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## Appendix A

### **A Draft Protocol, Additional to Protocol to the Convention relating to the Status of Refugees 28 July 1951 on Protection of refugees against Sexual violations and access to Justice in Refugee camps**

#### **Preamble**

The State parties to this Convention

**Considering** that, the principles asserted in the Charter of the United Nations, recognises the equal and inalienable rights of all members of the human family is the basis for freedom, justice, and peace in the world,

**Bearing in mind** also that the Universal Declaration of human rights protects all human beings against violation without distinction

**Noting** that despite the fact that the Four Geneva Conventions, and Protocol I and II Additional to four Geneva Convention protects women which includes refugees against sexual violations

**Confessing** that refugee camps are breeding places for crime

**Accepting** the fact that the current refugee convention does not protect refugees against human right violations especially sexual violence

**Acknowledging** the fact that the current refugee convention does not address the needs of victim's sexual violence in refugee camps;

**Affirming** that violence against females constitutes a violation of their human rights and fundamental freedom, and prejudices or invalidates the compliance, gratification, and exercise of such rights and freedoms;

**Admitting** that sexual violence against females is a crime against human dignity and a demonstration of power and dominance against females and the emasculation of the men in society;

**Considering** the ambiguity of article 16 of the UN refugee convention of 1951;

**Recognising** the scale of the problem of sexual violence against refugees in camps and the lifelong consequence on the victim;

**Bearing** in mind the need for access to justice for the victims of sexual violence in refugee camps as supported by all human rights instruments;

**Noting** the current culture of impunity of the act of sexual violence against refugees and the need to curb the culture; and

**Appreciating** the importance of a binding instrument;

Agrees as follows

### **Citation**

A Protocol Additional to 1951 Refugee convention on Access to Justice for victims of Sexual violence in Refugee Camps.

### *Article 1*

#### **Definitions of terms**

For the purposes of this protocol, the following definition of words will apply

(a) **Refugees** will be defined as refugees under UN Refugee Convention and its Protocols, including as defined under the OAU Convention governing the specific aspects of refugee problems in Africa

(b) **Refugee camps** mean camps, settlements, detention, repatriation facility and all facilities hosting refugees, including in informal places and Urban refugees.

(c) **Victims of sexual violence will mean:**

(i) A refugee who has suffered sexual violations individually or as a group, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through the act of sexual violence.

(ii) A refugee may be considered a victim of sexual violence under this protocol, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The word ‘victim,’ also includes where appropriate, the immediate family or their dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

(d) **Perpetrator means:**

(i) anyone who sexually violates a refuge in camps, such as peacekeeper, NGO Staffs, UN staffs, fellow refugees, locals from the host states, policemen etc.;

(ii) Anyone who procures, encourages, exchanges favors for sex, who organised child marriage, the husband of the child bride and pimping of refugees or an accomplice;

(iii) Individual, Non-governmental Organisations, and the government of a host country charged with the duty to protect and either failed to protect refugees against sexual violations or was complicit to the crime.

(iv) Anyone or organisations or agents the government of a host country, who has failed to act appropriately in response to victims.

## *Article 2*

### **General Principles**

- (a) There should be respect for dignity, autonomy, and independence of the person.
- (b) Fairness.
- (c) Nondiscrimination.
- (d) Equal access.
- (e) The official must empathise with the victims.
- (f) Accountability.

## *Article 3*

### **Access to refugee status**

States should accord refugees with refugee status in accordance with the UN refugee Convention and the regional conventions.

## *Article 4*

### **Protection against violations in Camps**

States are to ensure that refugees camps are secured against all forms of human rights violations, especially sexual violence, through adequate policing.

## *Article 5*

### **Preservation of evidence**

There shall be established a health facility accessible to refugees in camps, with competent experts to meet the psychological and medical care of victims of sexual violations, and for the documentation and reporting of the incidence and for the medical specimen to be collected and evidence preserved.

1. There should be established a police station with a holding cell in the camps or in close proximity and easily accessible to refugee camps.
2. The state should ensure that in reporting a sexual violation, that perpetrators should be arrested and brought to account for the crime.
3. There should be a law clinic located in a close proximity and accessibility to every refugee camps, settlement, reception and detention centers in countries of refuge.
4. Or in areas accessible to refugees or asylum seekers.

### *Article 6*

#### **Access to Justice**

1. A Refugee should have access to courts in compliance with article 16 of the UN Convention 51.
2. Procedural and substantive barriers to accessing justice should be removed.
3. A victim of sexual violence should be accorded with a *locus standi* as a co - prosecutor in the criminal proceeding against the predator.

