

رابطة معتقلي و مفقودي سجن صيدنايا
Association of Detainees & The Missing in Sednaya Prison



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**GLOBAL
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FOR AND WITH SURVIVORS OF
CONFLICT-RELATED SEXUAL VIOLENCE

SYRIA STUDY ON OPPORTUNITIES FOR REPARATIONS FOR SURVIVORS OF CONFLICT- RELATED SEXUAL VIOLENCE



SYRIA



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OPPORTUNITIES FOR
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SEXUAL VIOLENCE**

Amal Nassar

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View of Dammascus, Syria, 2019
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EXECUTIVE SUMMARY

In 2011, peaceful protests demanding basic economic, legal, and political rights and reform in the Syrian Arab Republic (Syria) were violently crushed by the Assad regime (Syrian regime), which went on to arrest, detain, and subject thousands to a myriad of human rights violations, including sexual violence.¹ The uprising was soon transformed into an armed conflict, which multiplied into national and international armed conflicts involving a growing number of armed actors. Today, the conflict remains ongoing, with complete disregard for the Syrian people's aspirations for democracy and the rule of law.

Early on in the uprising, sexual violence was instrumentalised by the Syrian regime and its associated militias as part of a policy to intimidate, threaten, humiliate, or punish opposition communities and persons, or those perceived as such.² Several non-state armed groups have also committed sexual violence with elements of exploitation, sectarianism, or revenge. Moreover, UN-designated terrorist organisations perpetrated sexual violence to enforce their ideologies that inherently promoted persecution on gender and other intersecting grounds, in particular targeting religious and ethnic minorities.³ As the conflict continues, so does the perpetration of conflict-related sexual violence (CRSV) across Syria.

This Study sheds light on the devastating physical, psychological, and socioeconomic impacts experienced by CRSV survivors, some of which extend to their families and society more broadly. These experiences are exacerbated and closely intertwined with the continuum of multiple forms of violence experienced by survivors inside Syria, but also abroad, as well as the ongoing conflict and displacement.

Survivors participating in the Study described serious, and often long-lasting, impacts of CRSV on their self-perception and esteem; physical, reproductive, and psychological health; the disruption of their life plans,

including education, employment, and/or the effects on their relationships with their families and society. Severe forms of stigmatisation and social exclusion dominate the experiences of survivors; these impacts particularly affect women and girls, but also extend to men and boys. Fear, anxiety, and lack of stability are present in the daily lives of many survivors, many of whom struggle to access measures that would address their urgent needs, including adequate psychological support and medical assistance, empowerment through economic and education opportunities, and legal aid.

Reparations for survivors are interconnected with justice and encompass psychological and medical care; compensation; and being heard and treated with respect, dignity, and without blame or stigmatisation. Reparations also include ending ongoing sexual violence, particularly against those still in arbitrary detention, as well as ensuring accountability and political transition. Given that the Assad regime remains in power, many participants in the Study believe it would be impossible to even address the topic of reparation since the regime is a root cause of the violations and crimes survivors and others have experienced.

Those participating in the Study emphasised that the specific types of reparations needed will differ from one survivor to another and that while survivors might share certain demands, they should not be treated as a homogenous group. Importantly, most participants perceived reparations as a legal right, while those not entirely sure whether it was stated that it should be a legal right.

As the Study outlines, justice and reparation in Syria remain elusive as the duty bearers have not yet acknowledged their responsibility for CRSV. The United Nations Independent International Commission of Inquiry (COI Syria or the Syria Commission) on Syria found that parties to the conflict

1 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry in the Syrian Republic' UN Doc A/HRC/S-17-2/Add.1 (23 November 2011) para. 27 <https://www.ohchr.org/en/hr-bodies/hrc/ici-syria/documentation> accessed 24 November 2022.

2 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para. 1 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 8 August 2022.

