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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations

### Report of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report, submitted pursuant to Human Rights Council resolution 45/29 on promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations, describes the main factors underlying and exacerbating pre-existing discrimination against women and girls, the gender inequality they face and resulting human rights issues. The report also includes an analysis of what a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations would require and presents details of initiatives, promising practices, gaps and conclusions and recommendations related to the implementation of such an approach.



## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 45/29 on promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations. In that resolution, the Council requested the United Nations High Commissioner for Human Rights to submit, at its forty-ninth session, an analytical report on a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations, including good practices, challenges and lessons learned at the national, regional and international levels.

2. Humanitarian situations include natural disasters, armed conflicts and forced displacement.<sup>1</sup> In such situations, State infrastructure may break down, disrupting protection systems and exacerbating pre-existing systemic inequalities and patterns of discrimination that often negatively affect women and girls, in particular. In this context, gender-based discrimination against women and girls manifests itself in multiple ways, leading to human rights violations linked to the denial of basic services, including access to information, health care, housing, water, sanitation, education and employment.<sup>2</sup> Certain groups of women and girls are at increased risk of violations of their rights and their situation is worsened in times of crisis as a result of multiple and intersecting forms of discrimination. Such groups include: women living in poverty; women with diverse gender identity and sexual orientation; women living with disabilities; refugee and asylum-seeking women; internally displaced, stateless and migrant women; and adolescent and older women.

3. In 2021, it is estimated that 235 million people needed humanitarian assistance and protection, which represents one in every 33 people in the world. This marks an alarming increase of 40 per cent over the previous year.<sup>3</sup> Several crises around the world have become increasingly protracted and complex, with the displacement of people lasting, on average, for 26 years.<sup>4</sup> In the case of displacement because of climate change, 80 per cent of those displaced are women and girls.<sup>5</sup>

4. Global health crises, including the current coronavirus disease (COVID-19) pandemic, have further exacerbated this already dire situation, with severe effects on the rights of women and girls in humanitarian situations, laying bare the inherent and systemic gender inequalities that underlie our societies.

5. The report was prepared based on submissions by 25 States,<sup>6</sup> four national human rights institutions,<sup>7</sup> two regional mechanisms,<sup>8</sup> 13 civil society organizations (including joint

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<sup>1</sup> Human Rights Council resolution 45/29.

<sup>2</sup> Ibid.

<sup>3</sup> Office for the Coordination of Human Affairs, *Global Humanitarian Overview*, 2021, pp. 8–9.

<sup>4</sup> Office of the United Nations High Commissioner for Refugees (UNHCR), *Contribution to the fifteenth coordination meeting on international migration*, 2017, p. 2.

<sup>5</sup> United Nations Development Programme, *Gender and Climate Change: Overview of Linkages Between Gender and Climate Change*, 2017.

<sup>6</sup> Andorra, Argentina, Azerbaijan, Bahrain, Bosnia and Herzegovina, Colombia, Denmark, El Salvador, Iraq, Ireland, Italy, Kazakhstan, Lebanon, Malaysia, Mauritania, Mauritius, Mexico, Myanmar, Nepal, Qatar, Russian Federation, Serbia, Philippines, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

<sup>7</sup> The Commission on Human Rights of the Philippines, the Office of the Human Rights Advocate of Guatemala, the Office of the Ombudsman of Argentina and the National Commission for Lebanese Women.

<sup>8</sup> The Council of Europe and the European Union.

submissions)<sup>9</sup> and one academic institution.<sup>10</sup> Additional research complemented these submissions.<sup>11</sup>

## II. International legal framework

6. International human rights law and international humanitarian law are complementary and mutually reinforcing bodies of law, sharing common objectives seeking, in particular, to protect human life and dignity and prohibit discrimination.<sup>12</sup> United Nations human rights treaty bodies have also affirmed that human rights obligations, including economic, social and cultural rights, continue to apply in humanitarian settings.<sup>13</sup> For example, in its general recommendation No. 28 (2010), the Committee on the Elimination of Discrimination against Women affirmed that States are responsible for all their actions affecting the human rights of citizens and non-citizens, including refugees, asylum seekers, migrant workers and stateless persons, within their territory or effective control, even if not situated within the territory.<sup>14</sup>

7. In addition, in its general recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations, the Committee on the Elimination of Discrimination against Women emphasized that protecting women's human rights at all times, advancing substantive gender equality before, during and after conflict and ensuring that women's diverse experiences are fully integrated into all peacebuilding, peacemaking and reconstruction processes are important objectives of the Convention.<sup>15</sup> In the same recommendation, the Committee also urged States to provide protection and assistance for internally displaced and refugee women and girls, including by safeguarding them from gender-based violence, and to ensure education and income-generation and skills training activities are available and recommends that State parties ensure sexual and reproductive health services, including emergency contraception, safe abortion services and maternal health services.<sup>16</sup> Moreover, in its general recommendation No. 33 (2015), the Committee reiterated that the right to access to justice is essential to the realization of all rights protected in the Convention on the Elimination of All Forms of Discrimination against Women and that this right is multidimensional. It encompasses justiciability, availability, accessibility, good quality, the provision of remedies for victims and the accountability of justice systems. The Committee also mentioned that, in accordance with article 2 and 15 of the Convention, the availability and accessibility of accountability mechanisms and remedies, including under criminal, administrative, social and labour law, should be guaranteed to women on a basis of equality to all human rights violations.<sup>17</sup>

8. International humanitarian law, which applies to situations of armed conflict, contains a number of relevant legal obligations drawn from the Geneva Conventions, the Protocols Additional to the Geneva Conventions and customary international humanitarian law. At a

<sup>9</sup> Alianza con Ellas; the Coalition for Genocide Response; the Commonwealth Human Rights Initiative, the Vanuatu Human Rights Coalition, Homes of Hope Fiji and Pacificwin Pacific; Center for Reproductive Rights and the International Federation of Gynecology and Obstetrics; Edge Effect; the Global Justice Center; International Planned Parenthood Federation (western hemisphere region); Kailasa Nation; Plan International; Rutgers, the Swedish Association for Sexuality Education, FN Forbundet, International Planned Parenthood Federation and the Countdown to 2030 Initiative; Save the Children International; Women Enabled and Zanaan Wanaan.

