



**Global study**

**Effective law and policy  
on gender equality and  
protection from sexual  
and gender-based  
violence in disasters**

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## Global study

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## Acknowledgments

This report was prepared by Mary Picard, IFRC Consultant, with technical support and editorial review by IFRC's project lead, Lucia Cipullo, and Kaisa Laitila, Julia Hartelius, Isabelle Granger, David Fisher and Amjad Saleem.

Thanks are owed to the individuals within the Red Cross and Red Crescent Movement and partner organizations, both disaster management and gender and diversity specialists, who gave their time for background interviews for this report. These fundamentally informed the research and recommendations by identifying key operational issues and clarifying organizational roles in the field. Interviewees are listed by role only in the Annex.

The three country case studies undertaken as part of the same project also had many contributors, to whom the IFRC wishes to offer its thanks and appreciation:

**Ecuador:** The report was researched and written in Spanish by consultants Lourdes Camacho Zambrano and Cecilia Valdivieso Vega. Ecuador Red Cross facilitated contacts for the consultants and organized the field visits, particularly Juan José Alencastro, who also reviewed the draft report. Key informants were interviewed, and disaster-affected communities contributed through participation in focus groups. Methodological and editorial support during the study was provided by the IFRC consultant Mary Picard, IFRC's Hugo Cahueñas Muñoz, José Felix Rodríguez, and María Mercedes Martínez. Editorial and technical review of the English translation was done by Mary Picard, and IFRC's Lucia Cipullo, Julia Hartelius, Kaisa Laitila, Isabelle Granger, David Fisher and Amjad Saleem.

**Nepal:** The report was prepared by consultant Sabin Shrestha, with research and writing support from the following advocates from the Forum for Women, Law and Development: Rohini Raj Joshi, Prasiddha Pandey, Roshana Pradhan and Dechen Lama. Nepal Red Cross Society (NRCS) facilitated contacts for the consultants and organized the field visits, particularly Puja Koirala, Bijay Dahal, Laxmi Khanal and Shabnam Pokharel, with support from IFRC's Sanjeev Hada and Padmini Nayagam. Methodological and editorial support was provided by Mary Picard, with technical and editorial review by IFRC's Lucia Cipullo, Gabrielle Emery, Kaisa Laitila, Julia Hartelius, Priyanka Bhalla, May Maloney, Sanjeev Hada, Bernd Schell, Isabelle Granger, David Fisher and Amjad Saleem, and NRCS Puja Koirala and Bijay Dahal.

**Zimbabwe:** The report was prepared by consultant Florence Mangwende. Zimbabwe Red Cross Society facilitated contacts for the consultant and organized the field visit, in particular Secretary-General Maxwell Phiri and Ernest Maruza. Key informants and disaster-affected communities contributed through interviews and focus groups. Technical advice and editing support were provided by Mary Picard, with technical and editorial review by IFRC's Lucia Cipullo, Kaisa Laitila, Isabelle Granger, David Fisher, Tina Tinde and Amjad Saleem.

The research for this global study and the country case studies was made possible with support from the Swedish Red Cross, to which the IFRC expresses its gratitude.



## Terminology

### Disaster

A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts. (UN Terminology, 2017)<sup>i</sup>

### Disaster risk management (DRM)

Disaster risk management is the application of disaster risk reduction policies and strategies to prevent new disaster risk, reduce existing disaster risk and manage residual risk, contributing to the strengthening of resilience and reduction of disaster losses. (UN Terminology, 2017)

### Disaster risk reduction (DRR)

Disaster risk reduction is aimed at preventing new and reducing existing disaster risk and managing residual risk, all of which contribute to strengthening resilience and therefore to the achievement of sustainable development. (UN Terminology, 2017)

### Discrimination against women

The terms 'gender,' 'gender discrimination' and 'gender equality' are not defined in international law, but the term 'discrimination against women' means "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (CEDAW Article 1).<sup>ii</sup>

*Note: This includes the idea of a distinction based on sex that has either the purpose (intended) or the effect (which may be unintended) of disadvantaging women. The prohibition does not apply to distinctions made on the basis of need that do not treat women less favorably on the basis of sex, including positive measures to address specific needs or to mitigate existing disadvantage, which are provided for in CEDAW Art. 4.1.*

### Gender

A concept that describes the socially constructed differences between females and males throughout their life cycles. Gender – together with factors such as age, race and class – influence, notably, the expected attributes, behaviour, roles, power, needs, resources, constraints and opportunities for people in any culture. Gender is also an analytical tool that enables a better understanding of factors of vulnerability with a view to more appropriately responding to need. (International Movement of the Red Cross and Red Crescent 2015).<sup>iii</sup>

### Protection

A concept that encompasses all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law, i.e. human rights law, international humanitarian law, and refugee law. Human rights and humanitarian organizations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender). (ICRC 2013).<sup>iv</sup>



Note: The primary obligation for protection of human rights lies with the national and local governing authorities, and this obligation applies to all persons in their territory. See for example the formulation in the International Covenant on Civil and Political Rights (ICCPR), Article 2(1): “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>v</sup>

## Resilience

The ability of individuals, communities, organizations or countries exposed to disasters, crises and underlying vulnerabilities to anticipate, prepare for, reduce the impact of, cope with and recover from the effects of shocks and stresses without compromising their long-term prospects. (IFRC Framework for Community Resilience, 2014).

## Sexual and Gender-Based Violence (SGBV)

The term **‘sexual and gender-based violence’ (SGBV)** reflects the terminology of the 2015 Resolution 3 of the 32nd International Conference of the Red Cross and Red Crescent.<sup>vi</sup> Various technical descriptions are in use globally, including Gender-Based Violence (GBV), violence against women and girls (VAWG) and sexual violence. SGBV as used here is a composite term based on the two following working definitions used within the Red Cross Red Crescent Movement, which overlap.<sup>vii</sup>

- **‘Sexual violence’:** Acts of a sexual nature committed against any person by force, threat of force or coercion. Coercion can be caused by circumstances such as fear of violence, duress, detention, psychological oppression or abuse of power. The force, threat of force or coercion can also be directed against another person. Sexual violence also comprises acts of a sexual nature committed by taking advantage of a coercive environment or a person’s incapacity to give genuine consent. It furthermore includes acts of a sexual nature a person is caused to engage in by force, threat of force or coercion, against that person or another person, or by taking advantage of a coercive environment or the person’s incapacity to give genuine consent. Sexual violence encompasses acts such as rape, sexual slavery, enforced prostitution, forced pregnancy or enforced sterilization; and
- **‘Gender-Based Violence’:** An umbrella term for any harmful act that results in, or is likely to result in, physical, sexual or psychological harm or suffering to a woman, man, girl or boy on the basis of their gender. Gender-based violence is a result of gender inequality and abuse of power. Gender-based violence includes but is not limited to sexual violence, domestic violence, trafficking, forced or early marriage, forced prostitution and sexual exploitation and abuse.

### Terminology references:

- i. UN General Assembly Resolution 71/276 of 2 February 2017, adopting Parts IV and V of ‘Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction’. 1 December 2016. Available at: [http://www.preventionweb.net/files/resolutions/N1702972\\_en.pdf](http://www.preventionweb.net/files/resolutions/N1702972_en.pdf) and [http://www.preventionweb.net/files/50683\\_oiewgreportenglish.pdf](http://www.preventionweb.net/files/50683_oiewgreportenglish.pdf) respectively.
- ii. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Text and explanatory materials are available at <http://www.un.org/womenwatch/daw/cedaw/>
- iii. Council of Delegates of the International Red Cross and Red Crescent. 2015. “Sexual and gender-based violence in armed conflict and disaster.” Available at: <http://bit.ly/2wrTZlv>
- iv. ICRC. 2013. Professional Standards for Protection Work. P. 12.
- v. ICCPR, text and explanatory materials available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>
- vi. 32nd International Conference of the Red Cross and Red Crescent. 2015. Sexual and gender-based violence: joint action on prevention and response (Resolution 3, Geneva, Switzerland, 8-10 December 2015).
- vii. ICRC and IFRC. 2015. Sexual and gender-based violence: joint action on prevention and response, Background report. (Geneva, October 2015). P.1, n.1.

## Acronyms and abbreviations

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women 1979/also CEDAW Committee	IUCN	International Union for Conservation of Nature
CHS	Core Humanitarian Standard	LGBTI	Lesbian, gay, bisexual, transgender, inter-gender people
DAPS	Dignity, access, participation and safety (in IFRC policy)	NDMA/ NDMO	National disaster management authority / organization (generic terms and also the titles of many national DRM lead agencies)
DRM Framework	Disaster risk management	NGO	Non-governmental organization
DRR	Disaster risk reduction	NRCS	Nepal Red Cross Society
ERC	Ecuadorian Red Cross	National Societies	National Red Cross or Red Crescent Societies
GBV AoR	Gender-Based Violence Area of Responsibility (within GPC)	PICS	Pacific Island Countries
GBV	Gender-Based Violence	PSVI	Preventing Sexual Violence Initiative (of ICRC)
GBVIMS	Gender-Based Violence Information Management System	Sendai Framework	Sendai Framework for Disaster Risk Reduction 2015-2030
GHC	Global Health Cluster (GHC), is the development of standards and mechanisms for the use of Emergency Medical Teams (EMTs)	SGBV	Sexual and Gender-Based Violence
GPC	Global Protection Cluster	Sphere Handbook	The Sphere Humanitarian Charter and Minimum Standards in Humanitarian Response
GSC	Global Shelter Cluster	UNDP	United Nations Development Programme
HCS Alliance	Humanitarian Core Standards Alliance	UNFPA	United Nations Population Fund
HFA	Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters	UNGA	United Nations General Assembly
IASC	Inter-Agency Standing Committee	UNHCR	The UN Refugee Agency
ICRC	International Committee of the Red Cross	UNICEF	UN Children's Fund
IDRL	International disaster response laws, rules and principles	UNISDR	United Nations Office for Disaster Risk Reduction
IFRC	International Federation of Red Cross and Red Crescent Societies	UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
IMC	International Medical Corps	UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
INGO	International NGO	VAWG	Violence against women and girls
IRC	International Rescue Committee	WHO	World Health Organisation
		ZRCS	Zimbabwe Red Cross Society

# Executive Summary

This report aims to help fill a gap in knowledge on the effectiveness of national laws, policies and institutional frameworks in supporting gender equality in disaster risk management (DRM) and in preventing and responding to sexual and gender-based violence (SGBV) in disasters. More specifically, it contributes to the implementation of two resolutions of the 32nd International Conference of the Red Cross and Red Crescent in 2015. These were Resolution 3 on 'Sexual and gender-based violence: Joint action on prevention and response', and Resolution 6 on 'Strengthening legal frameworks for disaster response, risk reduction and first aid'.

It draws together two thematic areas of the IFRC's ongoing work on national laws and policies, focusing on their effectiveness in addressing:

- Protection and response to SGBV in disasters (disaster resilience of normal support systems through health and social welfare and community mechanisms, as well as consideration of these issues in DRM laws and policies); and
- Gender equality in disaster risk management systems (gendered roles, avoiding sex discrimination in providing assistance, the extent of women's participation and voice, as well as meeting the distinctive needs of women and girls affected by disasters).

The report first considers relevant international norms that underpin States' efforts in gender equality and SGBV protection, then looks at the roles of key international actors and the tools they have developed. It urges States to do more to fulfil their obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, and the Sustainable Development Goals (Goal 5.5 on participation of women), by increasing women's participation in national DRM systems. It also notes that governments do not need to 'reinvent the wheel' on gender equality and SGBV protection in disasters, as the significant work already done by UN agencies, INGOs and the Red Cross Red Crescent Movement on standards and guidance on SGBV protection in emergencies, already provides them with ready-made, field-tested, tools that can be adopted, contextualized, and institutionalized by government agencies.

Based on global research and three country case studies – in Ecuador, Nepal and Zimbabwe – the report considers national laws and the experiences of disaster-affected communities as to their effectiveness in protecting against SGBV and ensuring gender equality in humanitarian response.

The country case study analyses of the national frameworks for SGBV protection reveal that in all three countries, these frameworks are somewhat fragile and under-resourced even in normal (non-disaster) times. As a consequence, in the disaster situations considered - the 2016 earthquake in Ecuador, the 2015 earthquake in Nepal and the 2013-2015 drought in Zimbabwe - there were reported increases in SGBV. The SGBV protection institutions, from health and welfare services to police and courts, did not have disaster contingency plans in place and were over-stretched by the disasters, meaning that many SGBV survivors were not able to access support.

Furthermore, in the displaced populations in Ecuador and Nepal, the ad hoc means of providing emergency shelter led to higher risk of SGBV, especially rape and sexual assault. In Ecuador, there were particular issues that arose with the military administration of government shelters, but there were also some effective responses at the operational level that can be used as lessons learnt for future disasters. These included the development of training materials and manuals, access to support services and justice institutions, and effective coordination through the Protection Cluster, although many of these began some months after the earthquake.

Overall, in the three countries, there were no mechanisms in place for coordination between the SGBV protection institutions and the disaster risk management (DRM) systems. The latter did not include gender equality provisions nor mandates on SGBV protection in their DRM-related laws. There were instances of gender discrimination in the provision of humanitarian assistance reported in each country case study.

Taking a broader look at DRM laws and gender, based on international comparative research, the report concludes that States should look to include mandates for gender-sensitive DRM, SGBV protection, and a minimum representation of 30% women in all DRM system institutions, and to have this outlined in their DRM laws.

In conclusion, the report makes a set of detailed recommendations, which can be broadly summarized as follows:

## **Recommendations to Governments**

- The national SGBV protection laws reviewed for this report are themselves relatively comprehensive. To increase the disaster resilience of SGBV protection frameworks, the main focus needs to be on resources and contingency planning to ensure continuity of services during disasters. Cross-sectoral planning mechanisms with DRM institutions are also proposed to improve coordination during disasters.
- National DRM systems, laws and policies should be gradually changed to include clear policy objectives to achieve gender equality and SGBV protection in all aspects of DRM, including specific mandates to require gender-sensitive disaster risk assessments, risk reduction, response, recovery and reconstruction, and requirements for a minimum representation of 30% women in DRM institutions. It is also recommended that these or other laws regulate post-disaster shelter, with clear standards for SGBV prevention, mitigation and response.

## **Recommendations to National Societies, IFRC and other humanitarian actors**

- Ensure their own organizations have strong gender equality and SGBV protection standards and training mechanisms in place, and focus on pre-disaster awareness and training at community level.
- Support government efforts in disasters by offering both coordination and surge capacity of various kinds relating to SGBV, and by supporting government training on international standards and tools.



# Part 1

## Introduction

### 1.1 Objectives

This report aims to help fill a gap in knowledge on the effectiveness of national laws, policies and institutional frameworks in supporting gender equality in disaster risk management and in preventing and responding to sexual and gender-based violence (SGBV) in disasters. More specifically, it contributes to the implementation of two resolutions of the 2015 International Conference of the Red Cross and Red Crescent.<sup>1</sup> These are:

#### **Resolution 3 on Sexual and gender-based violence: Joint action on prevention and response:<sup>2</sup>**

Resolution 3 builds on previous work of the Red Cross and Red Crescent Movement, in both armed conflict and disaster situations. The draft was jointly submitted by the ICRC and the IFRC and was adopted by the International Conference by consensus. It condemns in the strongest possible terms SGBV in all circumstances, particularly in armed conflict, disasters and other emergencies. With regard to SGBV in disasters, it draws upon the IFRC 2015 report, *Unseen, Unheard: Gender-based violence in disasters – Global Study*, which in turn was based on nine country case studies on gender-based violence in disasters.<sup>3</sup>

Resolution 3 encourages the IFRC, in collaboration with National Societies, to continue its research and consultations “with a view to formulating relevant recommendations to prevent and respond to sexual and gender-based violence in disasters and other emergencies.”<sup>4</sup> On the specific issue of how SGBV is addressed within legal frameworks, it calls upon states to review and if necessary strengthen national legal frameworks, (not limited to disaster laws), to ensure that adequate attention is paid to SGBV. It also asks States, National Societies and the IFRC to look at the gender awareness and gender balance in their own disaster operations.

#### **Resolution 6 on Strengthening legal frameworks for disaster response, risk reduction and first aid:<sup>5</sup>**

Resolution 6 also builds upon substantial previous work, of the IFRC and National Societies, concerning the facilitation and regulation of international disaster response (IDRL), and legal frameworks for disaster risk reduction (DRR). This includes a 2014 IFRC and UNDP report on *Effective law and regulation for disaster risk reduction: a multi-country report* (the DRR Law Report), which inter alia examined the DRM laws of thirty-one countries from the perspective of their inclusion of women and vulnerable groups.<sup>6</sup>

The preamble of Resolution 6 places the legislative advocacy work of the IFRC and

1 The 32nd International Conference, held in Geneva from 8-10 December 2015, brought together representatives from 169 State parties to the Geneva Conventions, 185 National Red Cross and Red Crescent Societies, the International Federation of Red Cross and Red Crescent Societies (IFRC), the International Committee of the Red Cross (ICRC) and more than 100 observers. Proceedings are available at <https://www.icrc.org/en/document/outcomes-32nd-international-conference-red-cross-and-red-crescent>

2 Resolution 3: Sexual and gender-based violence: joint action on prevention and response (32IC/15/R3).

3 IFRC. 2015. *Unseen, Unheard: Gender-based violence in disasters - Global study*. Geneva: IFRC. (Studies were prepared in Bangladesh, Bosnia-Herzegovina, El Salvador, Haiti, Malawi, Myanmar, Namibia, Romania, and Samoa).

4 Resolution 3: Sexual and gender-based violence. Para 30.

5 Resolution 6: Strengthening legal frameworks for disaster response, risk reduction and first aid. (32IC/15/R6).

6 IFRC, UNDP. 2014. *Effective law and regulation for disaster risk reduction: a multi-country report*.

National Societies in the broader context of the post-2015 international commitments on sustainable development,<sup>7</sup> and disaster risk reduction and resilience.<sup>8</sup> In particular, it notes that the Sendai Framework encourages States “to strengthen the content and implementation of their laws, regulations and policies related to disaster risk reduction,” and “underlines that a gender, age, disability and cultural perspective should be integrated in all risk reduction policies and practices and that women’s and youth leadership should be promoted...”<sup>9</sup>

This report draws together these two thematic areas, by focusing on the effectiveness of current national laws and policies in addressing both:

- Protection and response to SGBV in disasters (disaster resilience of normal support systems through health and social welfare and community mechanisms, as well as consideration of these issues in DRM laws and policies); and
- Gender equality in disaster risk management systems (gendered roles, avoiding sex discrimination in providing assistance, the extent of women’s participation and voice, as well as meeting the distinctive needs of women and girls affected by disasters).