### *Article 7*

#### **Perpetrators**

1. Peace keepers and all other perpetrators who possess immunity from prosecution, should consider the sexual violation of a refugee as a waiver of that immunity and should be prosecuted in the jurisdiction of the crime.
2. All perpetrators must be prosecuted in the jurisdiction of the crime and not subjected to administrative discipline by their employers.
3. There should be no option of fine or parole for the perpetrators.

### *Article 8*

#### **Protection of victims**

1. States are to create a fair and effective legal procedure for victims of SV that will incorporate, among others, protective measures, a timeous hearing, and effective access to such procedures.
2. States are to establish the necessary legal and administrative mechanisms to guarantee that victims of sexual violence have effective access to restitution, reparations or other just and equitable remedies.

### *Article 9*

#### **General obligations**

1. States are to provide;
  - (a) Facilities for Justice Systems.
  - (b) Trained staff for the purposes of helping the victims.
2. The Police

- (a) Should be gender sensitive in gathering evidence, Female police should prepare female victims for evidence, while male victims should be handled by male police.
- 3. The courts are to;
  - (a) ensure there should be a well - trained judge specialised in dealing with sexual violations
  - (b) include victim oriented approach in the handling of cases.
  - (c) incorporate the principle of reparation in their decisions.

#### *Article 10*

#### **Victims with disability**

1. Their disability must be accommodated in the court, structure, processes, and proceedings.
2. There should be no discrimination because of their disability.
3. Victims with intellectual disability must not be declared as unfit to give evidence, except a comprehensive medical assessment is done to ascertain the level of incapability

#### *Article 11*

#### **Duties of Contracting Parties**

Contracting parties are to:

1. Condemn sexual violence against female refugees and agree by all means to create policies to check, penalise and possibly eliminate sexual violence against female refugees.
2. Ensure that, they and their representatives do not engage in sexual violence against refugees
3. States are amend the criminal laws and procedure to reflect victim oriented criminal justice systems