<sup>10</sup> Submission by Shreemati Nathibai Damodar Thackersey (SNDT) Women's University.

<sup>11</sup> For the complete list of submissions, see Office of the United Nations High Commissioner for Human Rights (OHCHR) reports, available at [www.ohchr.org/EN/Issues/Women/WRGS/Pages/Reports.aspx](http://www.ohchr.org/EN/Issues/Women/WRGS/Pages/Reports.aspx).

<sup>12</sup> Human Rights Council resolutions 45/29 and 39/26.

<sup>13</sup> Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000), paras. 40, 47 and 65; Human Rights Committee, general comment No. 36 (2018), para. 64; Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 11; and Committee on the Elimination of Discrimination against Women, general recommendation No. 30 (2013), para. 2.

<sup>14</sup> See Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 12.

<sup>15</sup> Ibid., general recommendation No. 30 (2013), para. 2.

<sup>16</sup> Ibid., paras. 57 (d) and 52 (c).

<sup>17</sup> Ibid., general recommendation No. 33 (2015), paras. 38, 47 and 52.

minimum, States and parties to the conflict have a duty to provide protection to girls and women against violence, sexual assault and forced prostitution and to provide special care to pregnant women and mothers of young children, including in relation to food, clothing, medical assistance, evacuation and transportation.<sup>18</sup> Furthermore, this care must be provided and ensured without discrimination. Humanitarian law also emphasizes that the specific needs of women must be respected at all times, including protection against all forms of sexual violence.<sup>19</sup>

9. In the context of the women, peace and security agenda, the Security Council, in its resolution 1325 (2000), reiterated the need to implement fully international humanitarian and human rights law that protect the rights of women and girls during and after conflicts. More concretely, it called upon parties to armed conflict to respect fully international law applicable to the rights and protection of women and girls, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the United Nations Convention on the Rights of the Child. The Security Council subsequently emphasized the need for access to the full range of sexual and reproductive health services, including regarding pregnancies resulting from rape,<sup>20</sup> and called on States to provide non-discriminatory and comprehensive health services, including sexual and reproductive health.<sup>21</sup>

### III. Women's and girls' human rights issues in humanitarian situations

10. The present report focuses on five illustrative examples of the human rights issues experienced by women and girls in humanitarian situations because their causes and consequences are particularly salient. These examples have been selected because robust data and research exists, enabling a more comprehensive, evidence-based analysis.

#### A. Gender-based violence

11. In humanitarian situations, gender dynamics may be affected and inequalities worsened, further fueling and multiplying risks of gender-based violence, including sexual violence, trafficking, forced pregnancy, child and forced marriage and intimate partner violence, faced by women and girls in these situations.<sup>22</sup> In 2015, it was estimated that more than 70 per cent of women and girls in humanitarian contexts have experienced different forms of gender-based violence compared to 35 per cent of women globally.<sup>23</sup> While data on the prevalence of the different types of gender-based violence is limited, research suggests that approximately one in five refugee or displaced women in complex humanitarian settings have experienced sexual violence.<sup>24</sup> There is also a growing body of evidence showing a disturbing trend of sexual violence being employed as a tactic to humiliate populations and/or break the social fabric by parties to conflict to advance their strategic objectives, including controlling contested territory and natural resources.<sup>25</sup>

12. Gender-based violence has significant and long-lasting impacts on the health, including the sexual and reproductive health, mental health and economic well-being, of women and girls, as well as their families and communities. Despite the immediate, long-

<sup>18</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, arts. 16–18, 21–23, 38, 50, 89, 91 and 127; Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, arts. 8 (a), 70 (1) and 76 (2); and International Committee of the Red Cross (ICRC), Customary International Humanitarian Law database, rule 134, available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home>.

<sup>19</sup> See ICRC, Customary International Humanitarian Law database, rule 119 and commentary to rule 93.

<sup>20</sup> Security Council resolution 2122 (2013).

<sup>21</sup> Security Council resolution 2106 (2013), para. 19.

<sup>22</sup> A/HRC/39/26, para. 30.

<sup>23</sup> Office for the Coordination of Human Affairs, *Global Humanitarian Overview 2021*, p. 49.

<sup>24</sup> See World Health Organization, "Gender-based violence in health emergencies".

<sup>25</sup> S/2021/312, paras. 4–5, and S/2021/827, para. 37.

term and largely preventable impacts of these realities, the specific needs, priorities and capacities to protect women and girls from violence are not treated as a matter of urgency.<sup>26</sup> As a result, women and girls face increased risk of sexually transmitted infections, including HIV, unintended or unwanted pregnancies, unsafe abortions and maternal mortality and morbidity.

13. As detailed in an earlier report on child, early and forced marriage in humanitarian settings, the causes of such practices include increased violence, protection-related concerns, economic insecurity and poverty. In particular, as consequence of financial pressures and food insecurity, child marriage may be used as a way to alleviate the economic burden of families and to make it possible to cope with the financial challenges faced by refugees, or used as a survival strategy in the absence of viable alternatives.<sup>27</sup>

14. Gender-based violence does not occur in a vacuum; it is linked to wider security factors, many of which have been exacerbated by the COVID-19 pandemic and its ensuing consequences, including economic hardship, social tensions, impunity and institutional weakness.<sup>28</sup> The COVID-19 pandemic and accompanying lockdown measures have not only led to an increased risk of gender-based violence, including sexual violence and intimate partner violence, but have also disrupted the availability and accessibility of services to respond to it worldwide, including in humanitarian contexts. For instance, during the pandemic, rates of child marriage increased, especially in fragile and conflict-affected countries. Of the 20 countries in the world with the highest prevalence of child marriage, 18 are considered to be fragile or affected by conflict.<sup>29</sup>