The report’s three main objectives are:

1. To map the most relevant international norms (law and policy), the key global actors, and the existing research and tools concerning prevention, mitigation, and response to SGBV in disasters, and gender equality in disaster risk management. This includes identifying gaps requiring further initiatives or research;
2. Through analysis of three new country case studies and prior country-based research by IFRC, to add to the knowledge of how gender equality and SGBV issues are experienced in disaster-affected communities, and the way national laws and policies support SGBV protection and gender equality in disaster contexts. Drawing on the above mentioned International Conference resolutions, it looks at the extent and effectiveness of countries’ laws and policies in:
  - a. ensuring that the national frameworks for awareness-raising, prevention, mitigation, support and legal complaints relating to SGBV are sufficiently disaster-resilient to continue and, if necessary increase, support services during disasters; and
  - a. supporting women’s participation in disaster risk management (DRM) systems at national and local level, taking into account gender differences in needs assessments and humanitarian assistance, and avoiding sex discrimination.
3. To identify and share good practices, and make recommendations on how national laws and policies, and their implementing institutions and mechanisms, can better support both gender equality and SGBV protection in disasters. This refers to the disaster resilience of normal SGBV protection frameworks at country level, as well as the inclusion of support for gender equality and SGBV protection in national DRM system laws, policies and operations.

7 UN General Assembly. 2015. The ‘Sustainable Development Goals’ (SDGs) in *2030 Agenda for Sustainable Development*. UNGA Res. 70/1, 25 September 2015. New York: United Nations.

8 UN Third World Conference on Disaster Risk Reduction, Sendai, Japan. 2015. *Sendai Framework for Disaster Risk Reduction 2015–2030*, (the ‘Sendai Framework’ or ‘SFDRR’). Geneva: UNISDR.

9 Resolution 6: Strengthening legal frameworks for disaster response, risk reduction and first aid. (32/C/15/R6).

## 1.2 Methodology

This report is the product of collaboration between the IFRC and the Ecuadorian Red Cross (ERC), Nepal Red Cross Society (NRCS) and Zimbabwe Red Cross Society (ZRCS). It is based on global research,<sup>10</sup> interviews with key informants at global level,<sup>11</sup> three new country case studies (Ecuador,<sup>12</sup> Nepal,<sup>13</sup> Zimbabwe<sup>14</sup>), as well as prior research undertaken by the IFRC on SGBV in disasters,<sup>15</sup> and on gender equality in national disaster risk management laws.<sup>16</sup>

The global research identified a very limited range of resources on the role of national laws and policies in addressing gender inequality and SGBV protection in disasters. The report therefore endeavors to synthesize resources and research from a range of sources, including generalist work on gender and disasters, specific research on SGBV, and broader work in disaster resilience, response and recovery that includes gender elements.

An important category of resource identified in the research is that of standards, guidance and tools. These tools bring together both prior research and field-testing, they sometimes identify law and policy issues, and they are a key resource for states as well as international organizations. They cover (a) gender in disaster risk management, (b) prevention, mitigation of and response to SGBV in disasters, and (c) broader humanitarian initiatives such as minimum standards in disasters response, that include gender awareness.

The country case studies considered the law and policy frameworks for SGBV protection, and, based on key informant interviews and community experiences, considered how effectively these systems operate in practice in normal times, and during disasters. They then considered the laws and policies for the DRM systems, and the extent to which these are intended to support gender equality and SGBV protection during disasters and how well they are implemented. The first country case study, undertaken in Zimbabwe in December 2016, served as a pilot study. It involved desk research, key informant interviews, and consultations in a rural community that is regularly affected by seasonal floods and droughts, and which at that time was in the grip of a two-year drought resulting in food insecurity. A further two country case studies were carried out during March and April 2017, in Nepal and Ecuador, following the same basic methodology. Both of these focused on communities affected by major earthquakes, in 2015 and 2016, respectively. The case studies highlighted gaps and good practices and made specific recommendations for law and policy and operational planning in each country.

IFRC is also engaged in a parallel research project on SGBV prevention and response in disasters in ASEAN countries, in cooperation with the ASEAN Disaster Management Committee and ASEAN Secretariat, which are part of the project steering committee.<sup>17</sup> It includes questions relevant to the law and policy frameworks, but is also a large and

10 Referenced throughout the report and consolidated in the select bibliography.

11 Conducted on the basis of individual views not being cited, and listed in the Annex to this report by role only. These were mainly with Red Cross and Red Crescent Movement personnel and some UN staff. They were undertaken primarily as background consultations to identify the key operational issues and to map current global roles and mandates on the subject matter of this report.

12 IFRC. 2017. Ecuador Country Case Study: *Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters*. IFRC; Geneva and Peru (Spanish version forthcoming).

13 IFRC. 2017. Nepal Country Case Study: *Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters*. IFRC; Geneva.

14 IFRC. 2017. Zimbabwe Country Case Study: *Effective law and policy on gender equality and protection from sexual and gender-based violence in disasters*. IFRC, Geneva.

15 IFRC. 2015. *Unseen, Unheard: Gender-based violence in disasters - Global study*. Geneva; and IFRC. 2016. *Unseen, Unheard: Gender-based violence in disasters - Asia-Pacific Case Studies*. (Bangladesh, Samoa, Myanmar). IFRC Asia-Pacific Regional Office: Kuala Lumpur.

16 IFRC, UNDP. 2014. *Effective law and regulation for disaster risk reduction: a multi-country report*. Geneva and New York

17 IFRC. 2017. *Sexual and gender-based Violence in Disasters in ASEAN: Progress Report (July 2017)*. IFRC; Kuala Lumpur.



in-depth project on SGBV in disasters, using specially developed mixed methods social research tools. Results are not yet available, but the field study has been completed in Lao PDR, was being undertaken in Indonesia in August, and will occur in the Philippines later in 2017.

## 1.3 Scope and limitation of the study

### Use of key concepts

Key terms used in this report are defined in the glossary of terminology. However, some brief points clarify how they are used in this report.

- As noted in the terminology section, the term ‘sexual and gender-based violence’ reflects the terminology of the 2015 Resolution 3 of the 32nd International Conference of the Red Cross and Red Crescent.<sup>18</sup> This report treats gender equality and SGBV as inherently connected, with SGBV categorized as one form of discrimination resulting from gender inequality. This is in line with the Committee on the Elimination of All Forms of Discrimination Against Women’s interpretation of the CEDAW Convention, when it states in a key recommendation dating back to 1992, that:

The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately.<sup>19</sup>

- The definition of SGBV also recognizes that SGBV can affect men and boys, as well as women and girls, and that LGBTI people may often be at very great risk of SGBV. The common denominator amongst all those affected is that SGBV is a type of violence that is inherently linked to (a) gender roles and (b) inequality of power within those gender roles.
- Sex discrimination, as defined in the terminology, includes distinctions based on sex that either have the purpose (intended) or the effect (which may be unintended) of disadvantaging women. Many national laws break this down into ‘direct discrimination’ (intentionally different treatment based on sex) and ‘indirect’ or ‘systemic’ discrimination (where an apparently neutral rule has the effect of disadvantaging women due to prior disadvantage or current gender roles), both of which are sex discrimination.<sup>20</sup> But the prohibition does not apply to distinctions made on the basis of need that do not treat women less favorably on the basis of sex, including positive measures to address specific needs or to mitigate existing disadvantage.<sup>21</sup> These are important understandings in disaster contexts, where women at certain times may have special needs (e.g. lactating, pregnant and post-partum women), and where the research shows women are often more vulnerable to SGBV, both of which require positive measures by government and other humanitarian responders. Positive measures can also apply to situations such as increasing women’s participation in DRM system institutions by legally requiring minimum quotas of women, without discriminating against men.

18 32nd International Conference of the Red Cross and Red Crescent. 2015. *Sexual and gender-based violence: joint action on prevention and response* (Resolution 3, Geneva, Switzerland, 8-10 December 2015).

19 CEDAW Committee. 1992. *General Recommendation No. 19, Violence against women*. Para.6. (Concerning the Convention on the Elimination of All Forms of Discrimination Against Women).

20 A large field of law that cannot be addressed here. However, brief overviews can be gained from the following 2 articles relating to European, UK and US law: Zhaitan, Tarunabh. 2015, ‘Indirect discrimination in US and UK law,’ OUPBlog, July 25th; and Maliszewska-Nienartowicz, Justyna, 2014, “Direct and Indirect Discrimination in European Union Law –How to Draw a Dividing Line?” *Int.J.Soc.Sci* III(1), P.41.

21 CEDAW Art. 4.1 and CEDAW Committee *General Recommendation No. 25*.

- It is common in the legal context to refer to ‘victims’ of crimes, but many organizations that support those who have been subjected to SGBV prefer to use the term ‘survivors’ because this is more empowering. Some Red Cross and Red Crescent Movement documents use the composite term victims/survivors for that reason. In the present report, in keeping with the underlying objectives of this project, a conscious effort has been made to use the more empowering term of ‘survivor’ when not referring to a specific legal document or term.

## Uses of the terms ‘gender’ and ‘women’

Although the title and terms of reference for this study are cast in terms of gender, the report often refers instead to women, or women and girls, (as compared with men and boys). This is because the concepts of gender, gender discrimination, and gender inequality, are not yet defined terms in most legal contexts. Gender is a concept based on social research, policy and practice, and almost never in law (international or national), where biological sex is the category that is used. Even SGBV criminal provisions that are male/female gender neutral, still do not recognize the concept of gender. Some points to note in this regard are:

- The main relevant treaty is the CEDAW Convention, which focuses on sex discrimination against women, and it is this that underpins the United Nations agencies’ mandates on women, including the Sustainable Development Goals. It sets the framework for United Nations mandates on violence prevention related to gender, which do not use the terms gender, GBV or SGBV, but focus on the elimination of violence against women and girls (VAWG);
- Although the term gender is often used in national policies, mostly these are concerned with remedying gender inequality as it applies to women and girls (including those in the case study countries Ecuador, Nepal and Zimbabwe).
- The concept of gender is not used in statistical collection. The available data on ‘gender’ in disaster contexts is actually data about disaster impacts by sex, and it is more accurate to describe it that way.

Thus, much of the material available for analysis relates to males and females, and when it does consider gender equality it addresses the inequality of women. It is therefore often more accurate to refer to this as information about women, or women and girls, rather than gender.

## Matters outside the scope of the report

There are two important related aspects of the Red Cross and Red Crescent Movement and broader humanitarian endeavors that were not included within the scope of this project. These are:

- The report does not cover broader issues of diversity and the different sources of vulnerability or disadvantage within communities and populations affected by disasters, relating to characteristics such as age, disability, race or ethnicity, poverty, and social status. These are nevertheless a key part of the IFRC’s broader work on gender and diversity; and

- The report does not attempt to cover Red Cross and Red Crescent Movement and other international humanitarian organizations' accountability for prevention and response to SGBV or protection from sexual exploitation and abuse (PSEA) by their own staff or volunteers, or gender mainstreaming into their policies and operations. These have been part of quality-standard-setting, codes of conduct,<sup>22</sup> and accountability mechanisms over more than two decades, within the Red Cross and Red Crescent, and through generalist humanitarian standards, such as the Sphere Project<sup>23</sup> and subsequent initiatives.<sup>24</sup> While there is still much more to be done, the SGBV protection aspect of humanitarian accountability is the current focus of a specialist Inter-Agency Standing Committee (IASC) "Task Force active on Protection from Sexual Exploitation and Abuse (PSEA) by our own staff," which has been active since 2011.<sup>25</sup> The IFRC is also currently working to develop a new PSEA policy.

## 1.4 Organization of the report

The report first considers the obligations and commitments of States under international agreements, the main global actors and initiatives on gender equality and SGBV protection, and how these provide resources and tools for States. It then turns to the question of SGBV in disasters, including what characterizes SGBV in these contexts, the national frameworks of law and policy for prevention, mitigation and response to SGBV, and how well these work in disasters. The third substantive part of the report looks at the broader question of gender equality in DRM systems, and what role DRM laws and policies can and do play in achieving gender-sensitive disaster risk management. The final chapter is a set of recommendations based on the report findings, primarily directed to governments, but also to National Societies, IFRC and other humanitarian actors.

22 ICRC, IFRC, and SCHR. 1995. *The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief*.

23 The Sphere Project. 2011. *Humanitarian Charter and Minimum Standards in Humanitarian Response* ("The Sphere Handbook"). Geneva. (Since the 2011 edition it has included core protection principles for generalist humanitarians. The first draft of the proposed 2018 edition is currently available for public consultation, at [www.thesphereproject.org](http://www.thesphereproject.org)).

24 CHS Alliance, Groupe URD and the Sphere Project. 2014. *Core Humanitarian Standard on Quality and Accountability*. (This is the result of a Joint Standards Initiative (JSI) in which the Humanitarian Accountability Partnership (HAP) International, People in Aid and the Sphere Project joined forces to seek greater coherence for users of humanitarian standards, and were then joined by Groupe URD, who integrated the Quality COMPAS reference framework into the CHS).

25 The "IASC Task Force on Protection from Sexual Exploitation and Abuse (PSEA) by our own staff," was commenced in January 2011, following the *IASC Review of PSEA by UN, NGO, IOM and IFRC Personnel*, which highlighted a lack of progress in the humanitarian sector (compared with peacekeeping) and a need to engage humanitarian leaders at the highest level. See Task Force website at: <http://pseataaskforce.org/en/taskforce>.



# Part 2

## International norms, mechanisms and tools

Many of the state obligations, norms and commitments in the areas of gender equality, SGBV protection and disaster risk reduction, originate in international treaties and agreements. These instruments also underpin UN agencies' mandates and initiatives intended to support states in their implementation. The components of the Red Cross and Red Crescent Movement<sup>26</sup> and INGOs participate in the UN-led humanitarian system, but have also independently generated many initiatives and tools that support humanitarian action in general, gender equality in disaster operations, and SGBV protection in disaster settings. This chapter provides an overview of the key international norms, initiatives, tools and actors that support national implementation.

### 2.1 International treaties and agreements on gender and DRM

#### Human rights treaties and State implementation

A comprehensive description of the human rights applicable in disasters requires a book-length discussion, which has been done elsewhere.<sup>27</sup> The UN's International Law Commission 'Draft Articles on the Protection of Persons in the Event of Natural Disasters' (adopted by the Commission in June 2016, undergoing State consultations), also addresses protection of human rights in disasters, although it does not address gender or SGBV specifically.<sup>28</sup>

Relevant human rights obligations of states are set out in a number of binding international conventions,<sup>29</sup> but those of key relevance to the present report include CEDAW, already noted, as well as the *Convention on the Rights of the Child* 1989 and the *Convention on the Rights of Persons with Disabilities* 2006, which include specific gender provisions.

CEDAW affirms the principle of equality by requiring State parties to take 'all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.' Legal measures include placing the principle of equality in national constitutions and laws. The Convention describes equality as including equal legal status of women, requiring equality before the law, including in marriage, parenthood and nationality, land and property rights, and non-discrimination in education, employment and economic and social activities, as well as women's reproductive rights and choice. The preamble stresses the need to "... modify the

26 ICRC, IFRC and National Societies

27 Harper, E. 2009. *International Law and Standards Applicable in Natural Disaster Situations*. Rome; International Development Law Organization.

28 See the ILC webpage on this issue: [http://legal.un.org/ilc/guide/6\\_3.shtml](http://legal.un.org/ilc/guide/6_3.shtml)

29 *The Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights 1966 (ICCPR), and the International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR), International Convention on the Elimination of All Forms of Racial Discrimination 1965 (ICERD)*. The UN Office of the High Commissioner for Human Rights (OHCHR) website provides all international human rights treaty texts and information on which countries have agreed to be bound by them. See: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>

social and cultural patterns of conduct of men and women” to overcome the stereotyped roles for men and women that lead to inequality.<sup>30</sup>

As part of its treaty monitoring role, the CEDAW Committee makes recommendations to states on how to interpret the Convention for the purpose of implementation. Two of these, cited in the report introduction relate to SGBV as a type of sex discrimination,<sup>31</sup> and the legitimacy of positive measures to correct existing inequalities.<sup>32</sup> Positive measures can be either “temporary special measures aimed at accelerating de facto equality between men and women” under CEDAW Article 4, or more long-term and systematic measures to address inequality. For the most part, the public policy measures required for SGBV protection, meeting women’s broader needs in disaster settings, and ensuring women’s representation in DRM governance systems, should be part of ongoing government action towards gender equality. However, there may also be a need for temporary measures, for example, to increase the proportion of women employed in government DRM agencies, as discussed later in this report.

In 2016 CEDAW also began consultations on a ‘Draft General Recommendation on Gender-Related Dimensions of Disaster Risk Reduction in a Changing Climate,’ based on the provision of the CEDAW convention.<sup>33</sup> This is likely to provide resources and strategies for countries implementing the *Sendai Framework and the Paris Agreement*, as well as for gender-mainstreaming in DRM systems.

The *Convention on the Rights of the Child* (CRC) includes provisions relevant to disasters and emergencies (albeit focused on refugee situations and armed conflict) as well as protection of children from all forms of sexual exploitation and sexual abuse, abduction trafficking, or any other exploitation.<sup>34</sup> The *Convention on the Rights of Persons with Disabilities* 2006 (CRPD) has more specific provisions relating to gender, disasters and inter-personal violence, recognizing that ‘women and girls with disabilities are subject to multiple discrimination,’ and that situations of risk and humanitarian emergencies, including ‘natural disasters’ require States to take particular protection measures.<sup>35</sup> Its provisions concerning freedom from exploitation, violence and abuse, ‘both within and outside the home’ also note that this often has a ‘gender-based aspects.’

As with other conventions, the CRC and CRPD also require States to put in place effective legislation and policies. The CRPD highlights the need to include ‘women-and-child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.’<sup>36</sup>

These treaties do not simply require governments to avoid discriminating against people, but impose positive obligations on them to protect the human rights of all people residing in their territory.<sup>37</sup> These are important norms for national constitutions, human rights laws and other higher-level laws that also underpin country laws on SGBV and DRM.

30 CEDAW Articles 3 and 5 respectively.

31 CEDAW. 1992. General Recommendation No. 19, Violence against women. Para.6.

32 CEDAW (Committee). 2004. *General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women*, on temporary special measures. Para. 17. <http://www.refworld.org/docid/453882a7e0.html>

33 UN CEDAW. 2016. “Draft General Recommendation on Gender-Related Dimensions of Disaster Risk Reduction in a Changing Climate” (CEDAW/C/GC/35). (For other related information see: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/DraftGRDisasterRisk.aspx>).

34 CRC Articles 2, 11, 16, 22, 34, 35, 37.

35 CRPD Article 11.

36 CRPD Article 16.

37 Article 2 of each convention requires State parties to “respect and to ensure” the rights.

## International agreements and State implementation

Within the UN system, many international agreements and declarations that are non-binding in the strict sense, include agreed targets and work programmes relevant to gender equality and non-violence and disasters.

There have been a large number of UN resolutions and declarations specific to gender equality and prevention of violence against women, often based on the key normative agreements of the 1993 *UN Declaration on the Elimination of Violence against Women*,<sup>38</sup> and the 1995 *Beijing Declaration and Platform for Action*, from the UN Fourth World Conference on Women.<sup>39</sup>

The main UN focal points on women's equality are the UN Commission on the Status of Women, and the 'United Nations Entity for Gender Equality and the Empowerment and the Advancement of Women', better known as UN Women, which has responsibility for UN system coordination on women's policy.<sup>40</sup> UN Women hosts a global database on national developments and, among other roles, supports countries in developing National Plans of Action on Violence Against Women (VAWG).<sup>41</sup> UN Women is increasingly active in the field of DRM, including a newly established global partnership with the IFRC.<sup>42</sup>

The post-2015 agreements on disasters, development and climate change promote mainstreaming of gender equality into development planning and humanitarian response. These are: the *Sendai Framework for Disaster Risk Reduction 2015-2030*,<sup>43</sup> the *Sustainable Development Goals (SDGs)*,<sup>44</sup> the *Agenda for Humanity*,<sup>45</sup> and the *Paris Agreement on Climate Change*.<sup>46</sup> These are important international norms and targets, and the associated reporting mechanisms provide States and national stakeholders with information and analysis on progress.

