including the interface with UNHCR's protection mandate. Discussions are ongoing for a joint IOM, UNODC and UNHCR training on smuggling and trafficking as well as closer coordination at field level.

Detention

- UNHCR remains concerned about the increasing use of immigration detention – not least in the MENA region – and especially of children, which has become commonplace. Research shows that not even the most stringent detention policies deter irregular migration; there are workable alternatives to detention that can achieve governmental objectives of security, public order and the efficient processing of asylum claims. Moreover, rights to liberty and security of person and freedom of movement are found in all major international and regional human rights instruments.
- Detention has many negative lasting effects on individuals; it undermines their human dignity and increases anxiety, fear and frustrations and can exacerbate past traumatic experiences. In many contexts, it also increases risks to their physical security. Detention of children is particularly serious due to the devastating effect it may have on their physical, emotional and psychological development, even if they are not separated from their families. In the view of UNHCR, children should, in principle, not be detained at all.
- In 2012, UNHCR launched its 'Detention Guidelines', and the next year the 'Global Strategy - Beyond Detention 2014-2019', which aims to support governments to make the detention of asylum-seekers an exceptional rather than routine practice.
 - ✓ Asylum-seekers are not be penalised for illegal entry or stay, if they appear without delay and show good cause for their illegal entry or presence.
 - ✓ Asylum-seekers may have justifiable reasons for not complying with entry formalities.
 - ✓ Detention of asylum-seekers is a last resort, which can be resorted to only on grounds prescribed by law.
 - ✓ While UNHCR believes that asylum-seekers should not be detained, unless for involvement in criminal activities, UNHCR advocates that if detention is called for, alternatives to detention need to be considered, which can range from reporting requirements to structured community supervision and/or case management programmes. However, alternatives to detention should neither become alternatives to release, nor should they become substitutes for open reception arrangements that do not involve restrictions on the freedom of movement of asylum-seekers.
- Against this backdrop, and as outlined in UNHCR's 'Global Strategy', UNHCR works towards three main objectives, namely to:
 - End the detention of children
 - Ensure that alternatives to detention are available in law and implemented in practice
 - Ensure that conditions of detention where detention is necessary and unavoidable meet international standards by, inter alia, securing access to places of immigration detention for UNHCR and/or our partners and carrying out regular monitoring.
- At the regional level, MENA launched earlier this year the Detention Diagnostic Survey, designed to inform an enhanced MENA support strategy towards alternatives for detention, with an emphasis on age and gender. The survey highlighted challenges in respect to detention throughout the region. While significant differences between countries exist, common challenges are detention conditions for

vulnerable detainees, sub-standard accommodation, an absence of alternatives for detention for vulnerable individuals, and a lack of protocols to prevent SGBV.

Resettlement

- In terms of resettlement, UNHCR gives high priority to children; three out of the seven resettlement submission categories are 1) women and girls at risk, 2) children and adolescents at risk, and 3) family reunification.
- In the MENA region, **resettlement** is a key protection response for women and girls in view of the serious protection risks faced during their flight and in countries of asylum as a result of prolonged and continual displacement. Women and Girls account for 51% of all resettlement submissions.
- UNHCR additionally supports and facilitates family reunification for women and girls who have immediate family members in third countries; this is done through several layers of advocacy with different partners including the authorities of country of admission.
- In terms of **complementary pathways**, in 2018 UNHCR intensified its effort to realize family reunification and initiated pilot project on family reunification with a resettlement country, with a handful other countries expressing an interest in similar initiatives.
- Despite intense efforts, resettlement places are on the decline globally as well as in the MENA region. In 2016, UNHCR submitted close to 97,000 persons in the MENA/Turkey region for resettlement in a third country. Last year, that figure had more than halved (44,397), and the outlook for the remainder of 2018 remains bleak. The number of vulnerable refugees in need of resettlement are 580,000 in the MENA region and their severity of the vulnerability meeting resettlement criteria continue to escalate.
- These includes women and girls traumatised by wars, SGBV survivors, sick and injured civilian women and girls who cannot access healthcare and countless other victims who continue to be affected by the crisis. Many refugees have to resort to negative coping mechanisms such as child labour and childhood marriage simply to survive.
- UNHCR is urgently seeking to expand current resettlement country commitments and places. Continued commitment from resettlement countries is needed to provide effective protection for women and girls, and the vulnerable populations in need of resettlement.