3 Ibid 14-19.

are unwilling or unable to deliver accountability and effective remedies, including reparations, for the conflict's victims.⁴

Other countries, however, have moved to introduce cases regarding sexual violence in Syria before their national courts, as Germany has, or before the International Court of Justice (ICJ). The Netherlands and Canada have begun attempts to hold Syria accountable for violations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) before the ICJ. These processes may constitute a measure of satisfaction and, depending on the jurisdiction, lead to awards of compensation or other forms of reparations. Despite their importance, though, these processes are lengthy, complex, and/or cover only an infinitesimal proportion of CRSV victims of the Syrian conflict. They are also not intended to address the immediate and urgent needs of CRSV victims.

While full and comprehensive reparations are unlikely to materialise in the future, this Study underscores the importance of raising awareness, particularly amongst survivors, of the right to a remedy and reparation. Many of those participating in the Study expressed their wish to be recognised, heard, and engaged in the demand of their rights. To this end, the Study emphasises the importance of reinforcing the agency of survivors and amplifying their voices and activism. A Charter for truth and justice, developed by five victim associations, is a demonstration of victims' clear and essential visions of what justice encompasses, which includes the provision of reparations and putting an end to ongoing crimes, including sexual violence. This vision should be promoted and implemented by all actors working on or involved in the Syrian conflict.

Finally, and importantly, participants in the Study stated that other actors, particularly the international community, must step in to address the lack of recognition of CRSV survivors, their urgent needs that cannot wait for a future reparations programme, and the ongoing stigmatisation survivors experience. The establishment of interim reparative measures for this purpose would not remove the responsibility of the Syrian state and other duty bearers from providing full reparations.

| Key recommendations

To all parties to the conflict

- Immediately halt the perpetration of gross human rights violations and crimes under international law, including sexual violence, through prevention and response measures in line with international law and standards;
- Release all those arbitrarily or unlawfully detained and prevent detention-related violations, including sexual violence;
- Cooperate with international entities, including allowing unhindered humanitarian access throughout the country to ensure the provision of services and the cessation of sieges on civilians.

To the Syrian government

- Comply with international humanitarian, customary, and human rights law obligations, including in relation to victims' right to an adequate and effective remedy and reparation;
- Implement recommendations from the UN-mandated Commission of Inquiry on Syria and other UN entities, including recommendations from the UN Secretary General in the annual report on CRSV.

To the international and donor community

- Come together with Syrian civil society organisation to establish an international fund or programme to provide interim reparative measures, both of material and symbolic value, to victims of gross violations of international human rights law and serious violations of international humanitarian law, including CRSV survivors. A roundtable convening the relevant stakeholders, including survivors, can be a first step towards the establishment of such a fund or programme;

⁴ UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, 22 February–19 March 2021, A/HRC/46/55 (11 March 2021) para. 98 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf> accessed 11 July 2022.

- Consider repurposing of assets from perpetrators as a way of financing a fund or programme to provide interim reparative measures. In this regard, proceedings in France relating to the confiscation of ill-gotten assets of Rifaat al Asaad could constitute a unique opportunity to finance urgent reparative measures for survivors;
- Address the lack of reparations for CRSV survivors by funding, supporting, and promoting interim reparative measures by non-duty bearers that respond to survivors' urgent needs and expectations for reparations, as defined by survivors;
- Where jurisdiction exists, investigate and prosecute perpetrators of sexual violence within the Syrian conflict as war crimes, crimes against humanity, genocide, or torture. Take measures to ensure that key information on the trials is accessible to Syrians, including to survivors not participating in the case;
- Proactively facilitate the meaningful participation of sexual violence survivors in all relevant peace processes and political talks. Implement the Truth and Justice Charter, which was drawn by five Syrian associations for survivors, victims, and their families.