So far, there has been more emphasis in international instruments on gender mainstreaming in disaster risk reduction than in humanitarian response. The Sendai Framework Priority 4 states that preparing for effective disaster response requires 'empowering women and persons with disabilities to publicly lead and promote gender equitable and universally accessible response, recovery, rehabilitation and reconstruction approaches.'<sup>47</sup> UNISDR continues to work with UN and other partners to maintain a focus on gender in the implementation of *Sendai Framework*, as it did with its precursor agreement, the HFA.<sup>48</sup>

38 UN General Assembly. 1993. *Declaration on the Elimination of Violence against Women* December 1993. (DEVAW). (A/RES/48/104 of 20).

39 UN Fourth World Conference on Women. 1995. *Beijing Declaration and Platform for Action 1995* (BPfA). (A/52/231).

40 Established by UN General Assembly Resolution A/RES/64/289 of 21 July 2010: [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/64/289](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/64/289)

41 UN Women. Global Database on Violence Against Women: <http://www.un.org/esa/vawdatabase>

42 In early 2017, UN Women and IFRC sought to formalize their partnership, and have committed to work together in a number of areas. The most relevant of which is in policy, advocacy and technical support, to empower women and girls, increase social inclusion, and reduce disaster risks. A joint flagship programme was launched by UN Women, IFRC and UNISDR at the Global Platform for Disaster Risk Reduction in Cancun, Mexico, in May 2017. This programme is part of the wider IFRC / UN Women partnership and is entitled 'The Gender Inequality of Risk and Promoting Community Resilience to Natural Hazards in a Changing Climate (GIR)'. The programme will have global, regional and country level components, and is expected to commence later in 2017.

43 UN Third World Conference on Disaster Risk Reduction. 2015. *Sendai Framework for Disaster Risk Reduction 2015–2030*, Sendai, Japan, (the 'Sendai Framework' or 'SFDRR'). Geneva: UNISDR.

44 UN General Assembly. 2015. 'The Sustainable Development Goals', (SDGs), in *Transforming our world: the 2030 Agenda for Sustainable Development*. UNGA Res. 70/1, 25 September 2015. New York: United Nations.

45 UN World Humanitarian Summit. 2016. *Agenda for Humanity: Platform for Action, Commitments and Transformations (PACT)*, Istanbul, May 2016.

46 UN Conference of the Parties to the *United Nations Framework Convention on Climate Change 1992* (UNFCCC). 2015. The Paris Agreement. (Entry into force 4 November 2016).

47 Sendai Framework. Paras 19, 36, 32 respectively.

48 UN World Conference on Disaster Reduction. 2005. *The Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters*, Hyogo, Japan, (the 'Hyogo Framework' or 'HFA'). Geneva: UNISDR.

This has included joint guidance with UNDP and IUCN in the 2009, *Making Disaster Risk Reduction Gender-Sensitive: Policy and Practical Guidelines*,<sup>49</sup> as well as the 2009 international conference that gave rise to the Beijing Agenda for Global Action on Gender-Sensitive Disaster Risk Reduction concerning the HFA.<sup>50</sup> Participants in Beijing were concerned that gender remained a marginalized issue in the national and international negotiations around DRR and climate change adaptation at that time, and that the lack of cross-sectoral coordination was failing to address women's additional risk in disasters.<sup>51</sup>

In 2016 the Regional Asia-Pacific Conference on Gender and Disaster Risk Reduction in Ha Noi, Vietnam, made concrete recommendations on implementation of the Sendai Framework from a gender perspective.<sup>52</sup> A number of these were directed to national law and policy. Noting that women play a greater role in risk management and resilience-building than is often acknowledged, the preamble to the outcome document observed that 'women in Asia and the Pacific have the lowest decision making and political power in the world, thereby limiting their say and influence in DRR decision making processes.'<sup>53</sup> The conference made a series of very practical recommendations which States would do well to consider on the question of law and policy to promote gender equality in DRM.<sup>54</sup>

To add to these formal resolutions and outcomes, one of the questions asked of the IFRC and National Society respondents interviewed for this report, was whether they saw disaster risk management as a field of work that engaged men and women equally. The overwhelming response - from both men and women - was that it is a very male-dominated sphere, within governments, within the Red Cross Red Crescent Movement, and within most international humanitarian organizations, especially in emergency response operations. Some interviewees noted that women tend to be engaged more in local disaster risk reduction, and in caring roles at community level following disasters, but are often excluded from decision-making even at that level. No global statistical data or specific research on this question was found, and this is an area ripe for further research, but these observations of a group of highly experienced international humanitarians are an important input to the discussion.

## 2.2 UN-led humanitarian system and SGBV

The UN-led humanitarian "ecosystem" functions with support from the UN Office for the Coordinator of Humanitarian Affairs (UN OCHA) and includes the Inter-Agency Standing Committee (IASC) and the sectoral "clusters" as key inter-agency coordination mechanisms. Made up of relevant UN agencies and participating observers from international humanitarian organizations, (including ICRC and IFRC), the IASC operates both as a forum for the development of guidance documents with humanitarian partners, and as a mechanism for international, regional and national level coordination on humanitarian action. Some of the clusters are now playing a central role in developing standards relevant to SGBV protection in disasters, including the global clusters on protection, health and shelter, respectively.

49 UNISDR, UNDP and IUCN. 2009. *Making Disaster Risk Reduction Gender-Sensitive: Policy and Practical Guidelines* (Making Disaster Risk Reduction Gender-Sensitive). Geneva : UNISDR.

50 International Conference on Gender and Disaster Risk Reduction. 2009. *Beijing Agenda for Global Action on Gender-Sensitive Disaster Risk Reduction*. [www.unisdr.org/files/8024\\_8961BeijingAgendaFinal22Apr091.doc](http://www.unisdr.org/files/8024_8961BeijingAgendaFinal22Apr091.doc)

51 UNISDR, UNDP and IUCN. 2009. Pp. 6-7.

52 Regional Asia-Pacific Conference on Gender and Disaster Risk Reduction. 2016. *Ha Noi Recommendations for Action on Gender and Disaster Risk Reduction*. Ha Noi, 16- 18 May 2016. Bangkok; UN Women.

53 2016. Ha Noi Recommendations. P.1.

54 2016. Ha Noi Recommendations. P.8.



## Protection

The IASC's 2010 guidance, the *Handbook for the Protection of Internally Displaced Persons*,<sup>55</sup> and its 2011 *Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, both remain important standards. They mainstream issues of gender equality into their guidance, as well as focusing on SGBV as a central issue in certain circumstances, especially for displaced persons and in camps, but also within disaster-affected communities that remain at home.<sup>56</sup> There is also an IASC Policy on Protection, updated in 2016.<sup>57</sup>

The Global Protection Cluster (GPC) has a broad mandate to promote protection activities by various humanitarian actors in all emergencies, including armed conflict situations and disasters caused by natural phenomena. Within the GPC, UNHCR is the Global Cluster Lead Agency for Protection, and has the role of coordinating other UN agencies, inter-governmental and non-governmental organizations participating in the GPC. However, other agencies are focal points in subsidiary committees known as Specific Areas of Responsibility (AORs). UNFPA is the focal point on Gender-Based Violence; its role is primarily one of coordination, but it is also a service provider on GBV if/when required ('of last resort').<sup>58</sup> As of July 2017, IFRC is now a focal point on GBV minimum standards, learning and research.

The GPC has been instrumental in developing the most important and comprehensive UN system guidance on SGBV protection in disasters, the 2015 IASC Guidelines for Integrating Gender-based Violence in Humanitarian Action ('the IASC GBV Guidelines'), endorsed by the IASC in 2015.<sup>59</sup> They are based on a 2005 version, and the revision was undertaken by an inter-agency Task Team led by UNICEF and UNFPA. Their purpose is to assist all humanitarian actors and communities affected by armed conflict, natural disasters and other humanitarian emergencies to coordinate, plan, implement, monitor and evaluate essential actions for the prevention and mitigation of SGBV across all sectors of humanitarian response. These standards and guidance are an important resource for governments seeking to improve SGBV protection in disasters.

One of the key distinctions made in the IASC GBV Guidelines, is between 'prevention' and 'mitigation' of GBV.<sup>60</sup> While these concepts overlap, this is an important distinction in operational planning. Prevention refers to taking action to stop SGBV from first occurring, such as working with communities, particularly men and boys, to address practices and beliefs that contribute to SGBV. Mitigation refers to reducing the risk of exposure to SGBV, such as in the design of post-disaster shelter (e.g. ensuring sufficient lighting and security patrols are in place from the onset of establishing displacement camps; etc.). The overarching focus of the Guidelines is on essential prevention and mitigation activities that should be undertaken within and across all sectors of humanitarian response, rather than on gender or SGBV-specialized service provision and support.

55 UN IASC. 2010. *Handbook for the Protection of Internally Displaced Persons* (March 2010), especially identification of GBV and human trafficking as threats (pp 167-180 and 215-223 respectively), although gender equality is integrated throughout the guidance. Further see: UN OCHA. 2001. *Guiding Principles on Internal Displacement* 1998. UN Special Representative of the Secretary-General on Internally Displaced Persons. Geneva: OCHA, United Nations.

56 UN IASC and Brookings-Bern Project on Internal Displacement. 2011. *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*. Inter-Agency Standing Committee, especially suggested actions for 'Protection against violence, including gender-based violence'. Pp. 20-24.

57 IASC. 2016. *Inter-Agency Standing Committee Policy on Protection in Humanitarian Action*.

58 UNICEF – Child Protection; NRC – Land, Housing and Property; and UNMAS – Mine Action. Further see: Global Protection Cluster website: <http://www.globalprotectioncluster.org>

59 UN Inter-Agency Standing Committee (IASC). 2015. *Guidelines for Integrating Gender-based Violence in Humanitarian Action*. ('IASC GBV Guidelines.') New York; Inter-Agency Standing Committee and Global Protection Cluster.

60 IASC. 2015. *GBV Guidelines*. P. 1.

The three case studies for this report specifically identified the country level Protection Clusters, and their sub-clusters on GBV and gender, as key mechanisms for both coordination and awareness-raising on GBV protection and gender equality in actual disaster response operations. Thus, their role is considered further in the following chapter, concerning country-level strategies relating to SGBV.

## Shelter

The Global Shelter Cluster (GSC) is co-chaired by IFRC and UNHCR at the global level and has forty-three partners who participate on a regular basis. IFRC is convener of the Shelter Cluster in natural disasters while UNHCR leads the Shelter Cluster in conflict situations.<sup>61</sup> The GSC supports country-level shelter clusters and other non-refugee coordination mechanisms,<sup>62</sup> by providing shelter coordination services in order to improve humanitarian response.

There is also a GBV in Shelter Programming Working Group, which has recently produced specific resources for the shelter sector relating to gender-sensitive site planning for camps and shelter and responding to disclosures of SGBV, as well as information-sharing through case studies.<sup>63</sup> Again, these public resources are available to all responders, including government agencies at national and local levels that are tasked with the provision of post-disaster shelter.

Post-disaster shelter for displaced communities was identified in the Ecuador and Nepal case studies as a critical area concerning SGBV protection, as well as in the *Unseen, Unheard* report.

## Health

WHO is the Global Health Cluster (GHC) Lead Agency and it provides secretariat support through the Global Health Cluster Team in the Emergency Operations Department.<sup>64</sup>

From the health services perspective on SGBV, WHO has undertaken extensive research and provides guidance on violence prevention, as well as maintaining a public global database.<sup>65</sup> Its 2002 *World Report on Violence and Health*,<sup>66</sup> which is of continuing relevance, is now supported by an extensive database.<sup>67</sup> Notable recent publications of WHO and partners include the *Global and Regional Estimates of Violence Against Women 2013*,<sup>68</sup> and the *Global Status Report on Violence Prevention 2014*.<sup>69</sup> Health frameworks are a key component of SGBV protection frameworks in normal times, and such research provides governments with baseline comparative data and strategies to address SGBV within health services. These also provide an invaluable general resource concerning SGBV as a health issue in disasters, even though they are not tailored to emergency situations.

61 Further, see GSC website: <http://www.sheltercluster.org/global>

62 UNHCR has a mandated responsibility to coordinate multi-sectoral response to refugee needs and clusters are not established in this context.

63 See (a) Global Shelter Cluster, GBV in Shelter Programming Working Group: *Gender Preparedness Camp Planning Settlement Planning Formal Camps Informal Settlements Guidance (2016)*; (b) *GBV Constant Companion (2016)*; and *GBV Risk Reduction in Shelter Programmes - Three Case Studies (2017)*. Available at <https://sheltercluster.org/gbv>

64 Further, see GHC website: <http://www.who.int/health-cluster/en/>

65 WHO. Global Health Observatory (GHO) database: [www.who.int/gho/](http://www.who.int/gho/)

66 WHO. 2002. *World Report on Violence and Health*. Geneva: World Health Organisation.

67 WHO. Global Health Observatory (GHO) database: [www.who.int/gho/](http://www.who.int/gho/)

68 WHO, London School of Hygiene and Tropical Medicine, and South African Medical Research Council. 2014. *Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*.

69 WHO, UNDP, and UNODC. 2014. *Global status report on violence prevention 2014*. Geneva: World Health Organization.

Another initiative of WHO, with the GHC, is the development of standards and mechanisms for the use of Emergency Medical Teams (EMTs) in disasters.<sup>70</sup> This initiative is focused on medical care in disasters, by either national or international emergency medical teams (a term that refers to the full range of medical professionals for all types of care). It does not currently identify SGBV as a separate element of emergency medical care, and may warrant re-examination to review the extent to which the standards, medical facilities and medical teams described take account of the needs of survivors of SGBV (including domestic violence within disaster-affected populations) as a priority in disaster settings.<sup>71</sup>

## 2.3 SGBV-specialized cooperation

Certain UN agencies and international NGOs, along with many national government and civil society organizations, specialize in SGBV prevention and mitigation, and SGBV survivor support services. At the national level, government health and welfare agencies are core service providers, but in many countries SGBV-specialized and/or women's civil society organization are also an essential element of SGBV survivor support services and advocacy. During disasters, these national services continue to be the obvious first point of contact and support for SGBV survivors, and will normally be part of disaster response efforts in this capacity. However, especially in major disasters, international SGBV-specialized agencies also play a role in service provision, as well as coordination.

While most international humanitarian responders, including the components of the Red Cross and Red Crescent Movement and international NGOs (INGOs), include SGBV prevention and mitigation in their programming, there are also international agencies widely recognized as SGBV-specialized agencies. They include UNFPA, UNHCR and UNICEF from the UN system, (all of whom have key areas of responsibility roles in the Global Protection Cluster), along with two INGOs, the International Rescue Committee (IRC) and the International Medical Corps (IMC).

Among other things, the five organizations mentioned form the core of an inter-agency cooperation initiative to standardize information management on SGBV incident data in humanitarian contexts. As already discussed, information-gathering on SGBV is essential as the basis for both humanitarian operations and national policy responses, and yet it is fraught with difficulty in normal times, let alone during disasters. This platform for cooperation, the Gender-Based Violence Information Management System (GBVIMS), is a data management system that enables those providing services to SGBV survivors to 'effectively and safely collect, store, analyze, and share data related to the reported incidents of GBV'.<sup>72</sup> It includes a GBV classification tool, and templates for intake, consent, incident records and confidential information sharing (with pre-approved recipients only), to help service providers and coordinating agencies achieve best practices in data collection on SGBV in humanitarian settings. It has now been used in over 20 countries, by international and national responders and SGBV case service providers that have signed an information-sharing protocol. An example of such inter-agency cooperative reporting and recommendations from a given humanitarian response, is the GBVIMS 2015 annual report on SGBV in Syrian refugee communities in Jordan.<sup>73</sup>

70 See WHO EMT website: <https://extranet.who.int/emt/page/home>

71 IFRC and the World Health Organization published a report on the regulation and management of emergency medical teams (EMTs) in sudden-onset disasters in June 2017. While the focus of this report is not in relation to gender or SGBV-related issues, it does provide insight into the management, coordination and regulation of these teams, and the associated strengths, gaps and recommendations. The report is available online at <http://www.ifrc.org/PageFiles/115542/EMT%20Report%20HR.PDF>

72 Further, see GBVIMS website: [www.gbvims.org](http://www.gbvims.org)

73 GBVIMS. 2015. *Gender-Based Violence Information Management System (GBVIMS), Annual Report 2015*. Report from UN Population Fund, UN Children's Fund, International Rescue Committee, International Medical Corps, UN High Commissioner for Refugees.

## 2.4 Red Cross and Red Crescent Movement and international NGO tools and standards

Outside the UN system, the Red Cross and Red Crescent Movement and INGOs have led the way for some years on quality standards in humanitarian response, including gender mainstreaming and SGBV protection. These tools have been thoroughly field-tested and, although designed for use by Red Cross and Red Crescent Movement, INGOs and national NGOs in supporting governments during disasters, are also a significant resource for governments seeking to revise or develop national standards and operating procedures.

### General humanitarian standards

The *Sphere Humanitarian Charter and Minimum Standards in Humanitarian Response* (“Sphere Handbook”) remains one of the most widely accepted and comprehensive sets of voluntary quality standards. First developed by INGOs and the Red Cross and Red Crescent Movement in 1997, these standards have been revised frequently and are currently under review for a 2018 edition. They are equally useful for governments and UN agencies as a measure of quality in humanitarian assistance. The Sphere Handbook includes the Humanitarian Charter, Protection Principles, Core Standards for organizations engaged in humanitarian response (now updated, as noted below), and minimum technical standards on: water supply, sanitation and hygiene (WASH); shelter, settlement and non-food items; food security and nutrition; and health action. Gender and diversity is included as a cross-cutting issue, with information and prompts on gender-inclusive approaches in all the standards. Its four Protection Principles are directed to humanitarian responders who are not SGBV or gender specialists.

After a wide-ranging consultation in the sector, in 2014, several standard-setting organizations<sup>74</sup> collaborated in developing a new *Core Humanitarian Standard on Quality and Accountability* (CHS)<sup>75</sup> as an amalgam (and update) of several existing standards, including the Sphere Core Standards (as mentioned above), the Humanitarian Accountability Partnership’s Standard, and the People in Aid Code of Good Practice. The CHS sets out 9 commitments by humanitarian actors for good programming, supplemented with performance indicators, key actions, and guidance notes, which include some points on gender and gender-based violence.