ENGAGEMENT WITH LAS

Statelessness -Success of the Tunis Declaration:

- In February 2018, UNHCR and the League of Arab States (LAS) jointly convened a **Ministerial meeting in Tunis on “Belonging and Legal Identity”** under the patronage of the President of Tunisia. The meeting resulted in the adoption of the [Arab Declaration on Belonging and Legal Identity](#). The Declaration calls for **all children to be able to enjoy their right to a legal identity**, including a name, family relations and a nationality, and reaffirms the shared commitment of LAS member States to **promote gender-equal nationality laws in the region**. On the same occasion, LAS launched a new “I am Here” Campaign aimed at documenting positive developments related to the implementation of the Declaration.

SGBV Strategy:

- UNHCR has worked closely with the League of Arab States (LAS) to develop an **Arab Strategy for the “Prevention and Response to all Forms of Violence Especially Sexual Violence against Women and Girls in Asylum and Internal Displacement Context”** which was adopted on March 1st 2018 by the Arab Women’s Committee held at the ministerial level during its 37th session. UNHCR continues this cooperation to ensure that the strategy is also adopted by the Council of Foreign Ministers.

GENDER CHALLENGES ACROSS MENA IN LEGISLATION vis-à-vis CITIZENSHIP

- **Regional progress in achieving nationality law reforms is ongoing**, including Algeria, Egypt, Iraq, Morocco, Tunisia, and Yemen, which grant women equal rights as men right to confer nationality to children born in the country. Partial reforms are achieved by the UAE and KSA, to allow children to apply for nationality on the basis of maternal descent upon reaching 18.
- There is a need for continuing reforms to further promote **women’s nationality rights**, noting that 12 States in MENA still do not allow women to confer nationality to their children or spouses on an equal basis as men. In addition to preventing statelessness, **strengthening women’s nationality rights contributes to the achievement of the UN Sustainable Development Goals (SDGs)**, primarily in relation to Goal 5 and 16, which concern gender equality, access to justice and a legal identity, respectively.

Success in the birth registration efforts

- **In the 3RP context**, UNHCR and partners continue to build on the significant national and regional efforts to enhance protection by **increasing access to civil status documentation and preventing statelessness in the Syria situation**. These efforts are grounded in the realization that gaps in civil status and identity documentation, coupled with family separation, can leave forcibly displaced children **at risk of statelessness** if not resolved.
- Interventions by UNHCR and partners were able to **significantly reduce** the percentage of Syrian refugee children born in the region each year without any form of identity documents (either a birth certificate or medical birth notification), from approximately **35% in 2012 to 2.5% in 2017**.

GIRLS AND EDUCATION

- Education for refugee children and young people is a **critical aspect of UNHCR's international protection** mandate. The participation of girls and women in reconstructing societies is of vital importance, as evidence shows that families of **educated females are better off economically and socially than those who have not received an education**. Despite the known benefits of education, refugee girls remain at a disadvantage when it comes to accessing education
- Positively in the five host countries, **refugee girls are more likely to enrol in formal education than boys**. The **gender parity index** in Lebanon, Jordan, Iraq and Egypt during the 2016/17 school year was 1.02 and as high as 1.08 in Turkey. Inside Syria, with the parity index of 1.03, enrolment is also slightly in favour of girls
- While the data implies a gender balance, **remaining in school is often more difficult for adolescent girls, especially at upper secondary and post basic education**. At a global level, **girls constitute the majority of out-of-school children**. The reasons for early drop out of girls are complex, but are often related to poverty and cultural norms. **In MENA, the gross enrolment**

rate for Syrian students in upper secondary education is under 25 per cent in all host countries except Egypt. Since the onset of the conflict, there have been reports of an upward trend in child marriage for girls. In 69 per cent of assessed communities, respondents reported child marriage as an issue of concern, with 20 per cent reporting it as a common or very common issue. Consequently, By **reducing vulnerability** to child marriage and labour, **risk of sexual exploitation** for girls on the way to/from school and enabling **safe learning environments**, secondary education and post basic education will be **fundamentally protective** especially for refugee girls and will serve as safe space for personal development and positive social networks for adolescents whose transition to adulthood has been disrupted by instability and violence.