ACRONYMS

ADMSP	Association of the Detainees and the Missing in Sednaya Prison
API	Additional Protocol I to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
COI Syria	Independent International Commission of Inquiry on the Syrian Arab Republic
CRC	Convention on the Rights of the Child
CRSV	Conflict-related sexual violence
ECCHR	European Center for Constitutional and Human Rights
EU	European Union
FDG	Focus Group Discussions
FSA	Free Syrian Army
GC	Geneva Convention
GSF	Global Survivors Fund
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
IIIM	International, Impartial and Independent Mechanism ⁵
ICJ	International Court of Justice
IDP	Internal Displaced People
ISIL	Islamic State in Iraq and the Levant
LDHR	Lawyers and Doctors for Human Rights
LGBTQI	Lesbian, Gay, Bisexual, Transsexual, Queer and Intersexual
NGO	Non-governmental organisation
SCM	Syrian Center for Media and Freedom of Expression
SDF	Syrian Democratic Forces
SGBV	Sexual and gender-based violence
SJAC	Syria Justice and Accountability Centre
SNA	Syrian National Army
SSI	Semi Structured Interviews
UNFPA	United Nations Population Fund
UN HRC	United Nations Human Rights Council
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
SRSR-CAAC	UN Special Representative of the Secretary General on Children and Armed Conflict
WGSS	Women and Girls Safe Spaces
WHO	World Health Organisation
WND	Women Now for Development

5 The IIIM is used in short for the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under international Law committed in the Syrian Arab Republic since March 2011. See, <https://iiim.un.org/>



I. BACKGROUND AND METHODOLOGY

1. About the project, project partners, author, and acknowledgments

1.1. About the project

The Global Survivors Fund (GSF), in collaboration with Woman Now for Development (WND) and the Association of Detainees and the Missing in Sednaya Prison, conducted a Study to identify the reparations' needs of survivors of CRSV in Syria, as well as the opportunities for delivering reparations to survivors through judicial and administrative processes (the Study).

This Study presents and analyses survivors' perceptions of and expectations for reparations. It offers practical, concrete, and context-specific recommendations to policy makers and other relevant actors at national and international levels to pave the way for future reparation programmes, while taking measures to respond to victims' current needs. This Study also seeks to establish whether CRSV survivors have already received any form of assistance and/or reparation through government programmes or from civil society initiatives; if so, what lessons can be learned from those experiences to inform the design and delivery of comprehensive survivor-centred reparations in the future, including the potential delivery of interim reparative measures by GSF and other actors. The Syria Study further aims to increase the understanding and awareness of survivors' right to reparation and to create further momentum for the delivery of meaningful survivor-centred reparations to victims of CRSV committed in Syria.

The Syria Reparations Study is part of a global study on reparations (the 'Global Reparations Study') launched by GSF in 2020, which focuses on the status of and opportunities for reparations for survivors of CRSV in over 25 countries.⁶ This multi-actor Study is conducted in collaboration with over 40

local and international partners, including survivors' networks, groups, and organisations. It seeks to make recommendations for further action based on the needs and aspirations of victims and to identify potential support available among key actors and concrete action to enhance access to reparations for survivors of conflict-related sexual and reproductive violence around the world.

1.2. About the project partners



The **Global Survivors Fund** was launched in October 2019 by Dr Denis Mukwege and Nadia Murad, Nobel Peace Prize laureates 2018. Its mission is to enhance access to reparations for survivors of conflict-related sexual violence around the globe, thus responding to a gap long identified by survivors. GSF acts to provide interim reparative measures in situations where states or other parties are unable or unwilling to meet their responsibilities. GSF advocates for duty bearers as well as the international community to develop reparations programmes. It also guides states and civil society by providing expertise and technical support for designing reparations programmes. GSF's survivor-centric approach is the cornerstone of its work. For more information, visit: <https://www.globalsurvivorsfund.org/>.