The application of gender-sensitive quality standards can support SGBV protection and gender equality, while at the same time ensuring the wider needs of people affected by disasters are also met. The *IDRL Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* (*IDRL Guidelines*)<sup>76</sup> and its accompanying *Model Act* (*IDRL Model Act*)<sup>77</sup> recommend that countries consider including minimum standards for humanitarian assistance in their DRM laws, although such provisions remain rare. In a similar vein, the Sphere Association has recently undertaken a review to begin consultations with national governments, on how the Sphere standards could be best used at national level.<sup>78</sup>

76 IFRC. 2008. *Introduction to the Guidelines for domestic facilitation and regulation of international disaster and initial recovery assistance* (2008, rev 2011) (“IDRL Guidelines”) at paras. 4 2b. and 4.3.a: <http://bit.ly/16TxYJv>

77 IFRC, OCHA, IPU. 2013. *Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (with Commentary)*. Geneva, New York: International Federation of Red Cross and Red Crescent Societies, United Nations Office for the Coordination of Humanitarian Affairs and the Inter-Parliamentary Union, 2013. English version <http://bit.ly/17YOG9>

78 The Sphere Project. 2016. *Sphere Standards in National Humanitarian Response* (Discussion Paper). Geneva; Sphere Project. Available at [www.sphereproject.org](http://www.sphereproject.org)

## Standards in protection, violence prevention, and gender equality

ICRC's longstanding *Professional Standards for Protection Work carried out by humanitarian and human rights actors in armed conflict and other situations of violence* (2013 edition),<sup>79</sup> integrate gender criteria but do not make this a focus. Although arising from work in armed conflict, they are of much broader application as a set of detailed operational standards for protection specialists in emergency situations.

The Canadian Red Cross and IFRC's 2012, *Predictable, Preventable: Best Practices for Addressing Interpersonal and Self-Directed Violence During and After Disasters*,<sup>80</sup> uses case studies to look at the wider social causes of interpersonal and self-inflicted violence after disasters, and identifies gender inequalities and gender roles as important factors. Its focus is on violence prevention, and many of the strategies are relevant for governments, NGOs and other humanitarian organizations.

The IFRC's 2015 *Minimum standard commitments to gender and diversity in emergency programming* (Pilot Version),<sup>81</sup> are intended for use by IFRC and National Society staff and volunteers but, again, are a tool that may also be useful for governments. They emphasize the importance of gender and diversity analysis as part of emergency needs assessments, and in the beneficiary selection and prioritization criteria. Hence, they consider emergency programming specifically from the perspective of gender and diversity, applying this perspective to: emergency health; food security; water, sanitation and hygiene (WASH); emergency shelter; livelihoods; non-food items, and disaster risk reduction.

The IFRC minimum standards are based around a four-point framework under which the standard commitments are arranged - dignity, access, participation and safety – or DAPS. The DAPS Framework distils much of the existing guidance on humanitarian quality standards, but draws out the gender and diversity criteria in a very concrete way aimed at the operational level. It is based on all of the standards outlined above, as well as the Child Protection Working Group's 2012, *Minimum Standards for Child Protection in Humanitarian Action* (under the Global Protection Cluster).<sup>82</sup>

These humanitarian standards and tools either mainstream gender equality and SGBV protection, providing insights into expectations for disaster management experts who are not gender specialists, or focus on protection and/or SGBV, providing guidance for generalist responders as well as SGBV or protection-specialized responders and programme managers. They are resources available to government agencies working with communities affected by disasters, including displaced people in emergency shelter and camps.

79 ICRC. 2013. *Professional Standards for Protection Work*, 2013 [http://www.globalprotectioncluster.org/\\_assets/files/tools\\_and\\_guidance/essential-protection-guidance/professional-standards-for-protection-work-icrc-2013-en.pdf](http://www.globalprotectioncluster.org/_assets/files/tools_and_guidance/essential-protection-guidance/professional-standards-for-protection-work-icrc-2013-en.pdf)

80 Canadian Red Cross and IFRC. 2012. *Predictable, Preventable: Best Practices for Addressing Interpersonal and Self-Directed Violence during and after disasters*. <http://www.ifrc.org/PageFiles/94522/ViolenceInDisasters-English-1up.pdf>

81 IFRC. 2015. *Minimum standard commitments to gender and diversity in emergency programming* (Pilot Version). Geneva; International Federation of Red Cross and Red Crescent Societies. <http://bit.ly/2i2CzXx>

82 UN IASC-GPC Child Protection Working Group. 2012. *Minimum Standards for Child Protection in Humanitarian Action*. New York; Inter-Agency Standing Committee and Global Protection Cluster. (The CPMS are also recognized as Companion Standards to the Sphere Project's Humanitarian Charter and Minimum Standards in Humanitarian Response).

## 2.5 Conclusions

There are two main ways that international agreements and tools are relevant to country-level implementation of gender equality and SGBV protection in disasters. The first is that they include human rights obligations as well as voluntary targets to achieve gender equality in governance, including in DRM systems (especially CEDAW, Sendai, and the SDGs). The second is that they provide standards and guidance that governments can adopt through legislation, policy, or operating procedures, and which can form the basis for training of relevant government agency personnel.

### Implementing gender equality in governance

With regard to gender equality in participation in DRM systems, the international policy base is strong. CEDAW and SDG 5 require States to take action. Participation of women in DRM systems - in sufficient proportions and in enough leadership roles to have a real impact - is a basic requirement for gender equality and gender-responsive DRM.

Participation is not only about numbers, but also about decision-making and representational roles. However, gender proportions are also important in ensuring that women's presence is not simply token, and that they have a real opportunity to influence decisions and agendas. The idea, as encapsulated in the 1995 Beijing Declaration, and reiterated many times since, is that:

Women's equal participation in decision-making is not only a demand for simple justice or democracy but can also be seen as a necessary condition for women's interests to be taken into account. Without the active participation of women and the incorporation of women's perspective at all levels of decision-making, the goals of equality, development and peace cannot be achieved.<sup>83</sup>

The *Beijing Declaration* adopted an initial target of 30% participation of women in decision-making roles, specifically in parliaments, government ministries, trade unions, and the private sector. Originally formulated within the UN Economic and Social Council in 1990,<sup>84</sup> this had optimistically envisaged 30% participation of women in such decision-making positions by 1995 and 50% by 2000.<sup>85</sup> At Beijing the 30% target was agreed on the grounds that it was enough to create a 'critical mass of women leaders, executives and managers in strategic decision-making positions' that would then accelerate the process of achieving gender equality, by allowing women's voices to be heard and women's concerns and needs progressed.<sup>86</sup> This target was to be achieved through a wide range of strategies, including positive action, public debate, and training and mentoring for women as leaders. However, subsequent monitoring showed that, in the absence of specific strategies such as minimum gender quotas for a given body or civil service, in many countries, little progress was made.

Sustainable Development Goal 5 now aims to 'to achieve gender equality and empower all women and girls.'<sup>87</sup> SDG 5 sub-goal 5.5 is to 'ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.' Its achievement will be measured by the quantitative

83 UN Fourth World Conference on Women. 1995. *Beijing Declaration and Platform for Action 1995* ("BPfA"). (A/52/ 231). Para. 181.

84 BPfA Para. 182.

85 ECOSOC. 1990. E/RES/1990/15 (24 May). Annex, Paragraph 7, Recommendation VI (2nd paragraph).

86 BPfA Para. 192.

87 UN General Assembly. 2015. 'The Sustainable Development Goals', (SDGs), in *Transforming our world: the 2030 Agenda for Sustainable Development*. UNGA Res. 70/1, 25 September 2015. New York: United Nations. (SDG 5: Achieve gender equality and empower all women and girls.)

indicators of: the proportion of seats held by women in (a) national parliaments and (b) local governments; and the proportion of women in managerial positions.<sup>88</sup> National governments and legislatures can arguably do better than the international minima set for the SDGs, and add their own categories and tools, including qualitative research and indicators based on how much influence women feel they actually have, and non-numerical barriers they encounter.<sup>89</sup>

An established and successful mechanism for increasing the proportion of women in national legislatures has been the use of legislative quotas for minimum representation of women. Largely due to the use of these in many countries, women's average share of parliamentary membership (lower/single houses) rose from 11% in 1995 worldwide, to 22% by 2015.<sup>90</sup> Quotas for elected office always have the added complexity that candidates must be elected.<sup>91</sup> By comparison, increasing the proportion of women appointed by governments to DRM institutions' governing councils and technical committees should not present the same barriers.

In the context of achieving gender equality and improving SGBV protection in disasters, legislated minimum proportions in DRM system governance councils and committees is something that national legislatures should implement. Part of this is ensuring that the criteria for membership of DRM institutions are based on the concept of representative capacity, and recognize the different types of experience women often bring to the table, rather than credentials that women may be less likely to hold in the given country situation. If this is done, there should be no need for any exceptional measures beyond a requirement for a minimum of 30% of women members in DRM governance bodies.

## Using the tools and information available through the international system

UN agency initiatives under the UN mandates on women's equality support SGBV protection by offering comparative databases on national frameworks and strategies concerning violence against women (UN Women), and on interpersonal violence more broadly (WHO). Specific tools on SGBV protection developed through the UN-led humanitarian system, in particular the IASC's GBV protection standards (Global Protection Cluster) and the tools on GBV prevention and mitigation in shelter provision (Global Shelter Cluster) are available to States. Although drafted by international agencies, these standards and guidance are equally applicable to government disaster response operations and post-disaster shelter. The same can be said of the general humanitarian standards that mainstream gender, such as the Sphere Handbook.

Service-provider initiatives for SGBV survivor support, such as the Gender-Based Violence Information Management System (GBVIMS), supplement State efforts in serving displaced communities. They work with national NGOs to share and build capacity, and provide invaluable reports on incidence and types of SGBV that can inform policy and operational decisions. Governments should encourage and work with such initiatives and service-providers, which bring essential surge capacity in SGBV survivor support during disasters.

88 UN Statistical Commission. 2017. "Revised list of global Sustainable Development Goal indicators," in, *Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators* (E/CN.3/2017/2), Annex III. Pp.8-9.

89 For discussion of the need for qualitative as well as quantitative indicators, see: Gender and Development Network. 2015. "Measuring progress on women's participation and influence in decision-making in the SDGs: Recommendations to the Inter-agency and Expert Group and UN Member States." P.3-4.

90 IPU. 2015. *Women in Parliament in 2015*. Geneva; Inter-Parliamentary Union.

91 See: International IDEA, IPU and Stockholm University. Global Database of Quotas for Women in Parliament. <http://www.quotaproject.org/>

The ICRC Protection Standards, the IFRC Minimum standard commitments to gender and diversity, and the Canadian Red Cross & IFRC best practice guidelines, are transparent standards and resources that are being used and promulgated within the Red Cross and Red Crescent. They clarify the target standards of the Red Cross and Red Crescent Movement when working in disasters, especially of National Societies in their auxiliary role to support governments in humanitarian response.

States seeking to address gender equality and SGBV protection in their law, policy and operational guidance for disaster contexts, thus have access to evidence-based and field-tested international standards. They do not need to 'reinvent the wheel', but they do need to make a priority of institutionalizing the appropriate standards and tools into domestic frameworks. They also need to ensure that relevant staff and volunteers receive training in their use, and understand the principles and standards being used by humanitarian partners.





# Part 3

## National SGBV protection frameworks and disasters

The impact of disasters and other emergencies on levels and types of SGBV is still relatively unquantified. This is despite research undertaken by IFRC (for the present project, and for the *Unseen, Unheard* report), and extensive research by ICRC and others on populations affected or displaced by armed conflict emergencies.

Prevention, mitigation, and response to SGBV in disasters is a complex matter, not easily addressed in an operational sense, and not susceptible to simple policy solutions. While some sexual violence in disaster situations reportedly arises from increased criminal activity and interpersonal violence during the chaos of disasters, SGBV is inherently a type of violence that arises from gender inequality. Like gender inequality more broadly, SGBV is already present in all societies, as documented in many national statistical databases, and summarized in the World Health Organization's global and regional estimates on interpersonal violence.<sup>92</sup>

Global estimates published by WHO indicate that about 1 in 3 (35%) of women worldwide have experienced either intimate partner violence (physical and/or sexual), or non-partner sexual violence, in their lifetime.<sup>93</sup> Most of this violence is in fact intimate partner violence, often called 'domestic violence.' Globally, 30% of women who have been in a relationship report that they have experienced some form of physical and/or sexual violence by their intimate partner in their lifetime; and as many as 38% of murders of women are committed by a male intimate partner.<sup>94</sup>

With this background of existing SGBV, it is a challenge for humanitarian agencies and governments to both meet the communities' underlying need for support in SGBV protection, and to identify policy and operational measures to prevent, mitigate and respond to additional levels or forms of SGBV that emerge in the disaster context.<sup>95</sup>

### 3.1 What characterizes SGBV in disasters?

The IFRC's 2015 *Unseen, Unheard* global report sought to shed light on what characterizes SGBV in disasters, as well as how legal and policy frameworks should be adjusted to address it, and the role of National Societies and other local actors.<sup>96</sup> That report, and three of the nine country case studies on which it was based, are publicly available, and therefore are not summarized here.<sup>97</sup> However, as its main findings are highly pertinent to the present project, the same categories are used to highlight the *Unseen, Unheard* reports findings, and add those from the three new case studies regarding the characteristics of SGBV in disasters.

92 WHO. 2016. "Violence against women: Intimate partner and sexual violence against women. Fact sheet" (Updated November 2016). <http://www.who.int/mediacentre/factsheets/fs239/en/>

93 Ibid.

94 Ibid.

95 Ibid.

96 IFRC. 2015. *Unseen, Unheard: Gender-based violence in disasters – Global study*, IFRC, Geneva.

97 IFRC. 2016. *Unseen, Unheard: Gender-based violence in disasters - Asia-Pacific Case Studies*. (Bangladesh, Samoa, Myanmar). IFRC Asia-Pacific Regional Office: Kuala Lumpur.

## Domestic violence

The *Unseen, Unheard* report identified domestic violence as a constant theme affecting disaster-affected communities in all the country-level research.<sup>98</sup> This form of SGBV was one which most respondents said had been prevalent before the disaster, but reportedly increased following the disaster. The report concluded that the “combination of personal loss, financial hardship and uncertainty seems to increase violence by husbands and intimate partners within the family.”<sup>99</sup>

This account of the higher incidence of domestic violence in disaster settings affirms similar findings in prior research by the Canadian Red Cross and IFRC, and an Australian Red Cross study on domestic violence in disasters in Australia.<sup>101</sup> There are also parallels with patterns of SGBV noted in displaced refugee communities in camps and host communities, such as Syrian refugees in Jordan, where some estimates are that more than 50% of SGBV survivors seeking support are doing so due to domestic violence,<sup>102</sup> and the proportions could be much higher according to the 2015 report of the Gender-Based Violence Information Management System on this refugee situation.<sup>103</sup>

Increased domestic violence was also reported in the Zimbabwe country case study undertaken for the present report, in a situation where communities faced the slow-onset disaster of food insecurity and impoverishment brought on by two years of drought. Informants in the Ecuador and Nepal country study focus groups also reported that pre-existing domestic violence was exacerbated by disaster stresses, including for communities that were not displaced, and that this was often related to alcohol abuse.

## Rape and sexual assault

The *Unseen, Unheard* country studies did not find clear information concerning rape and sexual assault in disaster settings, reporting that: (a) informants were often reluctant to discuss these issues; (b) the country researchers found gaps in official information on SGBV in disaster settings, such as the absence of data in police records, particularly during and after disasters; and (c) in a number of countries, legal rules also made it very difficult to report SGBV, especially sexual violence.<sup>104</sup> In this regard, the *Unseen, Unheard* report concluded that it may be even more important to improve and apply existing criminal laws and policies, and also address the barriers that impede reporting of abuse in general, than to focus on specific mechanisms for disaster situations.

The importance of such a broad approach was also clear from the Zimbabwe case study, where there was an identified need to raise awareness of criminal laws and conduct community education on SGBV, while also seeking to improve police responsiveness and attitudes that are such a barrier to reporting. This underlying need was also identified in the Nepal case study. However, both the Nepal and Ecuador case studies also highlighted factors within the disaster response and recovery process, that informants indicated led

98 IFRC. 2015. *Unseen, Unheard* – Global study. P. 20. (Based on country studies: Bangladesh, Bosnia-Herzegovina, El Salvador, Haiti, Malawi, Myanmar, Namibia, Romania, and Samoa).

99 Ibid.

100 Canadian Red Cross and IFRC. 2012. *Predictable, Preventable: Best Practices for Addressing Interpersonal and Self-Directed Violence during and after disasters*. Geneva; IFRC.

101 IFRC. 2015. *Unseen, Unheard*. P.20, citing Australian Red Cross. 2015. ‘Family Violence in Australian Disasters’ (unpublished scoping study).

102 Protection Cluster, Sexual and Gender-Based Violence Sub-Working Group. 2014. *Sexual and Gender-Based Violence: Syrian Refugees in Jordan* (Briefing Note). March 2014. Available at: [data.unhcr.org/syrianrefugees/download.php?id=5165](http://data.unhcr.org/syrianrefugees/download.php?id=5165)

103 GBVIMS. 2015. *Gender-Based Violence Information Management System (GBVIMS), Annual Report 2015*. Report from UN Population Fund, UN Children’s Fund, International Rescue Committee, International Medical Corps, UN High Commissioner for Refugees.

104 IFRC. 2015. *Unseen, Unheard* – Global study. P. 27.

to direct increases in sexual assault and rape, and for these the most important factor in such an increase was displacement, as discussed below.

In Nepal, both district and national data showed an increase in reported cases of rape and domestic violence from the year prior to the 2015 earthquake disaster, compared with the year following. However, these figures do not provide sufficient data on incidence (compared with reporting) and what relationship there may be between increased reporting of SGBV cases and the 2015 earthquake disaster. Again, the far greatest reported crime relating to SGBV in Nepal, as well as the greatest reported increase in the years following the earthquake was domestic violence, but there was also a significant increase in reports of rape.

## Effects of displacement

In Unseen, Unheard, particular vulnerabilities to SGBV amongst some displaced populations were identified, compared with those who were able to stay in their own communities, although not all displaced communities reported any increase in SGBV. Relevant factors in increased SGBV for displaced people were: (a) the breakdown in “collective security” through mutual support, surveillance and social controls in communities, including reduced parental supervision of adolescent girls and young children during the day, when adults were working and rebuilding elsewhere; and (b) increased stresses on families, and increased opportunity for non-family members to commit sexual violence, in crowded shelters with inadequate lighting, washing and toilet facilities. Single women in shelters were especially vulnerable to violence.<sup>105</sup>

The Nepal case study also identified individual cases where sexual assault and rape was attributed to the situation of emergency shelter in tents, which in some cases appeared to be available for use by negotiation amongst displaced people rather than organized by the government providers. The focus groups reported that women who lost their homes in the earthquake felt very uneasy and uncomfortable sharing emergency shelter tents with men they did not know, with no privacy arrangements. One woman, who eventually succeeded in filing a complaint that resulted in a rape conviction, was assaulted by a distant acquaintance while sleeping in a temporary tent shelter after her home was destroyed (she had agreed he could share their tent because he was also homeless). In this case, her claim was also delayed because she had lost her ID card in the disaster, and the local court had no contingency arrangement to allow for such circumstances. The Nepal case study also highlighted that police were diverted to disaster response operations, and were often not available to take complaints from SGBV survivors.