## **B. Health, including sexual and reproductive health and rights**

15. Numerous factors limit the availability, accessibility, acceptability and quality of health services and the enjoyment of determinants of health in humanitarian situations, whether it concerns natural disasters, armed conflicts or forced displacement. In 2019, the United Nations Population Fund (UNFPA) estimated that 35 million women and girls of reproductive age required humanitarian assistance for reasons related to conflict and natural disasters.<sup>30</sup> For women and girls living in such circumstances, the risks to their health, well-being and rights, including in relation to sexual and reproductive health, are decidedly more pronounced, in particular for those who have experienced gender-based violence. They face much higher risks of maternal mortality and morbidity, owing to collapsed health systems, prohibitive costs of services, lack of information and decision-making power, lack of privacy, insecurity, restrictions of their movements and fear of further violence if they venture to seek health care.<sup>31</sup> As a result, it was estimated in 2019 that 66 per cent of all maternal deaths occur in fragile settings, totalling more than 500 deaths each day.<sup>32</sup> This number is likely to have increased further, including as a result of the COVID-19 pandemic and new and protracted conflicts.

16. Even when health care is available, a lack of information and insecurity means that many women and girls do not know what type of health-care services they can access.<sup>33</sup> As a consequence, many pregnant women and girls must give birth without assistance from a skilled health professional. The barriers faced by women and girls in accessing health services have been further exacerbated by the COVID-19 pandemic, effectively limiting women's and girls' access to life saving and essential health services, including sexual and reproductive health services.<sup>34</sup>

<sup>26</sup> See [joint press release on women's and girls' rights and agency in humanitarian action](#) (2019).

<sup>27</sup> [A/HRC/41/19](#), para. 14.

<sup>28</sup> [S/2021/312](#), para. 6.

<sup>29</sup> [S/2021/827](#), para. 41.

<sup>30</sup> United Nations Population Fund (UNFPA), *Humanitarian Action 2019 Overview*, 2019, p. 3.

<sup>31</sup> [A/HRC/39/26](#), para. 45.

<sup>32</sup> UNFPA, *Humanitarian Action 2019 Overview*, 2019, p. 3.

<sup>33</sup> Submissions by Alianza Con Ellas and the Commission on Human Rights of the Philippines.

<sup>34</sup> *Ibid.*

17. Multiple and intersecting forms of discrimination, in particular those faced by girls in humanitarian situations, create additional barriers in access to health services, driven by pre-existing discrimination, harmful gender norms and stereotypes. For example, women and girls with disabilities encounter increased barriers in accessing sexual and reproductive health services and obtaining menstrual hygiene items because information is often not available in accessible formats, which leads to difficulties in seeking services and communicating with health professionals.<sup>35</sup> Moreover, harmful stereotypes, such as those stating that women and girls with disabilities need only disability-related services, can lead to the denial of sexual and reproductive health services, putting women and girls with disabilities at higher risk of unwanted pregnancy or sexually transmitted infections.<sup>36</sup>

18. Discriminatory gender norms also affect women's and girls' enjoyment of determinants of health. In situations of food insecurity, gender norms and lack of awareness about the nutrition needs of women and girls often also mean that the needs of men and boys are prioritized.<sup>37</sup> Malnutrition can heighten risks for women's and girls' health, including risks for maternal mortality and morbidity.

### C. Education

19. Conflicts, insecurity and disasters have a disproportionate impact on girls' access to education and a safe environment for learning.<sup>38</sup> In such situations, they are the first ones to be pulled out of school both for security concerns and economic reasons, limiting their access to education and increasing their risk to child, early and forced marriage. Nearly 90 per cent of girls affected by conflict and forced displacement are more likely to be out of secondary school than their counterparts in non-humanitarian situations. Girls are 2.5 times more likely than boys to be out of school in conflict situations.<sup>39</sup> The COVID-19 pandemic has further exacerbated an already dire situation. For girls living in refugee camps or internally displaced girls, who are already at a disadvantage, school closures have been devastating.<sup>40</sup>

20. While primary and secondary schools operate in many formalized humanitarian contexts, adolescent girls often face additional barriers to accessing education, including paying for school fees, lack of menstrual hygiene products and long commuting distances to school. Girls who are married or pregnant face additional layers of discrimination, even when they are not pulled out of school.<sup>41</sup> Moreover, between 2015 and 2019, in at least 21 countries, girls were directly targeted or more exposed to risks, including attacks in and around schools, because of their gender.<sup>42</sup> Attacks on girls' schools are often directed at girls who step outside of restrictive gender norms and expectations. Moreover, harmful gender norms driving disruptions in girls' access to education in humanitarian settings are often a reflection of the gender inequality and discrimination experienced by girls regardless of crises.<sup>43</sup>

### D. Economic security

21. Gender-based discrimination against women in controlling and accessing productive and financial resources, compounded by discriminatory gender stereotypes and the disproportionate burden of unpaid care work, undermine the ability of women and girls to build and maintain resilient livelihoods before, during and after crises.

<sup>35</sup> Submissions by Serbia; and by Women Enabled.

<sup>36</sup> Ibid.

<sup>37</sup> Submissions by Alianza Con Ellas and Save the Children International.

<sup>38</sup> Submissions by El Salvador, Ireland and Malaysia; and by the Office of the Human Rights Advocate of Guatemala, the Office of the Ombudsman of Argentina, Plan International and Save the Children International.

<sup>39</sup> A/72/218, para. 49.

<sup>40</sup> Plan International, *Living under lockdown: Girls and COVID-19*, 2020.

<sup>41</sup> Submission by Save the Children International.

<sup>42</sup> Inter-agency Network for Education in Emergencies, *Mind the Gap: The State of Girls' Education in Crisis and Conflict* (2021), p. 12.

<sup>43</sup> Submission by Save the Children International.