The **Association of Detainees and the Missing in Sednaya Prison** was established in 2017 as an association for survivors, victims and their families seeking to uncover the truth and to achieve justice for those detained in Syria for their political opinions or activities. It works to expose the fate of the missing and

⁶ For more information about the Global Reparations Study and to access studies conducted in other countries, see: <https://www.globalsurvivorsfund.org/guide>.

forcibly disappeared persons in the Sednaya Prison, and Syria in general. In addition to documenting the numbers, geographic locations, date of disappearance and the alleged party responsible for the arrest of detainees and disappeared persons in the Sednaya prison and other detention-related violations; ADMSP provides families of the missing and detained with advice and moral support, amplifying their voice and suffering through various means. ADMSP's Family Center offers rehabilitation services focused on psychological health to survivors of torture, war, violence, or other human rights violations and conflict-related crimes. ADMSP's work promotes recognition of the harm suffered by detainees, truth seeking, accountability, establishing the fate of the missing, and reparations for victims and survivors of international human rights and humanitarian law violations. For more information, visit: <https://www.admsp.org/>.



Women Now For Development
النساء الآن للتنمية

Women Now for Development is a Syrian non-governmental organisation established in 2012 that initiates programmes led by Syrian women that protect women and children across socio-economic backgrounds and empower women to find their political voice and participate in building a new, peaceful Syria that respects and safeguards equal rights for all its citizens. Strengthening women's rights and amplifying local women's voices are at the core of Women Now's work, and are inherent in its mission to empower Syrian women and girls. Women Now for Development supports and contributes to movements that are geared towards socially progressive and peaceful change. For more information, visit: <https://women-now.org/>.

1.3. About the author

Amal Nassar is an international justice expert with extensive experience in the documentation of conflict-related crimes including sexual violence and crimes against children, and on access to justice and reparations. She is a rostered expert with Justice Rapid Response (JRR), a network of criminal justice professionals who can be deployed to investigate, analyse and report on international crimes and gross human rights violations. Amal is currently a consultant

working with United Nations agencies, civil society and international organisations, including the Global Survivors Fund. Previously, Amal worked with a number of civil society organisations including the Coalition for the International Criminal Court and the International Federation for Human Rights, closely following the work of the International Criminal Court (ICC), including in particular in the area of victims' rights.

1.4. Acknowledgments

Women Now for Development, the Association of the Disappeared and the Missing in Sednaya Prison and GSF would like to thank all survivors for their courage and determination in participating in this Study. In doing so, they have ensured that the Study findings are truly in line with the lived reality of those affected by CRSV.

We would like to thank Mona Zeineddine, former Programme Manager at Women Now for Development, for her contribution to the drafting of sections of this Study. The author and GSF are grateful to Merna Aboul-Ezz and Julia Tétrault Provencher, research assistants, and to Elizabeth Sturley, intern at GSF and student of the Masters in Transitional Justice at the Geneva Academy, for their research and drafting support. We would also like to thank Vishnu Varatharajan, Research Officer at GSF, for his support in the presentation of the Study's findings. The Study was subject to input from and review by Diab Serriye and Riyadh Avlar from ADMSP and by Maria Al-Abdeh of WND. We also thank Lilas Al-Bouni, Oula Al-Jundi, Oula Marwa, and Soha Al-Rawi of WND for their coordination efforts. The author extends her deep appreciation for the expertise and guidance received from Esther Dingemans, Danaé van der Straten Ponthoz, and Delia Sanchez del Ángel of the GSF team.

We are also grateful for the expert review and input to this Study from the Syria Justice and Accountability Center (SJAC); the Center for Victims of Torture (CVT); Leen A., Syrian feminist and social justice activist; Veronica Bellintani of the Syrian Legal Development Programme (SLDP); Alexandra Lily Kather, international justice consultant; and Habib Nassar, Director of Policy and Research at Impunity Watch.