The Ecuador case study reported major concerns relating to post-disaster shelter, in both formal and informal shelters. One issue informants identified was that many of the formal government shelters following the 2016 earthquake were run by male military personnel, and women reported feeling intimidated and unsafe in these situations, including fear of the military personnel themselves, who were reportedly not trained in camp management, gender equality or SGBV protection. Although specific cases were not identified, one international cooperation interviewee stated that:

Abuses of power increased during the emergency, especially by the people managing the shelters or those who managed any kind of assistance. In more specific cases of violence, women and girls were harassed, attacked and many were raped during the emergency. Even when this did not occur the females in the shelter felt constant

fear, angst and uncertainty, which meant that in many cases these girls, teenagers and women isolated themselves in their tents. The boys were playing in the patio but the girls weren't. There has been a definite increase in risk situations and the absolute and extreme dependence on males.

Another issue identified in the Ecuador case study was that many informal shelters were not initially recognized by the government, but people established them to be closer to their destroyed homes and livelihoods, and to avoid being under militarized control. For many months, most of these informal camps were without facilities, services or law enforcement, leaving residents exposed to criminal violence of all kinds, including SGBV.

## Economic impoverishment

*Unseen, Unheard*, found that impoverishment due to disasters can also increase the risk of SGBV, including the forms of SGBV particularly related to economic coping strategies – child/early marriage, transactional sex, and trafficking.<sup>106</sup>

While child and early marriage remains a part of many cultures, often despite laws to the contrary, this can also increase during disasters. This was not reported as a particular issue by informants in Ecuador or Nepal. In Zimbabwe, interviewees and focus groups reported an increase in child marriage of girls after two years of drought in the country, in part as a family survival strategy motivated by the payment of lobola (bride price) to the bride's family upon marriage. There was no data available to confirm these experiences quantitatively.<sup>107</sup> In Zimbabwe, key informants also related child marriage of girls to higher levels of domestic violence and girls not completing education.

Transactional sex is where economic necessity or withholding of relief items becomes part of a coping strategy to trade sex for necessities. This form of SGBV was not specifically raised by informants or focus groups in the Nepal and Zimbabwe cases studies (it may have occurred, but was not discussed by informants). It was mentioned by a number of informants in Ecuador in terms of 'abuse of power' by authorities controlling camps and humanitarian relief.

The Ecuador and Zimbabwe case study informants did not identify any examples of trafficking during the earthquake disasters. However, in Nepal, the community focus group in the Sindhupalchowk district indicated the alarming statistics that sixty-eight children from their district were rescued at Barabise and Koteswor checkpoints following the 2015 earthquake, and that some girls from Sindhupalchowk were also rescued from Delhi Airport in India and repatriated to Nepal.<sup>108</sup>

Overall, the *Unseen, Unheard* global report found that, in most disaster situations, the incidence of SGBV appears to increase, but that there was still a lack of sound data. This is, in part, due to the breakdown of existing support and reporting systems during disasters, but also because in many countries these frameworks are not well developed or resourced, and are already under-used due to the social stigma associated with reporting SGBV.<sup>109</sup> The three case studies for this report also highlighted that there was a lack of quantitative data collection and little qualitative research on SGBV in relation to the disasters they considered. While it is therefore difficult to provide a 'before and after' picture of SGBV in emergencies, what is very clear from the research is that SGBV is present to a significant extent in every disaster-affected population that has been studied. It is thus a source of

106 IFRC. 2015. *Unseen, Unheard - Global study*. Pp. 22-25.

107 Many marriages in Zimbabwe continue to be traditional ceremonies that are not registered.

108 Sindhupalchowk district focus group with women, Nepal Case Study.

109 IFRC. 2015. *Unseen, Unheard - Global study*. P.8.

present danger and insecurity, especially for women and girls, that needs to be addressed in all disaster preparedness planning and operations.

ICRC now takes the approach that there is no need to provide evidence that sexual violence is occurring in any population affected by an armed conflict emergency; rather, there is a need to assume it is occurring and to put in place prevention and mitigation measures, and provide the necessary support and referral services for SGBV survivors.<sup>110</sup> Other SGBV-specialized agencies also make a similar assumption regarding displaced populations, and their experience has been that, if SGBV support services are offered, they are always utilized.<sup>111</sup> Once humanitarian responders are engaged with a population or a community affected by any kind of emergency, it is immaterial whether the SGBV was caused or triggered by the emergency; there is simply a population of people affected by an emergency amongst whom a number have experienced, or are experiencing, SGBV, and that is the humanitarian need that must be addressed. However, both within and outside this immediate situation of providing support, there are key roles for public policy in SGBV prevention and mitigation, survivor support and access to justice.

## 3.2 The role of law and policy in SGBV protection during disasters

The *Unseen, Unheard* report concluded that there are three major areas lacking, which present challenges for disaster responders concerning SGBV, and which are all related.<sup>112</sup> These are:

1. The lack of institutional frameworks for addressing SGBV in disasters, including a particular lack of policy implementation mechanisms on gender in national DRM laws and policies, and an absence of specific provisions or mechanisms to address SGBV;
2. The continuing lack of awareness about SGBV amongst humanitarian responders, meaning that both domestic and international responders are still often 'gender-blind,' focusing on emergency relief items and shelter, without paying attention to the often-urgent needs of women for protection and security; and
3. Lack of data on SGBV in general, and especially on its occurrence in disasters, where even the usual reporting mechanisms often collapse under the pressure of the emergency response, and the regular support services (to the extent they exist) tend to be overwhelmed by the demand.

The present research has focused most on the first of these areas, by looking in more detail at the SGBV protection frameworks in the three case study countries, how they function in normal times (outside disaster settings), and how resilient they were in the face of specific major disasters. The case studies also look at how the DRM systems interact with the SGBV protection frameworks, as well as how they take SGBV protection into account in disaster preparedness, response and recovery. The other two gaps, the lack of awareness and the lack of data, are also matters that can be partly addressed through law and policy, by establishing institutional mandates and allocating resources to build such capacity.

The exact structures of SGBV protection laws and policies vary considerably between countries and legal systems. They are also extremely complicated multi-sectoral

<sup>110</sup> ICRC sexual violence teams telephone interview.

<sup>111</sup> UN system GBV-specialist interview.

<sup>112</sup> IFRC. 2015. *Unseen, Unheard* - Global study. Pp. 27-30.

frameworks. The country case studies did not attempt to undertake a detailed analysis of the relevant legal texts, but rather outlined the key laws and institutional structures for their implementation, as well as gathering stakeholder views on their effectiveness (in normal times, and in disasters).

A brief description of each of the three case study country frameworks for SGBV protection, and the implementation issues encountered during disasters, identifies some common challenges, good practices and coping strategies.

### 3.3 Ecuador's SGBV framework and the 2016 earthquake response

#### The legal, policy and institutional framework

Ecuador has ratified the main international human rights agreements that form part of the universal rights system, including CEDAW and regional agreements, including the *Convention to Eradicate Violence Against Women* (Belém do Pará Convention). These and other international human rights treaties are directly and immediately applied in Ecuadorian law, as provided in the Constitution. The Constitutional bill of rights recognizes physical, psychological, moral and sexual personal safety and autonomy as a right, prohibits violence and establishes obligations to provide protection from violence.

At the next level, most types of SGBV are criminalized in the *Organic Integrated Criminal Code* (COIP) of 2014. In addition to criminalizing rape and sexual assault, this law defines domestic violence as 'physical, psychological and sexual abuse committed by a family member against a woman or other family members', establishes penalties based on the harm caused, and defines a specific crime of femicide (Arts. 140, 155-158). If a complaint is made to police and a domestic violence matter goes before a court, judges can issue protection orders to prevent further violence.

Crimes of rape in Ecuador are investigated by the Specialized Judicial Units in Violence against Women and the Family, the Multi-Area Judicial Units and Rape Units. As of March 2017, there were 27 Units Specialized in Violence against Women and the Family in 18 of the 24 provinces.

In the framework of the national plan for 2014-2017, the 'National Plan to Eradicate Gender-based violence against Women and Girls' is key policy pillar. For the implementation of this plan, a coordinated inter-institutional commission has been formed, and is led by the Ministry of Justice. This is intended to coordinate different sectors and institutions, both government and non-government, but according to interviewees is not yet operating that way.

The Ecuadorian Government supports Integrated Assistance Centers and Shelter Homes for Victims of Domestic and/or Sexual Violence, which provide free legal, psychological and social support services and the possibility of accessing temporary shelter when the lives and safety of female survivors of violence and their families are at risk. Currently, there are 19 assistance centers and five shelters in 14 provinces across the country. These services are managed by civil society organizations specialized in working with survivors of violence and co-financed by the Ministry of Justice, Human Rights and Religion (MJDHC).

113 COIP Article 140 defines femicide as a crime committed by "a person, who as a result of power relationships expressed in any form of violence, kills a woman for being a woman or due to her gender condition."

The *Organic Health Law* recognizes violence as a public health issue, including gender-based, domestic and sexual violence. The Ministry of Public Health has up-to-date 'Technical Guidelines for the Integrated Assistance to Victims of Gender-based Violence' (2014) that aim to 'standardize integrated health assistance in cases of gender-based violence through prevention, identification, timely assistance, referrals, transport and monitoring of alleged victims of gender-based violence at any given moment of their life cycle in the health establishments of the National Health System'. These apply to both public and private health services and entities.

## Challenges in implementation in normal times

Despite an extensive framework (which could not be fully detailed here), key informants felt that it was far from integrated, and was under-resourced, even outside the disaster context. A number of informants also expressed the view that the National Police are not able to handle the SGBV cases adequately, as there is insufficient training to ensure that the officer that has first contact with survivors of violence understands the issue. Others noted that the intended fast-track court systems were not operating as such, and that there were low levels of compliance with protection orders. Crimes compensation was also identified as an issue due to the lack of systematic criteria.

## Operation of Ecuadorian SGBV frameworks during the earthquake response

As noted in the foregoing account of what characterized SGBV following the 2016 earthquake, the case study found that the identified institutional issues were exacerbated during the response to the 2016 earthquake in Ecuador. Firstly, these policy and institutional frameworks do not include any specific disaster contingency plans or coordination mechanisms in disaster response. Secondly, the DRM system in Ecuador does not incorporate a gender equality perspective nor create any specific mandates or allocate resources for SGBV protection in disaster situations. Thirdly, most of the government shelters ended up being managed by military personnel, in accordance with an Executive Order issued during the response, and the military had not received prior training on either shelter management, or SGBV and gender-awareness.

Despite the lack of disaster preparation and planning by SGBV protection institutions, the Ecuadorian Government worked with international agencies and national civil society organizations to take a number of SGBV prevention and mitigation measures, once they became aware of the emergence of cases of SGBV both inside and outside the official shelters. These included:

- When police were required to attend the camps, it was mostly female officers who were sent.
- The Ministry of Defense, with support from UN Women and UNFPA, published leaflets aimed at military personnel including a *Handbook for the protection of the population in areas affected by natural disasters*.
- The National Council for Gender Equality, together with public institutions and international cooperation agencies such as UN Women and UNFPA, carried out activities to provide training to Armed Forces personnel and police on SGBV that occurs in disaster situations.



- The National Ministry of Defense, the National Council for Gender Equality and the Judicial Council jointly published the booklet titled, 'Basic Recommendations for Prevention and Assistance to Victims of Sexual Violence,' which was designed for public officials, doctors, psychologists and volunteers.
- The Ministry of Justice developed and distributed to residents of the official shelters in July 2016, a manual on 'Assistance Mechanisms for Victims of Gender-based violence in Manabí and Esmeraldas' (the most affected districts).
- The Ministry of Justice supported five additional integrated assistance centers to provide assistance to the affected population through psychological, legal and social counselling for women and female adolescent survivors of sexual violence as a result of their living in shelters and refuges.
- In the district of Pedernales, the Government signed an agreement with a civil society group, the Creando Futuro Foundation, to provide their support services based on the reports of violence that had occurred in the shelters.
- There was also a programme on 'Women's Participation in Shelter Management Structures,' led by the IOM and UN Women in coordination with the various government institutions involved in the shelter management teams.
- Outreach justice services were set up aimed at ensuring that the population from the zones affected by the earthquake had access to outreach justice services, led by the Judicial Council, the governing body of the legal system, through the Access to Justice Department.

Although these positive measures were ad hoc operational responses, and mostly came some months after the earthquake, they should be documented and can then become institutionalized as part of future disaster preparedness and response on SGBV protection. This experience also suggests that prior planning and resources for better coordination of the SGBV protection institutions and civil society could significantly improve prevention and mitigation of SGBV in future disasters. In particular, focusing on shelter planning and management, with capacity building for civil servants, police and military, is likely to have a positive impact.

### 3.4 Nepal's SGBV framework and the 2015 earthquake response

#### The legal, policy and institutional framework

The Constitution of Nepal acknowledges the right not to be subject to SGBV, as one of the fundamental rights of women (Art. 38 (3)). The Country Code of Nepal defines 'GBV' as an act committed on the basis of gender that may inflict physical, sexual or psychological harm to the victim.<sup>114</sup> Nepal has also made a determined effort to combat SGBV with specific legislation on different issues of SGBV such as: the *Domestic Violence (Offense and Punishment) Act 2009*; the *Human Trafficking and Transportation (Control) Act 2007*; the *Sexual Harassment at the Workplace (Elimination) Act, 2015*; the *Witchcraft Allegation (Offense and Punishment) Act 2016*; the *Social Practices (Reform) Act 1976*; the *GBV Relief Fund Regulation*; and the different chapters of the Country Code 1963 including the chapters on rape, trafficking in persons, marriage, and other chapters.

114 Country Code 1963, Chapter on Court Management, Number 10, Para. 4 (b).

Domestic violence is defined as any form of physical, mental, sexual or economic harm perpetrated by one person to a person with whom he/she has a domestic relationship. The law also gives the right to file claims with the Police Office, National Women's Commission or local bodies (such as municipalities and village executive), by any person who has reason to believe that an act of domestic violence has been, is being, or is likely to be, committed, so in theory relatives or friends of SGBV survivors could also file. In the Country Code, offences include marital rape (with special protection orders possible), and knowingly transmitting HIV, and has more severe penalties, as does sexual assault of children. Unusually, the rape law also provides a woman with a complete defence to the charge of murder if she causes a man's death in self-defence during an attempted rape. However, rape is defined as an act by a man against a woman, and so does not include rape of men and boys, which is a gap in criminalization of all forms of SGBV.

Offences of human trafficking are very serious crimes in Nepali law. Child marriage also attracts steep penalties if the law is enforced, but with the marriage age at 21 years, many young people are in fact married before then, in accordance with custom. However, penalties are higher for forced marriage of younger children. The law against demand and payment of substantial dowries is intended to reduce dowry-related violence and death of women and girls, but it is also often subverted in practice due to strong cultural traditions.

Police are often the first point of contact for SGBV survivors, and the Nepal Police established the Women and Children Services Directorate to provide accessibility to justice for women and children in SGBV incidents. The Directorate extends its services to all 75 districts through 240 Women and Children Service Centers.

Nepal established the Ministry of Women, Children and Social Welfare in 1995. At the national level, this Ministry is responsible for all issues concerning women in the country. It hosts the Department of Women and Children, and extends its services in all the 75 districts through Women and Children Offices. At the district level, these offices are the focal agency for addressing issues of women, children, senior citizens and persons with disabilities. There is no representation of this Ministry or Department in the national level disaster management committee – the CNDRRC – but district WCOs are included in district level committees within the DRM system.

## Implementation in normal times

Some of the implementation challenges identified in the Nepal case study are:

- Women have insufficient knowledge of the laws prohibiting SGBV (less than 40% knew of any laws on SGBV in a 2012 Government survey), or of the existence of services for SGBV survivors (only about one quarter of women were aware of any services available to the survivors of SGBV, and only a few percent knew of shelter homes at the district level, or district level SGBV-focused support mechanisms).
- Procedural complexity and long delays in courts are a significant reason that many women do not continue with SGBV complaints. Added to this, poor investigation and hurried prosecutions result in a lack of evidence and significant problems for effective prosecutions.

Some reported positives in implementation of SGBV protection mechanisms in normal times are:

- The Police Department's Directorate of Women and Children's Services, has Women and Children Service Centers in all districts.
- Women and Children Offices (WCOs) are present in all districts, as the local agencies of the Department of Women and Children, under the Ministry of Women, Children and Social Welfare.
- The Government of Nepal has established One-Stop Crisis Management Centers to help female survivors of SGBV. The Ministry of Health and Population has set up eighteen such hospital-based Centers around the country.
- At district level, there are usually women's refuges, and in some cases a specialist desk or resource group on SGBV within the District Development Committee and/or the office of the Chief District Officer.
- A GBV Relief Fund (established by regulation) is administered by the Ministry of Women, Children and Social Welfare, and is distributed through district Women and Children Offices, for rescue of SGBV survivors, medical and other essential support.

## Operation during the disaster response

The implementation gaps identified by stakeholders during Nepal's 2015 earthquake disaster included:

- The nature of post-disaster shelter provided in some areas, in the form of communal tents without gender segregation, or non-managed tent accommodation, led to an increase in rape and sexual assault.
- Some women who wished to file complaints of SGBV had difficulty doing so because police were not available, due to being assigned to emergency response duties
- In one instance, a local court official would not recognize the SGBV complaint of a women due to lost ID documents in the disaster, and requested verification from a male relative.

Positive elements in the Nepal disaster response and recovery were that:

- Protection Clusters were formed at central level, but also at the district level, where the district Women and Children Offices from the Department of Women and Children led district protection clusters.
- Women and Children Offices were included in district level committees within the DRM system in all the earthquake-affected districts. However, the Ministry of Women, Children and Social Welfare and/or the Department of Women and Children was not represented in the national level disaster management committee.
- Nepal Red Cross Society, with support from an IFRC gender focal point deployed during the earthquake response, undertook gender and SGBV awareness-raising and training for Nepal Red Cross Society staff and government officials, and contributed to mainstreaming these issues in the response. NRCS also had in operation the 'Namaste' hotline as part of their broader community engagement and accountability approach, and it was used widely in the Earthquake operation. As part of the earthquake response NRCS developed a protocol to manage sensitive calls to the hotline, including disclosures concerning SGBV.

- UN Women supported the establishment of the Inter-Cluster Gender Working Group, which was instrumental in mainstreaming gender in all the clusters (although it began operation 6 months after the earthquake).
- Nepal's National Planning Commission led the June 2015 *Post-Disaster Needs Assessment*, which assessed the impact of the earthquake and formulated a recovery strategy covering restoration of livelihoods, economy and services, and the reconstruction of housing and infrastructure. It recognizes that women are among the most vulnerable of those affected by Nepal's earthquake.

### 3.5 Zimbabwe's SGBV framework and the 2016 drought/food insecurity

#### The legal, policy and institutional framework

Zimbabwe is a party to CEDAW and also to a range of regional instruments, including the 2003 *African Charter on Human and People's Rights*, *Protocol on the Rights of Women*, the 2004 *Solemn Declaration on Gender and Equality in Africa*, and the 2008 *Southern African Development Community's (SADC) Protocol on Gender and Development*.

The new 2013 Zimbabwean Constitution requires the State to take measures for the prevention of domestic violence, and against forced marriage, as well as to achieve gender equality. The country's policy documents refer to the definition of GBV in the CEDAW Committee's 1992 general recommendation, and focus on SGBV as a women's issue.