22. For instance, women farmers are less frequently encouraged to adopt climate-smart agriculture as they have limited access to relevant productive and financial resources, information and technology,<sup>44</sup> making them more vulnerable to climate-related crises. Restrictions on movement related to the COVID-19 pandemic hit refugee and displaced women particularly hard due to their reliance on informal sector activities for their livelihoods,<sup>45</sup> economic areas that are often not covered by social protection measures. As a result of the scarcity of resources and opportunities, some women and girls may resort to survival strategies such as transactional sex to provide for themselves and their families.<sup>46</sup>

23. When measures to respond to and recover from humanitarian crises remain gender-blind, such measures tend to maintain or exacerbate pre-existing situations of gender inequality and women's economic insecurity. For instance, even when generating employment is a top priority for building sustainable post-conflict economies, initiatives focusing on the formal sector tend to neglect women because they focus on economic opportunities for demobilized men.<sup>47</sup> Across diverse conflict settings, initiatives aimed at economic recovery for women are overwhelmingly limited to microcredit or micro-enterprises, while large-scale reconstruction is dominated by and overwhelmingly benefits men.<sup>48</sup> Likewise, equal access to property is particularly critical in post-conflict situations, given that housing and land are crucial to recovery efforts.<sup>49</sup> Discrimination against women in access to property is particularly damaging in post-conflict situations, especially when displaced women who have lost male family members find themselves without legal title to their land upon return, and thus no basis for housing and means to sustain their livelihoods.

## E. Access to justice

24. Access to justice is fundamental to the protection of women's and girls' human rights. In humanitarian settings, women and girls often face additional barriers and challenges in their efforts to seek justice and remedies for harms suffered. As noted above, this is frequently due to pre-existing discrimination, the breakdown of infrastructure and service provision and the weakening of formal legal and justice systems. Other barriers that make it more difficult for women and girls to gain access to a variety of accountability mechanisms beyond judicial procedures include: illiteracy; lack of awareness of laws and rights; corruption; restricted decision-making power; lack of private and confidential settings; being in a situation of forced displacement; and being a female head of household. Intersecting forms of discrimination against women and girls also affect the extent to which women and girls can report violations to their human rights and access care, support and effective remedies.<sup>50</sup>

25. Lack of freedom of movement also poses a major obstacle to the ability of women and girls in humanitarian settings to access accountability mechanisms or to speak out against human rights violations.<sup>51</sup> Refugee and internally displaced women and girls subjected to movement restrictions or who live in remote or marginalized areas can find it particularly difficult to physically access justice services. For women and girls who have to travel to report crimes or to attend court, the costs of transport and time away from economic, domestic and care responsibilities can be prohibitive.<sup>52</sup>

<sup>44</sup> Food and Agriculture Organization of the United Nations, *Women's leadership and gender equality in climate action and disaster risk reduction in Africa*, 2021, p. 3.

<sup>45</sup> International Rescue Committee, *What Happened? How the Humanitarian Response to COVID-19 Failed to Protect Women and Girls*, 2020, p. 4.

<sup>46</sup> Submissions by the Commission on Human Rights of the Philippines, the Commonwealth Human Rights Initiative and others.

<sup>47</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 33 (2015), para. 49.

<sup>48</sup> S/2020/946, para. 58.

<sup>49</sup> Convention on the Elimination of All Forms of Discrimination against Women, article 16 (1) (h).

<sup>50</sup> Committee on the Elimination of Discrimination against Women, general recommendation No. 33 (2015), para. 10.

<sup>51</sup> Submissions by Malaysia; and by Plan International.

<sup>52</sup> Gender-Based Violence Area of Responsibility (Adult Global Protection Cluster), *GBV AoR HELPDESK: Gender Based Violence in Emergencies*, 2020, p. 15.

26. According to studies, women and girls subjected to gender-based violence, in particular, face great challenges in accessing justice due to stigma and the culture of silence around such violations. The lack of accessible and adequately resourced police stations, legal services, courts and justice professionals, as well as lack of knowledge of local languages, are further barriers. Delays in gathering evidence by police or health providers and poor documentation of evidence can also make it impossible for victims to make complaints to the police or other authorities and to have such matters investigated.<sup>53</sup> In some humanitarian contexts, there are still no shelter homes for women facing violence, which acts as a deterrent to the filing of complaints as women survivors have no place to seek refuge after having initiated legal proceedings.<sup>54</sup>

27. Women and girls may also be hesitant to report incidents of violence due to concerns about their legal status in a foreign country or economic and social dependence on husbands or other family members. The precarious legal status of refugees can mean that they have very few channels to access available accountability mechanisms to report violations of their rights. This means that, in many instances, cases remain either unresolved or resolved quietly at the community level without being reported to appropriate authorities for redress.<sup>55</sup>

#### **IV. Comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations**

28. A comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations entails the implementation of a human rights-based approach in all interventions throughout the humanitarian programming cycle. A human rights-based approach identifies rights holders and their entitlements, and corresponding duty bearers and their obligations, working towards strengthening the capacities of rights holders to make their claims and of duty bearers to meet their obligations.<sup>56</sup>

29. Due to breakdowns in infrastructure, many other actors aside from States may take on responsibilities in humanitarian settings, including service providers working at the national level, international organizations and the private sector. Frequently, at the beginning of and during an emergency, a range of United Nations agencies, donors and international and national civil society organizations work together to fill gaps and deliver humanitarian relief. While their responsibilities are not the same as the human rights-related obligations of States, there are important issues to consider in terms of doing no harm and observing a certain duty of care.<sup>57</sup> Furthermore, coordination between these actors and across sectors is a critical step in ensuring respect for the rights of women and girls.

30. A human rights-based approach applies the key principles of non-discrimination and equality, participation and empowerment, sustainability and international assistance, transparency and accountability throughout the humanitarian programme cycle.<sup>58</sup> It places affected populations, especially those most marginalized and discriminated against or most at risk of being left behind, including women and girls, at the centre of all interventions and ensures their meaningful participation at every stage of humanitarian interventions.

31. The principle of non-discrimination and equality means that infrastructure and critical services are available and accessible and culturally acceptable for all women and girls on a basis of equality. For example, as stated above, access to income-generating initiatives are often limited for women in humanitarian settings. Applying the principle of non-discrimination and equality in this case means addressing gender norms that impede women's ability to access and benefit from large-scale economic reconstruction programmes.