We are indebted to Islam al-Aqeel of CVT for her valuable guidance and support in ensuring that the Survivors' Perception of Reparations Review of the

Syria Study is conducted in a trauma-informed manner, including ensuring the language of the research tools are trauma and gender-sensitive; fully supporting and participating in the focus group discussions (FGDs); as well as providing individual or group counselling to survivors participating in the Study.

| 2. Methodology

2.1. Aim of the Syria Reparations Study

This Study identifies current avenues for accessing reparations for CRSV available in Syria, as well as internationally or in third countries; the gaps between access and survivors' needs and rights; and the steps needed to respond to the reparations gap while paving the way for comprehensive reparations in the future.

2.2. Specific objectives of the Syria Reparations Study

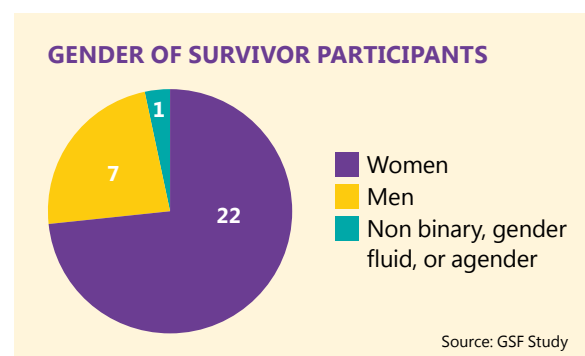
1. Provide an overview, to the extent possible, of the scope and extent of sexual violence committed since the start of the Syrian uprising in 2011.
2. Identify and assess legal and administrative frameworks in place for awarding reparations to survivors of CRSV.
3. Identify and analyse survivors' perspectives, needs, and expectations in relation to reparation and interim reparative measures.
4. Identify gaps between current access to reparations and survivors' needs;
5. Determine opportunities for paving the way for comprehensive reparations in Syria while responding to survivors' urgent needs.
6. Provide contextual recommendations for ensuring reparations, interim reparations, or interim reparative measures are provided to survivors of CRSV in Syria.

2.2. Study methodology

The Syria Reparations Study was carried out using mixed research methods, both quantitative and qualitative. Together, the author and the partners conducted semi-structured interviews and two focus group discussions and gathered and analysed survivors' demographic profiles. The author also conducted extensive desk research of primary and secondary data.

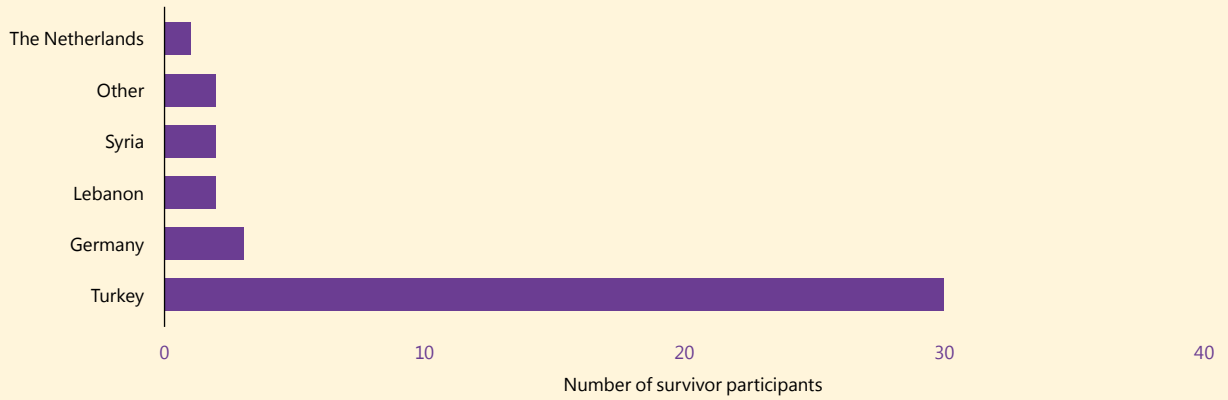
The Study was carried out in various stages. First, a desk-based review of reports, studies, and other literature from human rights and international organisations was conducted on the scale, scope, and impact of CRSV in the Syrian conflict and on survivors' access to a remedy, including reparations. Thereafter, interviews with key representatives of Syrian and international civil society organisations, victim associations, law firms, and international organisations were conducted. Following the first phase, the above-mentioned organisations were contacted to discuss the Study's objective. After developing partnership agreements, the author worked together with the partners to adapt GSF's data collection tools to the Syrian context, determining the size and composition of the sample of participating survivors, the geographic location(s), and the setting for this work.