The 2004 *Public Sector Gender Policy* put in place Gender Focal Points in each Ministry and para-statal (statutory) institution. Under the *National Gender Policy* of 2013, the Ministry of Women's Affairs, Gender and Community Development has overall responsibility for promoting gender equality, in governance, as well as focusing on SGBV protection, which is one of the 8 key objectives of the policy. The Constitution also provides for the establishment of a Gender Commission whose functions include monitoring, investigating, researching, and advising on gender issues, as well as receiving complaints on such issues. The Commission was appointed during 2015 and established by law in February 2016,<sup>115</sup> although it has reportedly not yet received sufficient budget to operate as intended.

A *National GBV Strategy 2012-2015* also seeks to improve the efforts of government, civil society and development partners to prevent and respond to GBV through a multi-sectoral, coordinated response (prevention, service provision, research, documentation, monitoring & evaluation, and coordination).

The Zimbabwe country case study identifies the Domestic Violence Act 2007 (DVA) and the *Sexual Offences Act 2002* (now part of the *Criminal Law (Codification and Reform) Act of 2006*) as the key legal frameworks for SGBV protection. The DVA defines domestic violence broadly as:

Any unlawful act, omission or behaviour which results in death or the direct infliction of physical, sexual or mental injury to any complainant by a respondent (Chapter 5:16).

115 Zimbabwe *Gender Commission Act of* [Chapter 10:31]. (Act 7/2015, commenced 12 February 2016).

The DVA also provides for court-based protection orders for domestic violence, as well as criminal prosecutions as a later step. However, the DVA does not criminalize acts of emotional, verbal, psychological and economic abuse. They are matters that can be heard by customary and local courts, and only for the purpose of issuing protection orders.

The *Sexual Offences Act* criminalizes rape by men against women, including marital rape, and deliberate transmission of HIV, and creates an offence of sex with any minor, but does not criminalize rape of adult men, which is a gap in the scope of SGBV that it covers. Within the police force there have been Victim Friendly Units established since 1995 and these are intended to support SGBV survivors in making complaints.

## Implementation in normal times

Interviewees in Zimbabwe raised many challenges in implementation, and related few ad hoc or operational responses that they felt improved the situation.

The challenges can be summarized as:

- The level of awareness of the laws criminalizing SGBV is still too low overall, and especially amongst rural marginalized women and also some illiterate groups
- Even when women know about the laws, when domestic violence occurs, it is often normalized by family members with remarks such as ‘that is the way marriages are’.
- Few rural women have earning capacity, and fear losing the family breadwinner, (if convicted, but also if banished by their family), and suffering stigma, if they report domestic violence, so they rarely do.
- Communities, family elders and traditional leaders often discourage women from reporting domestic violence. Instead, they try to solve issues of abuse as a family matter, which at times leads to worse outcomes for the women.
- Despite the theoretical availability of police Victim Friendly Units, these have limited hours and limited locations. Respondents report a lack of will by police to fully implement laws relating to violence against women, often attempting mediatory efforts, telling women to go home and sort it out within family circles, and in some cases, telling women they provoked the perpetrator. Such police attitudes discourage women from following through with the cases.
- According to reports of a Child Protection Rapid Assessment conducted in July 2016 (but unpublished), the 2016 drought contributed to increased teenage pregnancies, child marriages and psychological distress of children.
- Regarding child marriage, the women reported that they felt helpless to prevent this even though they knew the girls were not legal age. Their own impoverishment from the drought meant that this was one way to have one less family member to feed, and the rest of the family then benefited from the lobola (bride price) paid by the groom’s family.

Some positive aspects reported (in normal times, not specific to disasters) in Zimbabwe were:

- Key informants indicated that, since the introduction of the DVA in 2007, there has been an increase in the number of SGBV cases being reported, which they attributed to increased knowledge of the laws by the women, rather than to increased violence (prior to the drought).

- Understanding at the community level about the existing laws on domestic violence has been boosted by awareness campaigns and workshops that have been conducted, mainly by NGOs and police, (although these have not been well-resourced, and have not yet extended to many rural areas). Police have played a critical role in this, especially through community meetings, to provide education on the existing laws and criminalization of SGBV.

Overall, the Zimbabwe case study research concluded there is a significant legal and policy framework to combat SGBV especially in the form of the DVA, but there remain significant challenges in its implementation in normal times, based on lack of resources and perhaps even more importantly, social attitudes and cultural beliefs about gender roles.

#### Operation of Zimbabwe's SGBV frameworks during the disaster

This already-strained framework comes under even greater pressure during disasters and emergencies, when complaints of SGBV reportedly rise.

None of the laws, policies or institutional frameworks related to SGBV include specific provisions for disaster resilience, and the review did not identify any current processes for disaster contingency planning. These frameworks also do not currently make any formal connections with the DRM system agency, the Department of Civil Protection, so there is no established mechanism for coordination to ensure these services and complaints mechanisms continue during disasters.

The nature of the disaster situation in Zimbabwe at the time of the case study was a slow-onset disaster of impoverishment and food insecurity arising from a two-year drought. Thus, there were no displaced populations or people living in shelters. In the rural community where focus groups were conducted, the main SGBV issue raised was the increase in domestic violence. Another was an increase in child marriages of girls. It was felt that these increased due to the economic stresses of the disaster situation, but both had existed beforehand. The main difference was that the already-under-resourced police complaints process could not cope with increased demand, so women had less access to justice than before.

Given the predominance of domestic violence reported in Zimbabwe, the national council established under the DVA is a potential forum for national coordination on SGBV prevention, mitigation and response in disaster settings. The membership could be expanded to include the national civil protection service, to ensure that all key actors are around the table.

A relatively new mechanism for both preparation and operational response to SGBV during disasters is the Zimbabwe GBV National Coordination Group - Sub-cluster of the Protection Sector. It was established in 2015 for a 5-year timeframe, from 2016-2020. Participation is open to all key Ministries, Government institutions, UN Agencies, International NGOs, community based organizations, and faith-based organizations actively involved on the development of GBV prevention and response programmes in Zimbabwe, including the Zimbabwe Red Cross Society. Within this mandate, the GBV Sub-cluster was also established, in 2016, to coordinate stakeholder activities to improve and support the prevention of and response to GBV, especially during disasters. This structure has great potential to engage a range of stakeholders, especially if the Police Victim Friendly Units are also able to engage with it, but as yet its impact is untested.

## 3.6 Conclusions: lessons from the case studies

### Common gaps and challenges in SGBV frameworks during disasters

Considering the three country case studies, some of the most common gaps and challenges in implementing SGBV protection during disasters are identified as follows:

- a) Underlying community and social attitudes mean that many national responders do not prioritize SGBV as an issue of importance during disasters, either in preparedness or operations (in all three case study countries).
- b) There are gaps in police (and military, where relevant) awareness of gender and SGBV issues, and in their capacity to support SGBV survivors adequately even in normal times, and especially during disasters (in all three case study countries).
- c) Health, social services, SGBV-specialized service providers, police and courts do not have disaster contingency plans to ensure continuity of support for SGBV survivors during disasters (in all three case study countries).
- d) Police/law enforcement lack resources to continue and extend SGBV complaints during disasters, as they are required to undertake emergency response duties at the same time as incidences of SGBV rise due to the disaster (in all three case study countries).
- e) Post-disaster shelter for displaced communities appears largely unplanned, and lacks essential SGBV prevention and mitigation measures in design, so it can also create new risks (in all three case study countries).
- f) Women's ministries, and gender and SGBV specialists are not well integrated into disaster preparedness and response, so their expertise in SGBV protection is not being utilized (e.g. in Nepal and Zimbabwe).

The three areas identified as lacking in the *Unseen, Unheard* report, also apply to the three new case study countries, and it seems clear that these cannot be remedied by looking only at the national frameworks for SGBV protection (government and non-governmental). Some of these issues could be tackled with stronger legislative mandates for SGBV-related institutions, but the main gaps identified in the three case studies relate to resource and capacity gaps that exist in normal times, and the fact that national SGBV protection institutions and agencies are not equipped to operate in disaster contexts.

On the whole, these already-fragile support frameworks in the three countries studied were not resilient in the face of disasters, and could not function to normal levels, let alone deal with increased levels of SGBV during disasters. However, where there was increased coordination with humanitarian responders, SGBV protection was improved.

### Some effective models and practices in SGBV protection during disasters

Some of the most effective mechanisms identified in the case studies include both established frameworks under law and policy and ad hoc or non-governmental operational responses. These are outlined as follows:

- a) The use of National Protection Clusters and Protection Sector GBV-Sub-Clusters as planning resources as well as for operational coordination and ad hoc training and awareness-raising on SGBV protection during disasters (e.g. Zimbabwe's standing GBV National Coordination Group, as well as the Protection Cluster and GBV-sub-clusters in Ecuador and Nepal during their earthquake responses). Similar mechanisms could be established for the Shelter and Health clusters.
- b) Pre-disaster, and during slow-onset disaster, community awareness-raising on gender equality, and SGBV as an issue of community safety (e.g. Zimbabwe Red Cross Society, and the Nepal Red Cross Society with the IFRC gender focal point deployed during the earthquake response).
- c) Engagement by ministries of justice, women's ministries and local government, police and defence forces with national civil society, INGOs and UN system agencies, such as UN Women and UNFPA, to provide manuals and training support on SGBV when problems emerged during a disaster response (Ecuador).
- d) Use of pre-existing local police structures and women's ministry structures intended to support women and children regarding SGBV, especially where these were integrated into DRM committees at local levels (E.g. Nepal's Women and Children Offices in district DRM committees, potentially the Zimbabwean Police Victim Friendly Units).
- e) On-location assistance for SGBV survivors in shelters and in disaster-affected communities, combining government and civil society efforts (e.g. in Ecuador, the integrated assistance centers to provide assistance to displaced populations in shelters, including psychological, legal and social counselling, and in Nepal, the legal advice and advocacy services provided by the Nepal Forum for Women, Law and Development, 'Legal Advisory Desk')
- f) Extension of court services to displaced populations in shelters, to improve access to justice for SGBV survivors (Ecuador)

Most of these are operational solutions, rather than needing changes to the SGBV protection frameworks, but requirements and resources for disaster contingency planning, and cooperation with DRM and international humanitarian actors may require specific mandates and resources.





# Part 4

## Gender responsiveness and SGBV protection in disasters in national DRM systems

Another major impetus for this research project was the number of studies indicating women and girls often suffer a disproportionate impact from disasters. That is, there is a gender dimension to disaster impacts that needs to be considered in the law and policy frameworks for DRM as well. Clearly, one such impact is the increased vulnerability of women and girls to SGBV during disasters, and the need for a greater focus on how to make SGBV protection frameworks more disaster-resilient, as well as how to link these frameworks with the DRM systems. However, there are also other gender differences in disaster impacts that need to be understood, and require consideration and reflection on how DRM systems can address them.

### 4.1 Gender roles and sex difference in disaster impacts

Sex differences in death rates is one area that has been analysed in some major disasters. There are not always significant gender differences in death rates, these vary between different countries and different types of hazard, and disaggregated statistics by sex are often not available. However, some studies of large-scale sudden-onset disasters in Asia have shown that a significantly higher proportion of women died.<sup>116</sup> For example:

- In the 2008 Cyclone Nargis in Myanmar, 61% of the 84,500 casualties were women and girls;<sup>117</sup>
- In the 2015 Nepal earthquake, 55% of the 8,698 casualties were women and girls;<sup>118</sup>
- During the 2004 Indian Ocean Tsunami, there were extremely high rates of death amongst women in two regions of Aceh, Indonesia, that were surveyed (77% of deaths were women in one region, and 80% in the other) and also very high rates in Cuddleshore in India (66% women) during the same tsunami.<sup>119</sup>

Some of the dramatic differences during the tsunami are attributable to where people were at the time the tsunami struck, on a Sunday morning when women were engaged in activities in the villages and on the seashore, while many men were in the fields, markets, or out at sea (and safely rode the tsunami wave).<sup>120</sup> Hence, this differential impact also related to gender roles in work and occupation. Other aspects relate to the vulnerability and coping capacities of individuals, and their responses to the hazard, for example:

116 IFRC web page on Gender and Diversity ([www.ifrc.org](http://www.ifrc.org)); and IUCN. 2009. Disaster and gender statistics. Fact sheet. (<https://www.iucn.org>)

117 Myanmar. 2008. "Post-Nargis Joint Assessment" (PONJA) released by the Tripartite Group, 2008.

118 Nepal. 2015. *Report by Ministry of Women, Children and Social Welfare*, April 2015.

119 Oxfam. 2005. *The Tsunami's Impact on Women*. Briefing Note, March 2005.

Some of the causes of these patterns are similar across the region: many women died because they stayed behind to look for their children and other relatives; men more often than women can swim; men more often than women can climb trees.<sup>121</sup>

A detailed statistical cohort study of tsunami deaths in Sri Lanka found that ‘the female population showed a significantly higher mortality than the male,’<sup>122</sup> while also noting that the very young and the very old were highly affected and that simply being indoors at the time of the tsunami was a risk factor (which, it can be observed, was also gender-related). In this regard, the large number of immediate deaths, and the highly gendered pattern of deaths in Sri Lanka during the tsunami, was found to be more like that in earthquake disasters in Taiwan and Armenia, whereas some flooding disaster studies in Europe, the USA and Australia, have seen much higher numbers of men dying in floods, associated with risky behaviors such as trying to swim across rivers or flee in motor vehicles (which could also be a type of behaviour based on gender roles).<sup>123</sup>

The important lesson to draw from this work, is that gender roles have an impact on disaster risk, meaning that risk assessments need to take into account the gendered impacts of different types of disasters. These relate to some physical characteristics such as pregnancy and lactation, but even more to capacities, roles and physical location determined by socially constructed ideas of gender. But there is another important factor to consider, and that is the compounding impact of prior inequalities.

An extensive 2007 analysis of disasters in 141 countries found that gender differences in death rates were directly linked to women’s economic and social rights.<sup>124</sup> The researchers found that, in societies where women and men enjoyed equal rights, there were no gender differences in the number of deaths. They identified that the differences in death rates of men and women arose from existing inequalities. For example, boys were given preferential treatment during rescue efforts and, following disasters, both women and girls suffered more from shortages of food and lack of access to economic resources.<sup>125</sup>

There is less available data, particularly of a comparative nature, on gender differences in disaster impacts other than death. But various studies indicate that pre-existing vulnerabilities based on gender roles are often exacerbated in disaster recovery. For example, these include greater exposure to SGBV, differential access to humanitarian assistance, effects on health (e.g. access to medical services in childbirth, nutrition and medical services for pregnant or lactating women, or in access to birth control), psychosocial impacts, livelihoods loss and recovery, and land and property rights in reconstruction.<sup>126</sup> Whether there are gender differences in such disaster impacts may therefore also be affected by either sex discrimination or ‘gender-blindness’ in the humanitarian response and recovery operations.

There were examples reported in the three country case studies, of direct sex discrimination in relief registration (Nepal), failure to consider specific needs of women relating to childbirth and hygiene (Nepal and Zimbabwe), women shouldering the work

120 Ibid.

121 Ibid.

122 Nishikiori et al. 2006. ‘Who Died as a Result of the Tsunami? Risk Factors of Mortality Among IDPs in Sri Lanka: A Retrospective Cohort Analysis.’ *PMC Public Health*, 2006. Vol 6, P.73 (Sample was 3,533 individuals from 859 displaced households in Ampara, Sri Lanka, amongst whom there were 446 deaths - 12.6% - within 7 days of the tsunami).

123 Nishikiori et al. 2006. P. 78.

124 IUCN. 2009. Disaster and gender statistics (Fact sheet). <https://www.iucn.org/content/how-natural-disasters-affect-women>, citing Neumayer, E., and T. Plumper. 2007. ‘The Gendered Nature of Natural Disasters: The Impact of Catastrophic Events on the Gender Gap in Life Expectancy, 1981-2002’, *Annals of the Association of American Geographers*. Issue 97, 2007.

125 Ibid.

126 Ferris et al. 2013. ‘Disaster risk management: a gender-sensitive approach is a smart approach’, Ch. 4 in, *The Year of Recurring Disasters: A Review of Natural Disasters in 2012*. P. 77.

in community response without being included in decision-making (Ecuador), and the establishment of emergency shelter that increased the risk of SGBV (Ecuador, Nepal).

The case studies for Ecuador and Zimbabwe did not have access to individual cases, but these were available in the Nepal study due to the good fortune of working closely with a legal advocacy organization, the Forum for Women, Law and Development. The Nepal examples were as follows:

**SGBV:** Women in the focus groups reported that only male family members were recognized as heads of household for government relief distribution, and that some of them took the cash grants for themselves, distributed the money to non-family members or bought alcohol instead of using it for the family, which led to more domestic violence.

**Direct sex discrimination:** Many single women and female-headed households struggled for recognition for disaster relief, for example:

- a divorced woman was not counted as a member by either side of her family and was refused an Earthquake Victim ID card of her own;
- a widow who did not have a Citizenship Certificate, a precursor to registering for disaster relief, was refused a Certificate by the district administration in the absence of a male family member to vouch for her Nepali nationality;
- a single woman with 4 children and no adult male member of the household was refused a Victim ID card for no clear reason;
- a grandmother head-of-household was refused relief until she agreed to register her 18-year-old grandson as the male head of household; and
- Women whose husbands were out of the country for foreign employment had similar difficulties.

**Gender blindness:** Some examples of gender blindness in not meeting particular needs of women in the Nepal earthquake relief were:

- a women's focus group reported that there were no special government relief or nutrition services offered for breastfeeding mothers;
- a young woman who gave birth only days before the earthquake, who was in the post-partum stage and traumatized by the earthquake, could not find any relief or support for her health and psychological support needs through government channels.

**Systemic or indirect discrimination:** With regard to land and property rights, cases were reported in Nepal of widowed women who did not have property title papers in their own names, for example:

- a woman whose husband died during the earthquake found that, because the land on which her house was built was in the name of her late husband, she was not listed as an earthquake-affected beneficiary, and was not able to receive the housing grant. <sup>127</sup>
- another widow, whose marriage had never been registered, had fought for years to claim her husband's property from his family, only to have the house destroyed in the earthquake. She then had to move to temporary shelter, only to discover that while she was away her in-laws had claimed and registered her share of the land, and

the damaged house, and had received the first reconstruction installment. When she went to the Village Development Committee she was asked for the land documents, which she did not have, and so she lost everything.

The prior inequalities regarding recognition of property rights for these women in Nepal were compounded by further discrimination in their inability to receive recognition as property owners in order to rebuild their homes.

An approach to ensuring that women and girls do not suffer disproportionate impacts in disasters and recovery, is to ensure that the question of gender is considered actively in disaster risk assessments, needs assessments, response and recovery plans and operations, and reconstruction. This includes equitable access to humanitarian relief items, funds and services, and any reconstruction assistance, meaning it does not discriminate, either directly or indirectly, against women and girls. It may also include positive measures to meet particular needs of women and girls, such as distributing women's hygiene packs, nutritional support and/or medical services for pregnant, post-partum and lactating women, the establishment of female-friendly spaces in camps, and the establishment of local support services for SGBV survivors.

Such systematic planning for gender-sensitive DRM is unlikely to occur in the absence of specific mandates. DRM law and policies are therefore a logical place to start in tackling gender equality in DRM systems.

## 4.2 Gender and DRM laws in the case study countries

None of the three case study countries has a DRM law that includes gender equality or SGBV protection, although the Nepal national policy includes gender equality principles.