<sup>53</sup> Submissions by Colombia, El Salvador, Iraq, Malaysia, Nepal and Serbia.

<sup>54</sup> Submission by Zannan Wannan.

<sup>55</sup> Submission by Plan International.

<sup>56</sup> [A/HRC/28/76](#), para. 39.

<sup>57</sup> [A/HRC/42/24](#), para. 23.

<sup>58</sup> [A/HRC/39/26](#), para. 46.



Particular attention should also be paid to women and girls who are most at risk of being left behind, such as women and girls with disabilities, in relation to policies, programmes, practices and other activities related to the humanitarian response that may have a discriminatory effect on them.<sup>59</sup> To ensure that such a response is accessible to the most vulnerable, the monitoring and collection of disaggregated data on different grounds, including, but not limited to, gender, age, ethnicity, religion, and geographic location is critical.<sup>60</sup>

32. The participation and empowerment of diverse groups of women and girls and the development of their leadership skills at various stages of humanitarian programming is essential to ensuring that the humanitarian response is effective and contributes to the realization of their human rights. Participation is not only a right in itself but also an enabler of other rights. It is key to ensuring that the design, implementation and monitoring of humanitarian programmes, policies and responses are effective and impactful.<sup>61</sup> Women's and girls' participation from the onset of an emergency results in better humanitarian outcomes and response services. For example, women's and girls' active participation in camp committees and decision-making and coordination mechanisms can support service providers to establish a service in an accessible area and raise awareness about services.<sup>62</sup> Women and girls have also a role to play in monitoring service delivery. In this context, awareness-raising and developing the capacity of women and girls to claim their rights is essential.

33. A comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations requires that narrow interpretations of accountability are left aside. Such an approach can build avenues to the promotion, respect and protection of all human rights of women and girls across all stages of the humanitarian programme cycle, not only in reaction to alleged violations and abuses, from assessment to planning and budgeting, implementation, monitoring, evaluation and remedy. A holistic approach to accountability also includes taking a long-term approach to strengthening national systems before, during and after humanitarian situations. This type of accountability also requires recognition of the responsibility of all actors in the international community for ensuring that the rights of women and girls are respected and ensured.<sup>63</sup> The principle of accountability ensures also that rights-holders may seek redress when duty-bearers have not fulfilled their obligations. In providing access to effective remedies, the specific barriers women and girls face in seeking justice must be recognized and removed. This includes establishing confidential and non-biased processes to receive and address complaints, making meaningful changes, for example to services, including gender-transformative, victim-centred and comprehensive reparations.

34. Transparency in policies, programming and coordination across the humanitarian response is critical in ensuring effective accountability for women and girls. For example, in the provision of services, women and girls should have a clear understanding of who is providing which services. In the same vein, the State and service providers should have a common understanding of how such services are coordinated and why certain services are prioritized over others.<sup>64</sup>

35. A comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations also requires an examination of the scope of interventions and programming, which may be limited to specific issues as a result of conditions attached to funding and/or programmatic requirements, in order to avoid

<sup>59</sup> Ibid., paras. 47–48.

<sup>60</sup> OHCHR, *A Human Right-Based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development*, 2018, p. 7–8.

<sup>61</sup> Submissions by Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland; and by International Planned Parenthood Federation (western hemisphere region).

<sup>62</sup> UNFPA, *The Inter-agency Minimum Standards for Gender-Based Violence in Emergencies Programming*, 2019, p. 10.

<sup>63</sup> A/HRC/39/26, para. 55.

<sup>64</sup> Ibid., para. 59.

entrenching siloed approaches and neglect of the experiences of certain categories of women and girls.

36. The principle of sustainability and international assistance is also an important component of the comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations. This means that in such situations, international assistance should be aimed at strengthening the infrastructure and service provision systems and supporting the efforts of the State to fully resume and sustain its primary responsibilities as duty bearer. The sustainability of interventions will increase if women and girls are involved in and have a sense of ownership in claiming their rights and if support is provided to empower national and local actors, including women-led organizations and women human rights defenders, to meet their obligations. Forming strong partnerships with and financially supporting local women-led organizations is critical for effective service delivery and ensuring long-term sustainability of services.<sup>65</sup> In humanitarian action, the concept of "localization", which aims to shift power and resources to local and national actors, in particular women-led organizations and service providers, to lead and deliver humanitarian response, is closely aligned to fulfilling this principle.<sup>66</sup> Localization is also critical in order to support efforts to bridge the development-humanitarian divide. The role of local women-led organizations is critical to ensuring an appropriate, effective and sustainable response to humanitarian situations. Women-led organizations need to be strengthened and to be more engaged in humanitarian action, given their contextual and cultural understanding, their access to affected populations and their ability to influence social dynamics and transformation at country and local community levels.<sup>67</sup>

## A. Implementing a comprehensive approach

37. In their submissions, States reported on initiatives and promising practices related to the implementation of elements of a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations. Mexico highlighted that its national human rights programme 2020–2024 establishes specific actions to ensure the rights of internally displaced people, including through gender analysis, in order to identify, prevent and address the causes of forced internal displacement in a timely manner.

38. Some stakeholders highlighted health interventions specifically designed to address discrimination and barriers in accessing sexual and reproductive health services. In this regard, there is a promising joint initiative between the Ministry of Health of Tajikistan, UNFPA-Tajikistan and local organizations of persons with disabilities to provide access to sexual and reproductive health services, sanitation and hygiene products and psychosocial support for women with disabilities in places where, as a result of redeployment of health-care personnel to address the COVID-19 pandemic, those services have become scarce.<sup>68</sup>

39. Some stakeholders also reported on their allocation of resources for the building of leadership skills and participation of women and women-led organizations and on creating an enabling environment for strengthening their active role in humanitarian response and recovery.<sup>69</sup> Argentina described taking action to increase the presence of women in humanitarian response and to ensure participation of women in decision-making spaces related to humanitarian preparedness, response and recovery. Ireland reported that it is developing a new strategic partnership with the International Rescue Committee for a three-year period (2022–2024), with the aim of fully integrating both practical support and capacity-building of local women-led organizations into the humanitarian programme cycle.