A total of 40 survivors participated in this Study (see Annex 1 for details on the demographic profiles of survivor participants). 22 out of the 40 survivors participated in semi-structured interviews (SSI) administered by researchers from the partner organisations and by the author in Turkey, Lebanon, Syria,⁷ and Europe. The remaining 18 survivors participated in FGDs in Turkey facilitated by ADMSP and GSF, with the support of CVT. For safeguarding purposes, children were not interviewed for this Study.

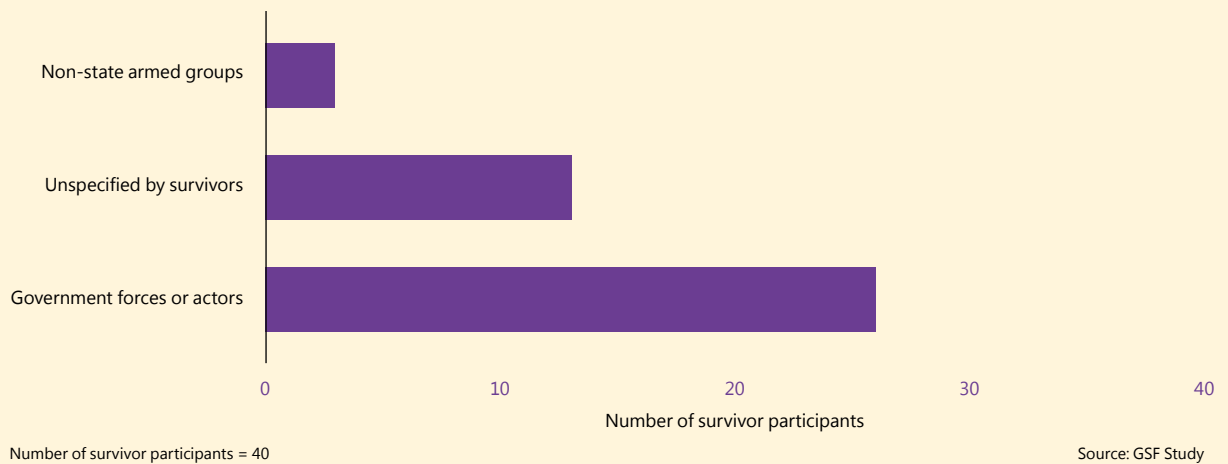


⁷ Interviews conducted in Syria followed through risk and security assessments by GSF partners to ensure participation in the Study would not result in any harm or risks to persons' security.