### Ecuador DRM system

Ecuador does not have a specific DRM law as yet, although a bill is currently under active consideration. This is a timely opportunity to ensure that the new law includes clear objectives relating to gender equality and SGBV protection in disasters. Ecuador's current National, Decentralized Risk Management System, established under Constitutional authority, has been overseen by the Secretariat of Risk Management since 2010. It has thus far been established as a general coordination mechanism, at different levels of government and in different sectors. These legal frameworks and institutional mandates do not require any specific attention to the needs of women and girls as a group, to gender equality, or to SGBV protection in disasters.

### Nepal DRM system

Nepal's *Natural Calamity Relief Act, 1982*, does not include any provisions relating to gender equality or SGBV. A draft Disaster Management Bill (the Bill) was submitted in the Parliament in April 2015 just a few days before the massive earthquake, but afterwards was withdrawn for further reworking.<sup>128</sup> The Bill (prior to reworking) mentions gender and social inclusion as major cross-cutting issue, along with protection of vulnerable groups and making special arrangements for them, but almost all the implementing provisions relate to response. During the finalization of this report, news was received

<sup>128</sup> The new Bill was tabled in parliament in September 2017 just as this report was going to publication, and has not been analysed in this study.

that the bill had been approved by the Nepal Parliament. However, access to the final approved bill was not available during the time of research, and as such the analysis and recommendations in this report are based on the legal framework and draft bill that existed at the time of research.

The Nepal Bill that was analysed does give – as one of the major tasks of the executive body – a mandate to formulate and implement special action plans for rescue and relief of women, children, senior citizens, and incapacitated persons. In this sense, the Bill has envisaged the special needs of these communities at the time of disasters, but although the Bill proposes nomination of persons from socially excluded group in the committees, it does not clearly specify the representation of women. It does not make any requirement to ensure a minimum representation of women in the national, regional, district and local disaster management committees, nor does it provide for representation of national women’s organizations or the women’s ministry. It is silent on the issue of SGBV.

In addition, the Nepal Reconstruction Authority, established by a special law, was established with a national committee including only 2 women amongst 96 members (the statutory minimum) and no women on the technical or executive committees.

## Zimbabwe DRM system

Zimbabwe’s Civil Protection Act does not mention any specific priorities for disaster risk management, but simply establishes the structure of the system. It therefore does not mention gender equality or SGBV. A draft for a more comprehensive DRM Law has been prepared, but is not currently under active consideration.

## 4.3 How DRM laws and policies can contribute to gender equality

A considered perspective on the question of gender in DRM came from the 2016 Regional Asia-Pacific Conference on Gender and Disaster Risk Reduction in Ha Noi, when discussing implementation of the Sendai Framework from a gender perspective.<sup>129</sup> Of particular relevance to law and policy, it recommended that governments seek to:

- Understand risk, by mandating the collection and updating of national and local sex, age and disability disaggregated data and socio-economic baselines to inform gender responsive DRR, then conduct gender analysis of disaster risks and use the gender analysis to inform national and local DRR policy development.<sup>130</sup>
- Implement strong laws that mandate women’s participation and leadership in decision making and also create accountability for implementation.<sup>131</sup>
- ‘Invest in social protection and social services that reduce gender inequality and other inequalities and enable at-risk groups of women and men to mitigate disaster risks and adapt to climate change.’<sup>132</sup>
- ‘Implement women led security and protection interventions that reduce current risks and prevent creation of new risks to gender-based discrimination and violence.’ This would include accessible service and referral mechanisms on SGBV, women’s

129 Regional Asia-Pacific Conference on Gender and Disaster Risk Reduction. 2016. *Ha Noi Recommendations for Action on Gender and Disaster Risk Reduction*. Ha Noi, 16- 18 May 2016. Bangkok; UN Women.

130 2016. *Ha Noi Recommendations*. Priority 1 and actions. P.3-4.

131 2016. *Ha Noi Recommendations*. Priority 2 and actions. P.4.

132 2016. *Ha Noi Recommendations*. Priority 3 and actions. Recommendation. P.6.

refuges/safe spaces, and accountability indicators for security and protection in the national monitoring and reporting.<sup>133</sup>

- ‘Institutionalize the leadership of women and diverse groups in disaster preparedness (including inclusive and accessible early warning system) response, recovery and reconstruction at all levels.’ It proposes that women and diverse groups must be represented at least 40% in national and local mechanisms responsible for developing disaster preparedness, response and recovery decisions.<sup>134</sup>

In considering these views, along with the gaps identified in the *Unseen, Unheard* report, and this report’s findings so far on gender equality and SGBV protection, there is potential for DRM systems to achieve some of these goals and fill the gaps identified. The legal and policy mandates need to be in place, along with effective implementation.

DRM laws can potentially provide mandates on gender equality and SGBV protection in the following ways:

- In the overarching principles or objectives of the law, which can be drafted to specifically include gender equality and SGBV protection as priorities.
- By means of subsidiary DRM laws or regulations
- Through the DRM institutional mandates, by requiring them to adopt gender-sensitive approaches, to undertake awareness-raising and training on gender and SGBV, and to monitor and evaluate progress on gender equality outcomes
- Through prescribing membership/representation of women and women’s organizations in DRM institutions and committees at national and local level
- By prescribing that the content of national DRM policies and plans must include gender criteria to address gender inequality, target positive measures, and gather gender-disaggregated data
- By establishing cross-sectoral mechanisms with the SGBV protection framework institutions and women’s ministries
- Through the adoption of existing humanitarian standards and guidance that mainstream gender, and/or are tailored for SGBV protection in post-disaster settings, (especially camps and emergency shelter).

## 4.4 Gender-related provisions in other DRM laws

Comparative research on national legislative support for gender equality and gender inclusive DRM was undertaken by UNDP and IFRC for the 2014 DRR Law Report, which looked at the relevant laws from 31 countries.<sup>135</sup> A recent UN Women comparative study in the Pacific looked at both laws and policies (in 11 countries).<sup>136</sup> These indicate that few DRM laws have mandates on gender, and that even where legislative provisions exist, there are seldom sufficient policy and planning mechanisms to ensure that the very broad objectives are implemented.<sup>137</sup>

133 2016. *Ha Noi Recommendations*. Priority 4 and actions. Recommendation. P.78

134 Ibid.

135 IFRC, UNDP. 2014. DRR Law Report.

136 UN Women. 2016. *Time to Act on Gender, Climate Change and Disaster Risk Reduction*. An overview of progress in the Pacific region with evidence from The Republic of Marshall Islands, Vanuatu and Samoa. Bangkok: UN Women Regional Office for Asia and the Pacific.

137 Ibid.

In practice, the two main ways that national DRM laws tend to mention gender (if women or gender are mentioned at all) are: (a) in brief principles or objectives towards gender equality, and (b) mention of the needs of women in terms of their special vulnerability, as was the case in ten of the thirty-one country DRM laws reviewed in the IFRC and UNDP 2014 DRR Law Report.<sup>138</sup>

A small number of countries include more extensive guidance on gender, and/or make provisions for participation of women in DRM institutions. The DRR Law Report identified some good practice examples amongst the thirty-one country DRM laws reviewed (the study also included sub-national desk surveys in 4 of these countries, but the analysis extended to policies only in the fourteen detailed case study countries). These were:

- There was a commitment to consult extensively with women and vulnerable groups, and mechanisms for facilitating their inclusion in DRM institutions in three of the 31 national DRM laws examined, (Namibia, the Philippines, Vanuatu), one state law in India (Punjab), and two formal national policies that are not laws (Ethiopia and Nepal).
- In three other countries and one sub-national region the report also found a specific requirement for the representation of women in at least one key DRM institution or ministry (Hong Kong-SAR, Kenya, Nigeria and the United States).<sup>139</sup>

The best practice example on gender identified in the DRR Law study was the Philippines law. The *Philippine Disaster Risk Reduction and Management Act 2010* commits the state to 'ensure that disaster risk reduction and climate change measures are gender responsive, sensitive to indigenous knowledge systems, and respectful of human rights' (s.2(j)). There are no more detailed provisions in the law concerning implementation, so this would need to rely on policy or planning documents. However, the Philippine law takes the extra step of requiring that the Philippine National Disaster Risk Reduction and Management Council includes a representative from the National Commission on the Role of Filipino Women and that the local level councils in the DRM system include the Head of the local Gender and Development Office as members.<sup>140</sup> This is one of the few examples found in the DRR Law Report of a national DRM law that makes specific provisions for the institutional participation and representation of women's organizations.

Of course, there are different styles of legislation, and some may explicitly import equality provisions by reference to national constitutions, for example, but this does not ensure women's inclusion in institutions. An example of the types of general statements in most laws that do mention gender (from the DRR study countries) is the Viet Nam *Law on Natural Disaster Prevention and Control 2013*.<sup>141</sup> It defines vulnerable groups as including pregnant women and nursing mothers (but does not place all women in this category), and then sets out as one of its basic principles that, 'humanity, fairness, transparency and gender equity must be guaranteed in natural disaster prevention and control.'<sup>142</sup> The Ministry of Labor is then given the task of guiding 'integration of gender issues' in the DRM system.<sup>143</sup> There is not more detail, and the law does not create a clear mechanism on how this should occur, so the next step would be to examine any policy frameworks developed to achieve this.

138 IFRC, UNDP. 2014. DRR Law Report. P. 31.

139 IFRC, UNDP. 2014. DRR Law Report. P. 31.

140 Philippine DRRM Act 2010. s.11.

141 Viet Nam. Law No. 33/2013/QH13

142 Viet Nam. Law No. 33/2013/QH13, Arts 3(4) and 4, respectively.

143 Viet Nam. Law No. 33/2013/QH13, Art. 42(14)



The recent UN Women regional study in the Pacific, *Time to Act on Gender, Climate Change and Disaster Risk Reduction*, looks in detail at the DRM and climate adaptation systems of the Republic of Marshall Islands, Vanuatu and Samoa from a gender perspective.<sup>144</sup> It also includes a gender analysis of the DRM laws and policies in eleven Pacific island countries (PICs): Cook Islands, Fiji, Kiribati, Marshall Islands, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

This study concludes that nine of the PIC laws are ‘completely gender-blind’, indicating that they do not include any reference to ‘the disproportionate impacts disasters have on women and children.’<sup>145</sup> It reports that the other two DRM laws recognize women’s organizations as participants in the DRM system: the *Fiji Natural Disaster Management Act 1998* includes the Permanent Secretary for Women and Culture on the Disaster Management Council and the Disaster Preparedness Committee; and the *Samoa Disaster and Emergency Management Act 2007* recognizes the Ministry of Women, Community and Social Development as one of the disaster response agencies. It should also be noted that both the Fiji and Vanuatu national DRM laws and policies were undergoing review in 2016, and that the extent to which gender issues are included may change as a result of these processes.<sup>146</sup>

Examples of other mechanism for some inclusion of gender equality provisions in the legal framework include:

**Secondary legislation:** Indonesia’s 2007 *Disaster Management Law* is silent on the question of gender, but the 2011 *Guidelines to the law concerning international assistance* (which are formal regulations) set out principles on meeting the different needs of men and women, caring for vulnerable groups and respecting and protecting the “dignity and rights” of affected persons.<sup>147</sup>

**Policy:** The Bangladesh *Disaster Management Act 2012* does not provide for any objectives relating to gender equality, and mentions women once as a potentially vulnerable group.<sup>148</sup> However, the *National Disaster Management Plan* then identifies gender as one of the key issues to be addressed, and includes the specific actions of (a) revising the Standing Orders (a comprehensive regulation for the DRM system) to take a more comprehensive approach to DRM ‘with special emphasis on gender and diversity’, and (b) to ‘promote gender, cultural and religious sensitivity training as integral components of education and training for disaster risk reduction and climate change adaptation.’<sup>149</sup>

There are of course many other examples of inclusion of gender in a range of policy documents, but not in the law, including in Ethiopia and Namibia.<sup>150</sup>

The UN Women Pacific study also looked at the policy level. It reports that some of the policies do not mention gender or women (Cook Islands, Papua New Guinea, Vanuatu), and that the policies that do make reference to gender issues are not backed by specific strategies

144 UN Women. 2016. *Time to Act on Gender, Climate Change and Disaster Risk Reduction*.

145 UN Women. 2016. *Time to Act on Gender, Climate Change and Disaster Risk Reduction*. Bangkok: UN Women Regional Office for Asia and the Pacific. Pp 38-39.

146 Commonwealth Secretariat. 2016. *Disaster management, risk reduction and international disaster response laws in the Commonwealth*. Meeting Paper, Commonwealth Senior Officials of Law Ministries Meeting, 3-5 October 2016. London: The Commonwealth Secretariat. P.

147 *Law of the Republic of Indonesia No. 24 of 2007 Concerning Disaster Management: Guideline on the Role of the International Organizations and Foreign Non-Government Organizations during Emergency Response 2011* (Chapter I, F). (The law itself is silent on this issue).

148 Bangladesh. *Disaster Management Act 2012*. Art. 27

149 Bangladesh. *National Disaster Management Plan 2010-2015*. Parts 11 and 12.

150 IFRC, UNDP. 2014. *DRR Law Report*.

to address the perceived vulnerability of women or to recognize different capacities of women and men in building community resilience.<sup>151</sup> For example, the Republic of *Marshall Islands (RMI) National Disaster Management Plan 2012* recognizes health risks to women and children and also lists women's groups as pivotal civil society organizations, but does not include any strategy or means to address the risks or to engage with civil society.<sup>152</sup> The UN Women report concludes that, in part, this reflects a government attitude to CSOs as service delivery agents rather than participants in formulation of policies and plans. It cites the NDMO's recognition that it relies on CSOs for effective response, such as the group, Women United Together for the Marshall Islands, which played a pivotal role in food distribution to the outer islands during the recent drought. However, the report also outlines some good practices and positive developments in policies and strategies, with the Government of Samoa taking steps to strengthen gender equality in its draft national strategy on DRM.

These studies indicate that, to the extent comparative and specific national analyses of DRM laws have been conducted, there are only a small number of these laws that provide an effective basis for tackling gender equality in terms of both women's participation in DRM institutions, and women's needs being assessed holistically. No examples were identified of laws that mention SGBV or violence prevention as specific objectives.

## 4.5 Other forms of women's engagement in DRM systems

A number of those interviewed for this report said that it is because so few women are engaged in key roles in DRM planning and operations, that many operations seem blind to issues of gender equality, and SGBV is often not recognized, nor seen as an immediate high priority in disaster response, but more as an extra matter to address when time or resources allow.

Increasing the number of women in managerial roles within national DRM system civil services could require some special measures such as: (a) additional recruitment drives, capacity building and educational opportunities for women to enter and progress in the DRM agencies of the civil service; or (b) affirmative action measures to reserve a proportion of DRM civil service positions and leadership roles for women, if necessary as a temporary special measure in line with CEDAW Article 4. These may already be part of wider gender participation policy commitment of governments, which simply need to be implemented within the DRM system agencies.

Just as women are reportedly under-represented in formal roles in DRM, so their informal roles tend not to be well-recognized, especially in disaster risk reduction. Women and their organizations are often already playing a much more significant role in DRM (and also in climate change adaptation) than is recognized by their governments or national disaster management agencies, because much of their work is necessarily done outside the formal mechanisms, from which they are often excluded.<sup>153</sup> As the former Governor of Chiba Prefecture in Japan, Akiko Domoto, remarked at a 2012 meeting of women civil society experts on HFA implementation:

153 Ferris et al. 2013. 'Disaster risk management: a gender-sensitive approach is a smart approach', Ch. 4 in, *The Year of Recurring Disasters: A Review of Natural Disasters in 2012*. Pp. 81-84.

150 IFRC, UNDP. 2014. DRR Law Report.

151 UN Women. 2016. *Time to Act*. P.39.

152 UN Women. 2016. *Time to Act*. P.40.

“A lot of actual work is being done by women, but not integrated into policies and the decision-making process. It’s a challenge for women to be visible. In disaster risk reduction, more social issues need to be advanced, not just infrastructure related issues.”<sup>154</sup>

The work of women in civil society, outside formal government DRM systems, is of key importance in achieving gender equality and also improving SGBV protection. The organizations need to continue their work and to advocate for women. However, they can also contribute their voices to formal DRM systems if governance institutions are more open to women’s organizations as part of the representational membership.

## 4.6 Conclusions

DRM laws and policies have changed a great deal over the last two decades, and most are now reviewed on a regular basis. It would be worthwhile for countries engaged in these reviews and drafting processes to examine the extent to which the new drafts provide clear mandates on gender equality in disaster response, SGBV protection as a priority, and adequate representation of women. Women need to be included in significant numbers, in civil service managerial positions, in appointed, elected and decision-making roles, and by organizational representation of women’s civil society organizations and networks.

An opportunity exists for each of the three case study countries to take up the recommendations of this report, all of which have current draft bills for new DRM laws, two of which are currently under active consideration in their legislative processes (Ecuador and Nepal).

In the absence of a current law revision initiative, national DRM regulations and policies in many other countries can be made under the existing laws, even if these are silent on the issues of gender and SGBV, as in most cases there are higher-level national obligations in the form of ratified treaties, constitutional provisions and national policies on gender and SGBV.

As noted in Chapter 2, there is a strong policy base in international laws, agreements and resolutions to support positive measures to increase women’s participation in DRM systems, in numbers sufficient to reach a critical mass, and in decision-making roles. The 30% minimum of the established international targets would seem to be a relatively uncontroversial proportion of women in leadership and decision-making roles in 2017, given that the stated goal in CEDAW, the SDGs and national constitutions is full gender equality.

154 UNISDR, “Japanese experts call for gender equality,” 16 October 2012, (<http://reliefweb.int/report/world/japanese-experts-call-gender-equality>), cited in Ferris et al, P. 81.



# Part 5

## Recommendations

As both DRM and SGBV protection remain the primary responsibility of national authorities, these recommendations focus on the issues of gender equality and SGBV protection in disaster contexts from the perspective of public policy at the national level. However, they do not address governments and their agencies alone, but also a range of national and international actors engaged in SGBV protection and survivor support and gender equality, including the components of the Red Cross Red Crescent Movement (National Societies, IFRC, ICRC), national civil society and INGOs, intergovernmental agencies and coordination mechanisms such as the humanitarian clusters.

### 5.1 Recommendations to Governments on SGBV protection frameworks

Given the complexity and variation of national frameworks for SGBV protection, there are few general recommendations that can be made. The experience in the three countries studied was that these institutions and/or the SGBV protection frameworks as a whole, were not disaster-resilient. They were already fragile and did not have disaster contingency plans.

#### Formal/legal mechanisms to facilitate effective disaster planning

It is recommended that:

- a) The key ministries and government agencies engaged with SGBV protection in normal times, be required by law and/or policy to develop disaster contingency plans aimed at ensuring continuity of SGBV protection services during major disasters, and that they be provided with sufficient budgetary resources to fulfil them. These agencies include health and welfare services, police and court systems, as well as government partnerships with civil society service providers. It is suggested that mechanisms for the development of such plans should engage with the national DRM system institutions as well as ministries of women and other experts on gender and SGBV.
- b) Various types of cross-sectoral national committees could be responsible for coordination and funding mechanisms to undertake planning and coordination for SGBV protection during disasters. In many cases there will already be national committees in place, whose membership could be extended or mandates adjusted to take on this role.