<sup>65</sup> Ibid., para. 50.

<sup>66</sup> C. Fabre, "Localising the response: World Humanitarian Summit, putting policy into practice", Commitments into action series, Paris, Organisation for Security and Co-operation in Europe (OECD) (2017).

<sup>67</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), "[How to promote gender-responsive localization in humanitarian action](#)," [Guidance note](#), 2020, p. 8.

<sup>68</sup> Submission by Women Enabled.

<sup>69</sup> Submissions by Andorra, Colombia, Mauritius, Mexico and Myanmar; and by the European Union.

Mauritius highlighted its community disaster-response programme, which provides training to women about disaster preparedness and response.

40. Promoting meaningful participation was also emphasized by Save the Children International. With regard to access to decision-making platforms and spaces, the organization has supported the participation of adolescent girls in international, regional and national level policy and accountability discussions. Such work includes, for example, supporting the participation of girls at the annual sessions of the General Assembly, the Human Rights Council and the Commission on the Status of Women, the annual open debate of the Security Council on children and armed conflict and the high-level political forum on sustainable development, including progress on implementation of the Sustainable Development Goals.

41. In several submissions promising practices were reported to promote gender equality in and through quality, affordable and inclusive education at all levels by maintaining funding for education in humanitarian situations.<sup>70</sup> Plan International described a project it is implementing in Malawi to provide sexual and reproductive health and life skills education for girls to improve their decision-making and negotiation skills, including raising their confidence and increasing overall access to information and services.

42. The provision of safe spaces for women and girls is another promising practice. In 2020, UNFPA supported over 800 women and girls-only safe spaces in humanitarian settings, providing accessible and quality services and information, as well as ensuring that women and girls have inclusive spaces where they can openly voice their experiences and challenges and be assured of confidentiality and support.<sup>71</sup> Regular feedback supports monitoring of any unintended harmful consequences of humanitarian programming, which can be addressed through risk mitigation activities and wider community engagement.

43. The European Union reported that the systematic integration of a gender approach into humanitarian aid is an operational requirement for effective quality programming, as well as a matter of compliance with the European Union humanitarian mandate and international law and commitments. A promising practice in this regard is the Gender Standby Capacity Project, a model of international assistance to facilitate and strengthen capacity and leadership of humanitarian entities and governments to undertake and promote gender-equality programming in order to ensure that the distinct needs of affected populations are taken into account in humanitarian actions at global, regional and country levels. The project deploys gender advisers to humanitarian situations to support humanitarian coordinators, humanitarian country teams, United Nations agencies, cluster leads, non-governmental organizations and governments in filling critical gaps by strategically addressing issues of gender inequality in the planning and implementation stages of humanitarian response.

44. Efforts to promote access to justice and accountability mechanisms, including social accountability, in humanitarian situations were reported.<sup>72</sup> Bosnia and Herzegovina indicated that the Prosecutor's Office in its Una-Sana Canton actively engages in the implementation of measures to protect victims of gender-based violence in humanitarian settings, including in the development of the standard operating procedures for prevention and protection against gender-based violence. In its submission, Colombia explained that the Ministry of Justice has designed and delivered training sessions for women leaders and women human rights defenders to inform them about their human rights and available legal mechanisms to access justice. In the Philippines, the Commission on Human Rights has been active in referring cases of women who have suffered abuse while in displacement, in fulfilment of its role as the country's Gender Ombud.

45. The Center for Reproductive Rights in Uganda reported on a promising innovative approach to ensuring accountability for violations of the sexual and reproductive health and rights of refugee and host community women and girls. The project: (a) strengthens the

<sup>70</sup> Submissions by the United Kingdom; and by the European Union.

<sup>71</sup> UNFPA, *Humanitarian Action 2021 Overview* (2020), p. 13.

<sup>72</sup> Submissions by Bahrain, Bosnia and Herzegovina, Malaysia and Nepal; and by Save the Children International.

capacity of community representatives to integrate a human rights-based approach to service provision; and (b) establishes a mechanism for the collection, review and response to community-led monitoring outcomes of sexual and reproductive health and related complaints, including feedback from users when sexual and reproductive health services fall short of human rights standards.<sup>73</sup>

46. Human rights investigations, including those conducted by commissions of inquiry and fact-finding missions established by the Human Rights Council and other United Nations bodies, are a vital step in ensuring accountability for individual violations and abuses and addressing the systemic issues that enable such violations and abuses to persist. Through gender-sensitive documentation and analysis, human rights investigations can capture the scope and impact of the range of violations suffered by women and girls in humanitarian situations, while providing a critical analysis of trends concerning their full continuum.<sup>74</sup> In this regard, the 2020 report of the United Nations Mission in South Sudan and the Office of the United Nations High Commissioner for Human Rights on access to health care for survivors of conflict-related sexual violence is a valuable source of information. In view of its findings that there was, on average, one health facility per 10,000 people in South Sudan, and that many such facilities did not have enough qualified personnel to treat the survivors of sexual violence, the report recommended that the Government substantially increase funding for the public health sector, thus strengthening the capabilities of facilities and health workers and improving access to sexual and reproductive care.<sup>75</sup> In addition to addressing criminal accountability for perpetrators, the report focused on the steps needed to comprehensively and sustainably deliver sexual and reproductive health services as an important way to ensure redress for survivors of sexual violence.