- **Positive story:** UNHCR together with its partners is committed to address these barriers for adolescent girls and young women. In Jordan, *These Inspiring Girls Enjoy Reading* (TIGER) program launched in 2014 at Zaatari Camp to address the steep rate of school drop out for adolescent girls by training Syrian refugee women, as coaches, to support adolescent girls with team-based learning and community engagement. The program comprises two major components: personalized learning and solutions-based learning through community projects. The TIGER coaches provide academic tutoring through the use of eLearning in support of school work, while also developed community based projects to give-back to their community. TIGER is also linked with case management workers in the camp, who, along with the coaches, are able to follow-up with parents about out-of-school girls, providing an enhanced child-protection mechanism to the TIGER program. An external evaluation established that the TIGER program had resulted in a demonstrated increase in confidence for each of the TIGER girls, which was visible within the community. Self-reported survey results also indicated that girls were much more likely to stay in school after participating in TIGER (4.55 out of a possible 5), and girls felt they had more power in affecting change in their lives and the lives of others

COMMUNITY BASED PROTECTION – WOMEN AND GIRLS

- The Middle East and North Africa (MENA) region hosts 16.8 million people of concern (23% of the global population of concern), which includes 16% refugees and 1% asylum seekers. This figure does not include the 3.5 million refugees being hosted in Turkey. Among the refugees and asylum seekers, a vast majority (89%) live in urban, peri-urban and rural settings.
- Since the vast majority of refugee and asylum seekers live and dispersed in cities and towns, **women and girls are one of the groups who face specific challenges on accessing protection and other services** due to the limitations on freedom of movement, other movement barriers, distance to the services, household responsibilities, and lack of access to information. It is further challenging for women and girls with specific needs such as with disabilities, elderly, belonging to minorities, and single females.
- In order to **strengthen the reach out, identification, and protection responses to displaced people including women and girls**, UNHCR and partners have been investing on **community-based protection (CBP) approaches as complementary means** across the region.
- Operations within MENA **rely on diverse physical and virtual engagement, reach out, and two-way communication methods**. The physical method includes targeted visits, working through dedicated community volunteers, community spaces and centers, collaboration with community structures, support to community led initiatives, while the virtual method includes hot-lines/info-lines, messaging apps, social media and dedicated web pages.

- UNHCR and partners **manage, run or support community centers and spaces** which serve as “walk-in-space” or “one-stop-shop” providing a wide range of services such as PSS, child protection, skill development, SGBV, health within own neighborhood. Some 379 community centres are operational across region where **women, girls and children can benefit the most from the provided services**. In 2017, some 1.7 million people including refugees, IDPs and host communities had benefited through the community centers’ activities in which **60% were women/girls, and 40% were men/boys**.
- UNHCR recognizes the importance of **community-led initiatives** including on creating social cohesion, raising awareness on equal access, and contributing to address protection/well-being issues. In 2017, over 2,210 community-led initiatives were supported across the region benefitting over half a million people. On average, **25% of such community-led initiatives were led by women** while 35% were led by mixed youth groups and others were led by mixed adult and elderly groups.
- UNHCR works with over 3600 community members (refugees, IDPs and host communities) with different age, gender and diversity backgrounds across the region. They contribute on identifying the at-risks individuals, enhancing two-way communication, and facilitating accessing services through referrals. **Among the community volunteers some 55% are female while remaining 45% are male**.
- Notably, the Age, Gender and Diversity (AGD) policy (Updated 2018) remains key for UNHCR’s work on protection. It also provides guidance on AGD-sensitivity and inclusion in protection responses and delivery of the assistance. UNHCR, together with partners and communities, conducts the **participatory assessment with communities regularly, which allows to understand needs, capacities, and priorities** within the communities including those specific to women and girls. **The participatory assessment process involves both women and girls as well as men and boys equally**.