#### Operational mechanisms and coordination

It is recommended that governments work across sectors and with national civil society, National Societies and IFRC, INGOs, UN agencies and the clusters, to develop disaster 'surge capacity' for the different components of their SGBV protection frameworks. For example, these could focus on:

- a) Coordination – if available, a national Protection Cluster, especially if there is an SGBV sub-cluster, may be an effective coordination and resource mechanism during a disaster response, as well as being a clearing house for coordination, training, tools and awareness-raising during a disaster response. In other situations, an IFRC or National Society gender focal point could play such a role.
- b) SGBV survivor support – National Societies, national civil society and international SGBV-specialists can be asked to supplement national government agencies' capacity by providing support and/or referral for SGBV survivors in disaster-affected communities, including those in temporary shelters and camps, as part of their humanitarian response.
- c) Law enforcement – contingency arrangements to facilitate filing of SGBV complaints at a time when police resources may be diverted for emergency duties. It may be possible for national and international SGBV-specialized agencies/services and lawyers' organizations to undertake temporary case management support.
- d) Access to justice – SGBV-related court services can be mobilized to serve displaced populations, potentially with assistance from women lawyers' associations or other SGBV-specialized legal advocacy organizations.
- e) Health – any call for emergency medical teams (national or international) should request capacity for medical care and psychosocial support for SGBV survivors.

## 5.2 Recommendations to Governments on national DRM systems

It is recommended that governments review national DRM laws and policies, with the support of ministries and national institutions concerned with gender equality and violence prevention, National Societies, IFRC and other relevant stakeholders, with a view to ensuring the following elements are part of DRM laws and policies.

### **Include clear objectives on gender and SGBV in DRM laws and policies**

Some few DRM laws include gender equality provisions, and it is recommended that all DRM laws and policies do the following:

- a) Provide for gender-inclusive disaster risk management, and prohibit gender discrimination, in planning and implementation of disaster resilience-building, disaster risk assessments, risk reduction, preparedness, needs assessment, response, recovery and reconstruction.
- b) Identify SGBV protection as a priority in the DRM system to ensure the safety and rights of SGBV survivors in disaster contexts, recognizing that this issue especially affects women and girls.
- c) Refer to and import relevant constitutional provisions and/or international obligations on gender equality and violence prevention, as part of the DRM system institutional mandates.
- d) Mandate the collection and analysis of gender-disaggregated data on risk assessments, needs assessments, disaster impacts (death, injury, livelihoods, property), delivery of

emergency assistance, allocation of recovery and reconstruction assistance, and SGBV incidence and response.

- e) Require resource allocations for awareness-raising and training, policy and planning, monitoring and evaluation of gender mainstreaming and SGBV protection within the DRM system institutions at national and local levels.

## **Ensure representation of women in DRM system decision-making roles**

As the available evidence suggests women's participation in DRM systems is very low, it is recommended to:

- a) Include in DRM laws/policies among the designated members of DRM system governance bodies at national and local levels, representatives of women's ministries, women's advocacy organizations, SGBV-specialized service providers, and local women's organizations.
- b) Include in DRM laws/policy measures to boost immediately women's participation in DRM system governance bodies at national and local levels (including advisory councils, executive and technical committees, and community level). It is recommended to apply the long-standing international target of 30% women as a mandatory minimum for all DRM system governance bodies and management committees from national to local level.
- c) Implement within the national DRM ministry or agency, any nationally adopted government targets on women's participation in the civil service, including those undertaken through regional agreements.
- d) Provide for targeted training and empowerment of women and girls as participants and decision-makers in DRM system governance bodies, and as civil servants.
- e) Include monitoring, evaluation and public reporting of women's participation in DRM system decision-making.

## **Legal frameworks for post-disaster shelter**

Most DRM laws do not make specific provision for post-disaster shelter, and none have been identified in the present report that specify particular standards for design and management of such shelters, nor general obligations to prevent SGBV. Accordingly, it is recommended to:

- a) Include the provision of post-disaster shelter in the DRM laws, regulations and/or policies, to ensure it is part of national disaster preparedness planning, as well as response, recovery and reconstruction efforts. Such a framework would support the use of standards and provision of training on gender equality and SGBV prevention and mitigation in shelters.
- b) Allocate resources and carry out gender and SGBV-awareness training for government emergency responders, especially police and military, drawing on existing expertise from the international humanitarian system, including the Global Shelter Cluster, the Global Protection Cluster, and the Sphere Project training on shelter standards.

### 5.3 Recommendations to NS, IFRC and other humanitarian organizations

It is recommended that, as humanitarian responders that support governments to implement gender equality and SGBV protection in disaster situations, National Societies, IFRC and other humanitarian organizations undertake the following:

#### Internal review and monitoring

- a) Ensure that their own organizations are in order by reviewing their policies, standards, practices and training/awareness of staff and volunteers on gender equality and SGBV, including the extent of gender equality in participation in their organizational and operational decision-making.
- b) Undertake monitoring, evaluation and reporting of their own disaster operations in relation to effectiveness in providing gender-responsive assistance and in prevention and mitigation of SGBV.

#### Supporting Governments

- a) Where these do not currently exist, create national level inter-agency initiatives on SGBV protection and survivor support in disasters, which focus on SGBV prevention and mitigation in post-disaster shelter. While this has been done operationally to a degree, it may be more effective in major disasters to have a one-stop-shop for coordinating resources and advice to national actors on gender and SGBV issues, focused on shelter. This could bring together the relevant work of the Global Clusters on Protection, Shelter, and Health, as well as the support work of UN Women in relation to women's ministries and National Plans of Action on Violence Against Women. It could also potentially work with the Gender-Based Violence Information Management System (GBVIMS) platform for cooperation.
- b) Assist governments to adapt for national implementation, the key international humanitarian quality standards and tools, both general and specific to gender and SGBV protection. This could include direct support for training and awareness for government DRM system staff, including members of governance bodies, local officials, and police or military engaged in emergency response.
- c) Undertake community-based training and awareness on gender equality and SGBV prevention, as part of disaster risk reduction and resilience-building. This is likely to be most effective if National Societies and national civil society organizations are able to access the expertise of national women's ministries, national women's organizations and SGBV-specialized support services, as well as drawing on the IFRC, IASC, Sphere and other international humanitarian standards, tools and resources as needed.

### 5.4 Recommendations for further research

Three main themes have emerged that require additional research to better inform this field of law and policy in the future.



## Good practice research on SGBV in disasters.

It would be useful to undertake wider survey-style research across different disaster-affected countries, including higher income countries, to search for the most effective laws, policies and operational practices in SGBV protection during emergencies. The findings of this report suggest that both a high level of cross-sectoral cooperation and inherently resilient frameworks for SGBV protection are needed to improve the response in disaster situations. The countries and disaster situations studied so far have provided few such models, so a wider search for good practices is recommended. Key linkages that could be made in this research are with UN Women<sup>155</sup> and the DFID-funded global programme, What Works to Prevent Violence Against Women and Girls in Conflict and Humanitarian Crises.<sup>156</sup>

## Research on women's participation in DRM systems

It would be useful to conduct national and/or comparative research to measure women's actual levels and type of participation in DRM systems, based on the understanding that a 'critical mass' of women participating in decision-making roles will likely raise the priority given to SGBV protection and gender equality in disasters. This could combine:

- a) in-depth analysis of gender provisions in DRM system laws, national policies, plans and strategies, in terms of whether and how they enable women's actual participation in DRM systems;
- b) quantitative measuring of women's participation in decision-making roles in line with the SDG sub-priority 5.5 indicators;
- c) qualitative stakeholder research on the influence women are able to exert on national and organizational DRM agendas and priorities; and
- d) qualitative/quantitative research on the experience of women in communities affected by disasters in terms of their empowerment within disaster operations, especially in shelters and camps, focused on the issues of gender equality and SGBV.

## Research on post-disaster shelter

It is recommended that governments review the provision of post-disaster shelter in past disasters with regard to incidence and reporting of SGBV, preferably using SGBV-specialized agency research and experience as well as stakeholder consultations, given the research indicates formal reporting is likely to have been low. The objective is to assess the effectiveness of SGBV protection in past shelter provision, to develop national plans on SGBV prevention, mitigation and response in emergency shelter based on this past experience, and to support national mechanisms for data collection and monitoring on SGBV protection in future disasters.

155 See UN Women. 2012. *Model Framework for National Action Plans on Violence Against Women*; and the UN Women Global Database on Violence against Women.

156 What Works to Prevent Violence (DFID-funded, governed by an Independent Board). Web page: <http://www.whatworks.co.za/> (consulted 28 August 2017).

# Annexes

## Annex 1: Interviewees by organization/role

<b>Red Cross Red Crescent Movement interviews</b>
<b>IFRC Geneva</b>
IFRC Head of Global Emergency Operations (HEOps)
IFRC Global Response and Recovery Lead
IFRC Global Gender and Diversity Team
IFRC Global Legislative Advocacy (Disaster Law) Team
<b>ICRC Geneva</b>
Combined telephone meeting with ICRC global teams advising on: Sexual Violence, Gender (Age, Disability, Diversity), and Community-based Protection in the Protection of Civilians Unit; Sexual Violence within Operations; and Gender, Violence, Community-based Protection, and Internally Displaced People.
<b>IFRC Africa – Nairobi</b>
IFRC Operations, Regional Head and Regional Disaster Management Delegate
IFRC, African Regional Office, Gender and Diversity Coordinator
<b>IFRC Americas – Panama</b>
IFRC, Americas Regional Office, Head of DCPRR
IFRC Social Inclusion Disaster and Crisis Senior Officer
<b>IFRC Asia Pacific – Kuala Lumpur</b>
IFRC Disaster Law Coordinator, Asia-Pacific
IFRC Consultant, IFRC / ASEAN project on Disaster Law, Gender & SGBV in disasters
IFRC Gender and Diversity Advisor for Asia-Pacific
<b>IFRC MENA – Beirut</b>
IFRC Gender and Diversity Advisor
<b>Australian Red Cross</b>
Australian Red Cross, Protection, Gender and Inclusion Practice Lead, with IFRC Asia Pacific Regional Disaster Law and Advocacy Office
<b>Samoa Red Cross</b>
SRC Secretary General
<b>Canadian Red Cross (Americas)</b>
CRC Americas Regional Violence Prevention Coordinator
<b>Zimbabwe RCS</b>
ZRCS Secretary General
ZRCS Gender & Diversity Focal point
<b>Interviews outside the Red Cross Red Crescent Movement*</b>
UN Regional Gender Advisor (REGA), Asia-Pacific
UNDP New York, Team Leader, Gender Team / Policy Specialist in Climate Change & Disaster Risk Reduction Cluster, Bureau for Policy and Programme Support (email interview)
UN Women – Geneva, Senior Consultant
Southern and Eastern African Center for Women's Law at the University of Zimbabwe (SEARCWL)

(\*Note: a number of other organizations and individuals were approached, both INGOs and UN system, but were unavailable within the project's consultation timeframe.)

## Annex 2: Select resources and bibliography

### A. Red Cross and Red Crescent Movement policies and tools

#### Gender, Diversity and Non-Violence

Canadian Red Cross and IFRC. 2012. *Predictable, Preventable: Best Practices for Addressing Interpersonal and Self-Directed Violence during and after disasters*. Geneva; IFRC. <http://www.ifrc.org/PageFiles/94522/ViolenceInDisasters-English-1up.pdf>

International Conference of the Red Cross and Red Crescent. 2015. *Resolution 3: Sexual and gender-based violence: joint action on prevention and response* (32IC/15/R3). <http://bit.ly/1srxFoX>

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#### Disaster Law and Humanitarian Diplomacy

32nd International Conference of the Red Cross and Red Crescent. 2015. *Resolution 6: Strengthening legal frameworks for disaster response, risk reduction and first aid*. (32IC/15/R6). <http://bit.ly/200I1aR>

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30th International Conference of the Red Cross and Red Crescent. 2007. Resolution 4: Adoption of the Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance.

<http://www.ifrc.org/PageFiles/102485/Resolution%204.pdf>

28th International Conference of the Red Cross and Red Crescent International Conference of the Red Cross and Red Crescent. 2003. Final Goal 3.2: Enhance international disaster response through support for the compilation and application of the laws, rules and principles applicable to international disaster response.

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IFRC, OCHA, IPU. 2013. *Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (with Commentary)*. Geneva, New York: International Federation of Red Cross and Red Crescent Societies, United Nations Office for the Coordination of Humanitarian Affairs and the Inter-Parliamentary Union, 2013. English version <http://bit.ly/17YOG9>

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## **General IFRC Policy and Tools (with gender elements)**

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[www.ifrc.org/Global/Publications/general/strategy-2020.pdf](http://www.ifrc.org/Global/Publications/general/strategy-2020.pdf)

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[www.ifrc.org/PageFiles/222185/WHS%20report-A4-EN-LR.pdf](http://www.ifrc.org/PageFiles/222185/WHS%20report-A4-EN-LR.pdf)

## **B. Other international guidance and tools**

### **Specific Guidance on Gender, Diversity and Non-Violence**

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[http://www.globalprotectioncluster.org/\\_assets/files/tools\\_and\\_guidance/age\\_gender\\_diversity/Yogyakarta\\_Principles\\_EN.pdf](http://www.globalprotectioncluster.org/_assets/files/tools_and_guidance/age_gender_diversity/Yogyakarta_Principles_EN.pdf)

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WHO. Global Health Observatory (GHO) database. [www.who.int/gho/](http://www.who.int/gho/)

### **Generalist Humanitarian Tools with Gender and/or SGBV Protection Elements**

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The Sphere Project. 2011. *Sphere Humanitarian Charter and Minimum Standards in Humanitarian Response* (known as 'the Sphere Handbook'). Geneva: Practical Action Publishing. [www.sphereproject.org](http://www.sphereproject.org) Available in more than 25 languages.

## **C. Key international treaties, agreements, policies, UN initiatives**

### **Treaties, and Conventions (binding international law) and their implementation**

#### **CEDAW**

Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW): <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> Committee on the Elimination of All Forms of Discrimination Against Women (also CEDAW, the treaty monitoring committee that receives and reviews country reports and also makes general recommendations on treaty interpretation and state implementation through law and policy): <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

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### Other general human rights instruments of relevance:

Universal Declaration of Human Rights 1948

International Covenant on Civil and Political Rights 1966 (CCPR)

International Covenant on Economic, Social and Cultural Rights 1966 (ESCR)

International Convention on the Elimination of All Forms of Racial Discrimination 1965 (ICERD)

Convention on the Rights of the Child 1989 (CRC)

Convention on the Rights of Persons with Disabilities 2006 (CRPD). The UN Office of the High Commissioner for Human Rights (OHCHR) website provides:

- Downloadable pdfs of all international human rights treaty texts, at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>
- An easy way to find out which human rights treaties a country has agreed to be bound by at <http://indicators.ohchr.org/>

### Resolutions, Declarations and non-binding Agreements (international policy)

Regional Asia-Pacific Conference on Gender and Disaster Risk Reduction. 2016. *Ha Noi Recommendations for Action on Gender and Disaster Risk Reduction.* Ha Noi, 16- 18 May 2016. Bangkok; UN Women. <http://bit.ly/2iDnf4D>

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- UN. 2002. UN Office of the Special Adviser on Gender Issues and Advancement of Women, *Gender Mainstreaming: An Overview, 2002* [www.un.org/womenwatch/osagi/pdf/e65237.pdf](http://www.un.org/womenwatch/osagi/pdf/e65237.pdf) and Beijing Declaration and Platform for Action, para. 256, [www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf](http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf)

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UN General Assembly. 2015. 'The Sustainable Development Goals', (SDGs), in *Transforming our world: the 2030 Agenda for Sustainable Development*. UNGA Res. 70/1, 25 September 2015. New York: United Nations. [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)

UN General Assembly. 2017. Resolution 71/276 of 2 February 2017, (UN Doc. A/RES/71/276). Available at: [http://www.preventionweb.net/files/resolutions/N1702972\\_en.pdf](http://www.preventionweb.net/files/resolutions/N1702972_en.pdf) (Adopting Parts IV and V of 'Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction' of 1 December 2016).

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## D. Key UN system structures and initiatives

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UN Economic and Social Council (ECOSOC) adopted resolutions E/RES/2012/3, E/RES/2013/6 and E/RES/2014/2 in 2012, 2013 and 2014, which recognize that humanitarian action can be strengthened by mainstreaming a gender perspective into all aspects of the humanitarian response – See more at: <http://www.unwomen.org/en/what-we-do/humanitarian-action/global-norms-and-standards#sthash.U5HQdQhx.dpuf>

UN Human Rights Council: <http://www.ohchr.org/en/hrbodies/hrc/pages/hrcindex.aspx>

The Council has general oversight of human rights issues within the UN system. This includes the Universal Periodic Review (UPR) process. <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx>

At its 32nd session in July 2016 it focused on issues related to gender discrimination and violence against women, as well as mandates related to disaster migration, with a series of resolutions available at <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ResDecStat.aspx>

These included, in addition to the renewal of the special rapporteur's mandate (noted separately), specific resolutions concerning women and SGBV:

- Res 32/2 – Protection against violence and discrimination based on sexual orientation and gender identity (A/HRC/32/L.2/Rev.1)
- Res 32/3 – Trafficking in persons, especially women and children: protecting victims of trafficking and persons at risk of trafficking, especially women and children in conflict and post-conflict situations (A/HRC/32/L.6)
- Res 32/4 – Elimination of discrimination against women (A/HRC/32/L.7/Rev.1)
- Res 32/21 – Elimination of female genital mutilation (A/HRC/32/L.31/Rev.1)

Ban Ki-Moon, UN Secretary-General. 2008. Press release, SG/SM/11437 WOM/1665UN. New York: UN Department of Public Information, News and Media Division.

UN Special Rapporteur on Violence against Women, Human Rights Council:

- The special rapporteur's general and country specific reports are available at <http://www.ohchr.org/EN/Issues/Women/SRWomen/Pages/SRWomenIndex.aspx>
- The current Special Rapporteur is Dr. Dubravka Šimonović (Croatia), since August 2015. The mandate of the Special Rapporteur was last renewed in 2016 by resolution 32/19: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/32/L.28/Rev.1](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/L.28/Rev.1)

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## E. Selected reports and articles

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## F. Selected websites and databases

GBVIMS: Gender-Based Violence Information Management System (an Inter-agency initiative governed by UNFPA, IRC, UNHCR, UNICEF, and IMC) [www.gbvims.com/](http://www.gbvims.com/)

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UN Women. Global Database on Violence Against Women:  
<http://www.un.org/esa/vawdatabase>

What Works to Prevent Violence (DFID-funded, governed by an Independent Board).  
Web page: <http://www.whatworks.co.za/> (consulted 28 August 2017).

WHO. Global Health Observatory (GHO) database: [www.who.int/gho/](http://www.who.int/gho/)

# The Fundamental Principles of the International Red Cross and Red Crescent Movement

**Humanity** / The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

**Impartiality** / It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

**Neutrality** / In order to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

**Independence** / The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

**Voluntary service** / It is a voluntary relief movement not prompted in any manner by desire for gain.

**Unity** / There can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

**Universality** / The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.



International Federation  
of Red Cross and Red Crescent Societies

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