# Appendix B

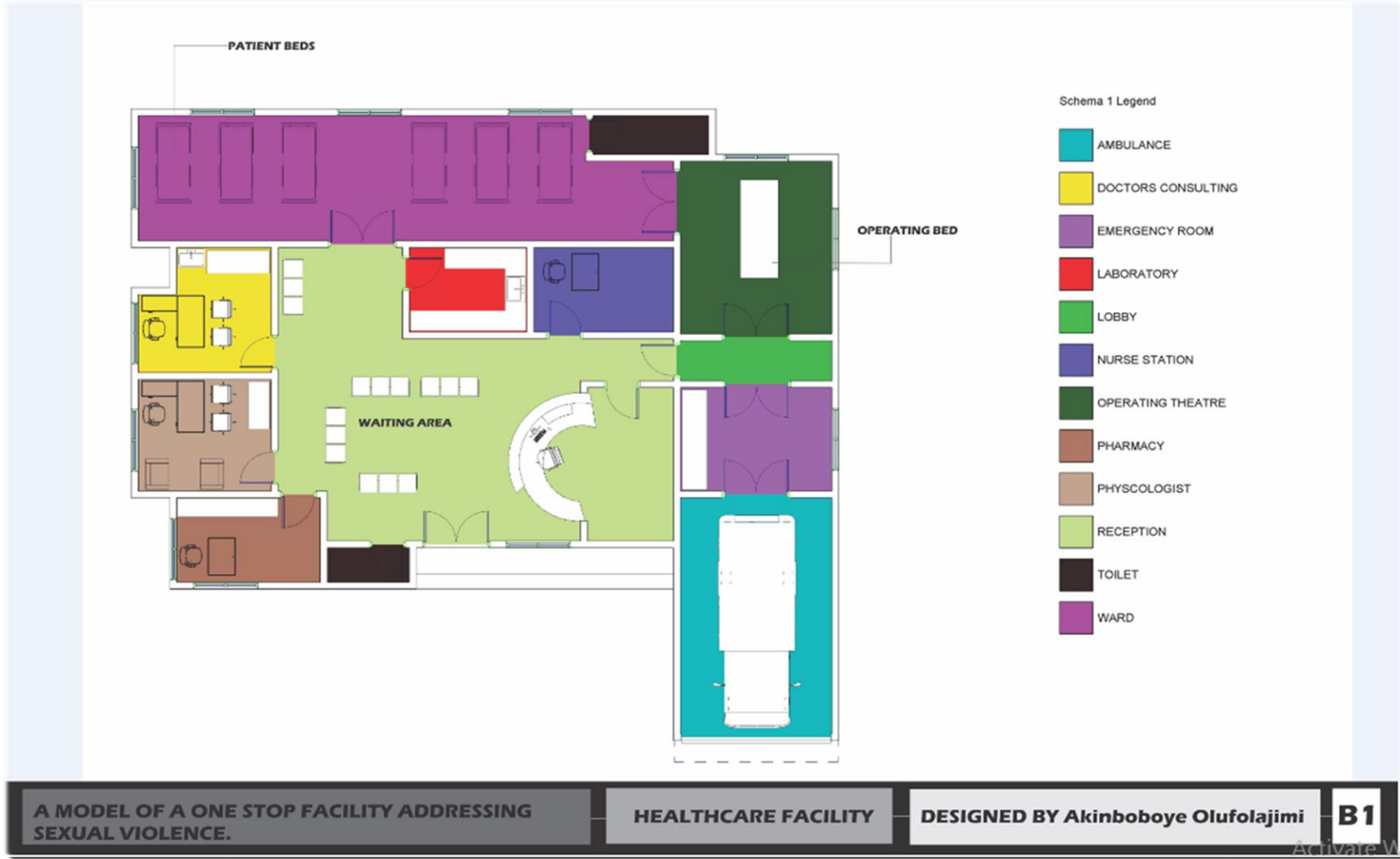


Schema 1 Legend

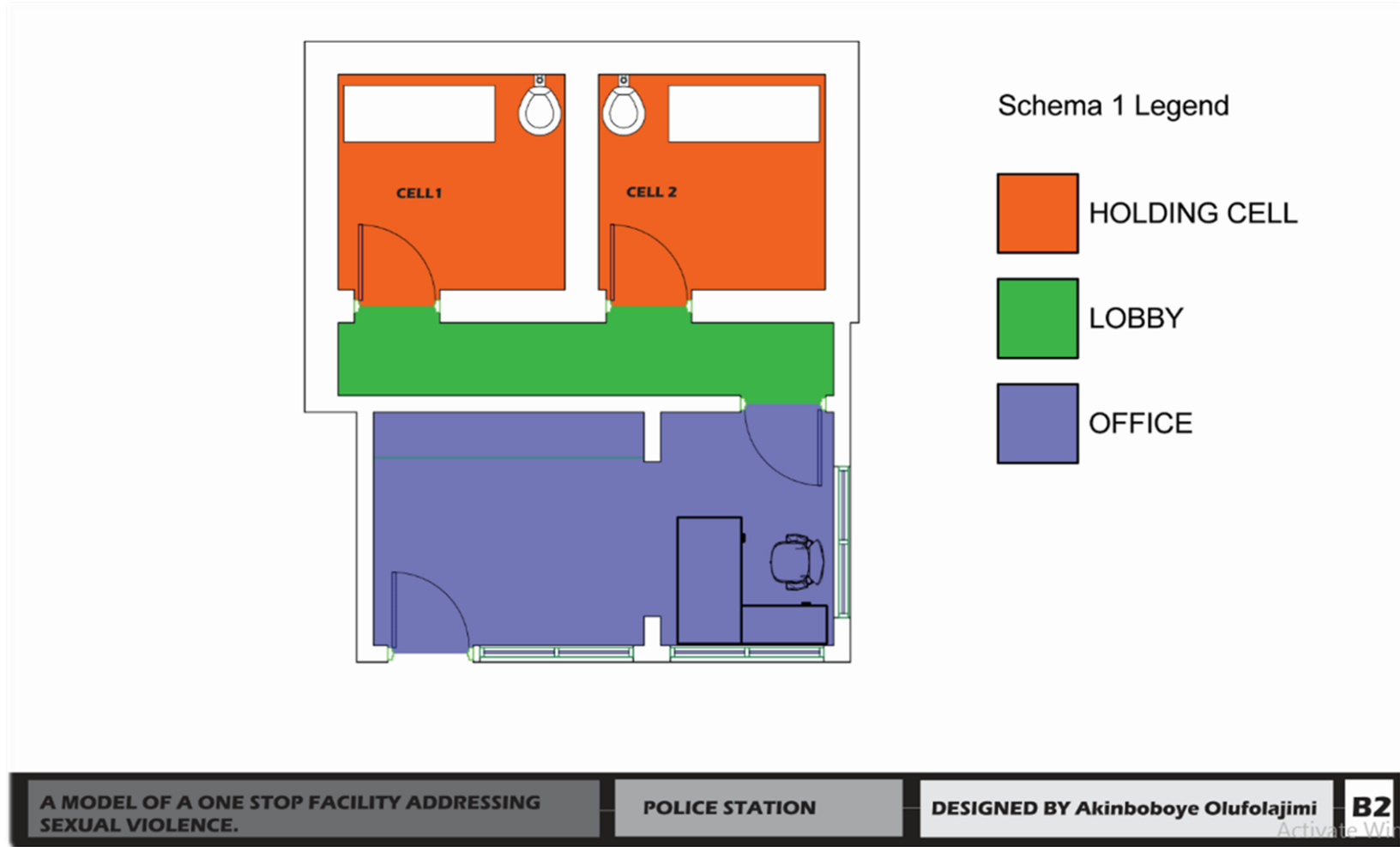
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- ARCHIVES
- COURT ROOM
- DOCTORS CONSULTING
- EMERGENCY ROOM
- HOLDING CELL
- JUDGES OFFICE
- LABORATORY
- LIBRARY
- LOBBY
- NURSE STATION
- OFFICE
- OPERATING THEATRE
- PHARMACY
- PHYSICOLOGIST
- RECEPTION
- TOILET
- WARD