47. Different humanitarian frameworks emphasize the centrality of human rights and the integration of human rights-based approaches into programming.<sup>76</sup> Some frameworks provide guidance on how to ensure accountability in the course of promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations. For example, the operational framework of the Inter-Agency Standing Committee Task Force on Accountability to Affected Populations is designed to assist humanitarian agencies, both individually and collectively, to find practical entry points for improving accountability to affected populations through five commitments: leadership/governance, transparency, feedback and complaint, and participation.<sup>77</sup>

## **B. Gaps in implementing a comprehensive approach**

### **1. Evidence gaps**

48. Despite evidence provided by entities of the United Nations system and development and humanitarian organizations that women and girls are disproportionately affected by humanitarian situations, there is a gap in the gathering of data and the documentation of the effectiveness of interventions seeking the promotion and protection of women's and girls' rights. This gap makes it difficult to assess in sufficient detail the concrete impact of humanitarian situations on the lives of women and girls. There is also a gap in the documentation of the spectrum of human rights issues, beyond gender-based violence, affecting women and girls in humanitarian situations. The insecure nature of humanitarian situations and systemic patterns of discrimination and gender inequality, including against people with diverse gender identities and sexual orientation, represent a challenge to data collection and documentation of access to services, particularly for sexual and reproductive

<sup>73</sup> Submission by the Center for Reproductive Rights and the International Federation of Gynecology and Obstetrics.

<sup>74</sup> [A/HRC/42/CRP.4](#) and [A/HRC/41/18](#).

<sup>75</sup> United Nations Mission in South Sudan and OHCHR, "[Access to health for survivors of conflict-related sexual violence in South Sudan](#)", May 2020, para. 10.

<sup>76</sup> See Sphere Association, *The Sphere Handbook* (2018); and Inter-Agency Working Group on Reproductive Health in Crises and [Inter-Agency Field Manual on Reproductive Health in Crises](#).

<sup>77</sup> Inter-Agency Standing Committee, "[The Operational Framework, Accountability to Affected Persons](#), 2013".

health services, as well as human rights violations and abuses. Challenges in collecting adequate data include difficulties in gaining access to all segments of society, a shortage of funding, lack of ability to ensure confidentiality, a trust deficit, absence of a baseline for the data and a resistance to strengthening methodologies for integrated and standardized approaches and coordination.<sup>78</sup>

## 2. Lack of meaningful participation of women and girls in humanitarian responses, including support for women-led organizations

49. In spite of the growing efforts and recognition of the importance of women's and girls' participation and leadership in all stages of humanitarian response, large gaps remain between these commitments and the actions needed to have a significant impact on the lives of women and girls, particularly those living in remote areas. Women's meaningful participation in decision-making, especially at the higher levels, remains limited in both protracted and sudden onset emergency responses. It has been noted that the participation of and consultation with affected women in needs assessment efforts frequently increase over the duration of a response. This participation has not, however, necessarily translated into the active involvement of women and girls in decision-making regarding project design, activities or management. Moreover, reaching all affected communities, including women and girls, remains a challenge, often due to insecurity, lack of infrastructure, remoteness, care-related tasks and cultural norms and perceptions.<sup>79</sup>

50. Despite the fact that increasing support and funding tools for local and national responders is a key priority for the empowerment of women-led organizations, they have been largely overlooked and continue to struggle for resources, recognition and support.<sup>80</sup> One significant obstacle is the sharply inadequate funding for local women-led organizations. Since 2010, less than 1 per cent of all humanitarian funding has been allocated directly to women-led organizations.<sup>81</sup> Limited access to funds impacts their size and effectiveness. Moreover, most funding received by women-led organizations is short-term, service-oriented and designed to respond to emergencies only, without support to ensure the long-term sustainability of services and the effective participation of women and girls in humanitarian coordination and leadership.<sup>82</sup>

51. Reports have also demonstrated limited meaningful engagement with women-led organizations as local and first responders.<sup>83</sup> For example, local women-led organizations, while being relied upon to deliver services, are not always consulted on programme design, delivery, monitoring or evaluation. While they are often asked to work in the hardest-to-reach places, because they are often the only ones with access, their expertise and knowledge is not actively recognized in programme design and implementation.

## 3. Gaps in accountability mechanisms and approaches

52. There is a frequent absence of accountability mechanisms, both judicial and non-judicial, to provide remedies and reparations for the human rights violations that women and girls face in humanitarian situations. In the rare cases when accountability mechanisms still function, their focus tends to be on a restricted concept of justice, limited to the identification and punishment of perpetrators of a narrow set of crimes, such as sexual violence, without consideration as to how to prevent and eradicate the continuum of human rights violations suffered by women and girls. Although these forms of accountability are critically important, there is a need for an understanding of accountability that goes beyond criminal justice, and even beyond the courts. This holistic approach to

<sup>78</sup> A/HRC/39/26, para. 57.

<sup>79</sup> Inter-Agency Standing Committee, *Inter-Agency Humanitarian Evaluation on Gender Equality and the Empowerment of Women and Girls*, 2020, p. 20.

<sup>80</sup> J. Lafrenière and others, "Introduction: gender, humanitarian action and crisis response", *Gender & Development*, vol. 27, No. 2 (2019), pp. 187–201.

<sup>81</sup> S/2020/946, para. 91; see also Care International, *Time for a Better Bargain: How the Aid System Shortchanges Women and Girls in Crisis*, 2021, p. 4.

<sup>82</sup> UN-Women, "How to promote gender-responsive localization in humanitarian action", Guidance note, 2020, p. 13.

<sup>83</sup> Ibid., pp. 8–9.



accountability entails multiple, participatory and transparent forms of monitoring, review and oversight, including the availability of administrative, social, political and legal avenues for women and girls to claim their rights, thus ensuring accountability at all stages of the humanitarian programme cycle.

53. As previously stated, human rights investigative bodies play an important role in identifying those most at risk of being left behind and in addressing the root causes of violations, in particularly for gender-based violence. Until now, insufficient attention has been paid to important issues affecting women and girls in humanitarian situations, which are related to their human rights to food, adequate housing, education, health, including sexual and reproductive health and rights, and equal participation in economic life.<sup>84</sup> Addressing these issues as part of the structural causes of gender-based discrimination and inequality is key to ensure an impactful humanitarian response.