**A MODEL OF A ONE STOP FACILITY ADDRESSING SEXUAL VIOLENCE.**      **SITE PLAN**      **DESIGNED BY Akinboboye Olufolajimi**      **B**

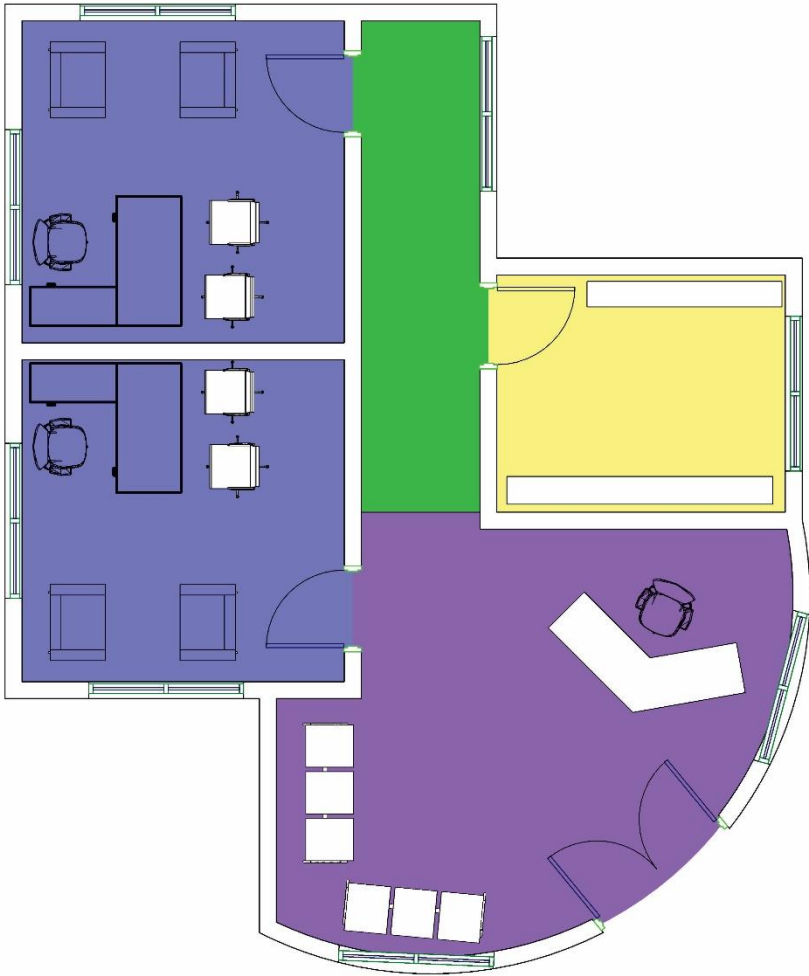
# Appendix B 1



## Appendix B 2



# Appendix B 3



Schema 1 Legend

- LIBRARY
- LOBBY
- OFFICE
- RECEPTION

# Appendix B 4