#### 4. Limited funding

54. As indicated before, although progress is evident in normative and policy frameworks, it has yet to be systematically translated into concrete action for a positive impact on the lives of women and girls in need of humanitarian assistance. There are still large gaps in terms of gender-sensitive funding across all humanitarian sectors and political commitments to increasing budgets for excluded groups.<sup>85</sup> While the majority of donors include gender in their policies, their funding is not always allocated towards projects that incorporate adequate gender analysis, and few donors actually monitor and follow up on how gender is addressed in the programmes they support.<sup>86</sup> For example, less than one per cent of global humanitarian funding is spent on gender-based violence responses.<sup>87</sup> Research has shown that the combined effect of low levels of funding requested and received signifies a double threat for humanitarian programming targeting the specific needs of women and girls.<sup>88</sup> There is also limited capacity and/or an unwillingness on the part of some donors and States to commit resources towards the provision of sexual and reproductive health and rights in all phases of a humanitarian response. In a recent report, the Working Group on discrimination against women and girls highlighted that the failure of States to adequately prioritize the sexual and reproductive health rights of women and girls was reflected in the lack of gender budgeting and financial investment in that area, including in foreign aid.<sup>89</sup>

#### 5. Funding and/or programmatic requirements

55. The division between humanitarian and development settings can be perpetuated by the “siloization” of funding and/or programmes, including what can be funded, who can fund what, to whom and for how long.<sup>90</sup> This impacts what services are funded, as “humanitarian” issues are often prioritized while issues such as sexual and reproductive health and rights are often viewed as being separate. This has created silos, particularly between the humanitarian and development interventions and programming, neglecting the experiences of certain categories of women and girls. For instance, programming for gender-based violence that provides access to comprehensive sexual and reproductive health services for victims can possibly exclude those who have not come forward as victims. Increasingly, human rights and humanitarian advocates are calling for inclusive approaches that transcend dichotomous framings and place women and girls at the centre of humanitarian responses.<sup>91</sup>

<sup>84</sup> A/HRC/48/32, para. 50.

<sup>85</sup> A/HRC/39/26, para. 54.

<sup>86</sup> DARA, *The Humanitarian Response Index 2011: Addressing the Gender Challenges*, 2011, p. 23.

<sup>87</sup> CARE, “Women and Girls in Emergencies”, 2018, p. 16.

<sup>88</sup> UN-Women and UNFPA, *Nigeria: Funding for gender equality and the empowerment of women and girls in humanitarian programming*, 2020, p. 8.

<sup>89</sup> A/HRC/47/38, para. 30.

<sup>90</sup> A/HRC/42/24, para. 32.

<sup>91</sup> A/HRC/39/26, para. 39.



## C. Conclusions and recommendations

56. States have international legal obligations to promote, protect and respect women's and girls' full enjoyment of human rights and to ensure accountability, including the right to an effective remedy, for human rights violations occurring in humanitarian situations. Therefore, a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations requires the implementation of a human rights-based approach in the design, implementation, monitoring and evaluation of any humanitarian response.

57. While stakeholders have undertaken promising initiatives in multiple humanitarian situations, large gaps remain in the promotion, protection and respect for women's and girls' full enjoyment of human rights. Pre-existing gender-based discrimination exacerbates the situation and creates additional obstacles to the enjoyment of human rights by women and girls in humanitarian settings. The COVID-19 pandemic has made the situation worse. As a result, women and girls are denied a meaningful role in decision-making in humanitarian response processes that affect their lives and, as a result, are more vulnerable to, *inter alia*, further gender-based violence, economic insecurity and restrictions, including restrictions on their: freedom of movement and participation in political and public life; access to health services, including enjoyment of sexual and reproductive health services; access to justice and effective remedies, safe water and sanitation; and access to education and nutrition.

58. Based on the analysis contained in the present report, it is recommended that States, United Nations agencies, humanitarian actors, donors and other stakeholders take the following actions:

(a) Realize, promote and respect all human rights obligations under international human rights law and strengthen the implementation of a human rights-based approach to policies and programmes in humanitarian preparedness, response and transition;

(b) Adopt a comprehensive approach to promoting, protecting and respecting women's and girls' full enjoyment of human rights in humanitarian situations, including by raising awareness and facilitating the sharing of emerging promising practices and approaches among all stakeholders;

(c) Ensure meaningful participation of affected women and girls in assessing the context, identifying and determining their needs, priorities for funding and services, processes for access and delivery and crisis preparedness and response;

(d) Ensure collaboration with women-led organizations across the humanitarian programme cycle and throughout all phases of every humanitarian response;

(e) Promote humanitarian needs assessments and humanitarian responses and ensure that they are informed by an intersectional gender analysis and the collection and analysis of sex, age and gender-disaggregated data;

(f) Step up investment in building the capacity for comprehensive rights-based approaches and provide more flexible and predictable financial resources for women-led organizations, including women human rights defenders conducting critical advocacy and providing prevention and response services and information in humanitarian situations, including structured funding mechanisms to provide support for such services;

(g) Adopt and promote a holistic approach to accountability and ensure multiple, participatory and transparent forms of monitoring, review and oversight, including the availability of administrative, social, political and legal accountability mechanisms so that women and girls have avenues to claim their human rights and seek effective remedies;

(h) Provide resources to strengthen accountability approaches for human rights in humanitarian situations and undertake research and/or document ways that the different types of accountability mechanisms for the realization of women and girls' human rights can be institutionalized and mainstreamed;

(i) Ensure and promote transparency of policies, programming and coordination across sectors and clusters in humanitarian responses, including by sharing accurate information in accessible formats and languages to everyone affected in a humanitarian situation, especially women and girls.

59. The Human Rights Council and its mechanisms, including commissions of inquiry and fact-finding missions, should pay attention to the full range of human rights of women and girls in humanitarian situations in their work. To that end, they should analyse more consistently the root causes of gender-based discrimination and inequality predating a conflict situation that contributes to increased vulnerability of women and girls in humanitarian situations, considering women and girls in all their diversity, and translate that analysis into specific and action-oriented recommendations to all relevant stakeholders to help inform humanitarian responses and identify gaps.

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