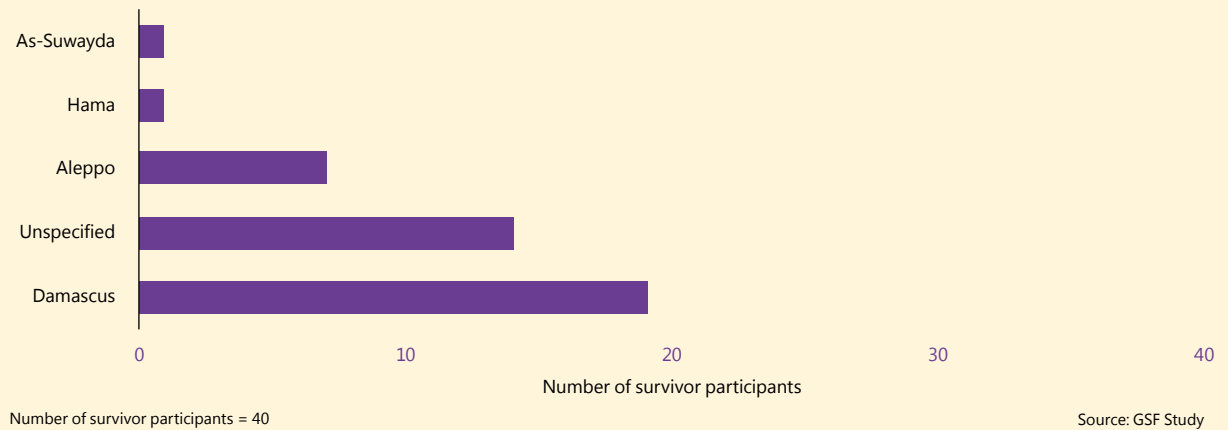
LOCATION OF FOCUS GROUP DISCUSSIONS AND SEMI-STRUCTURED INTERVIEWS



CRSV PERPETRATORS AS IDENTIFIED BY SURVIVOR PARTICIPANTS



GEOGRAPHIC LOCATION OF CRSV EXPERIENCED BY SURVIVORS PARTICIPANTS



Survivor participants experienced CRSV at different time periods of the armed conflict across Syria. Most survivor participants identified the Syrian regime and its actors as responsible for CRSV; they also named several non-state armed groups, including al-Nusra Front and the Free Syrian Army.

Survivors participating in the SSI and FGDs responded to a standardised questionnaire developed by GSF, which was adapted to the Syrian context through consultation with the Study partners and survivors. Analysis of information gathered in the Survivors' Perceptions of Reparations Review critically informed this Study, particularly Section IV. The Study's recommendations were jointly developed with a group of survivors that had previously participated in the SSI and FGDs.

The research questions sought to understand survivors' experiences of the harms suffered as a result of CRSV and to assess their understanding of and expectations for reparations. The interviews were conducted following a 'Do No Harm' approach and in line with key principles set out in the Murad Code,⁸ a global code of conduct distilling existing minimum standards to ensure information from CRSV survivors is collected in a safe, effective, and ethical way. In crafting the questions, the researchers also considered gender and cultural contexts to minimise additional harm or risk to respondents, met informed consent requirements, and adhered to survivor-sensitive approaches to data collection.

The research was conducted in a trauma-informed manner and sought to have an inherent reparative effect. All survivors were offered the opportunity to have a psychologist present while the interviews were conducted. The psychologists offered support to survivors and advised facilitators on how to address potential re-traumatisation. The FGD facilitators and data collectors also took steps to protect the privacy and confidentiality of respondents and discussion

participants through, for example, anonymisation or use of pseudonyms and holding FGDs at venues that were safe and private. Additional activities were organised around the FGDs to allow survivors to connect and express solidarity. For security reasons and to respect the informed consent of those who participated, the verbatim citation of survivors' testimonies is based on the code assigned during the transcription and analysis of the information.

All data collected in interviews and focus groups was transcribed and uploaded to a secure server. The demographic profile information was processed through KoBo. It was used to understand the sample of survivors who participated in this Study, and to generate graphs and analyse patterns between survivor profiles, needs, and expectations. RStudio was used to create graphs with the demographic information.

2.4. Study limitations

The Study had certain limitations. Given that the conflict is ongoing, recent or newer incidents and trends of sexual violence may not be fully reflected, or not sufficiently explored, in this Study. The needs of survivors of such incidents can therefore not be adequately reflected in the Study. Due to the COVID-19 pandemic and related restrictions, FGDs originally planned in Lebanon and Germany were cancelled. There has been no participation from survivors residing in Jordan, as well as limited participation from Lebanon, two countries with significant Syrian populations. The views and needs of survivors in these countries of residence are therefore not sufficiently explored. There has also been limited participation of survivors of CRSV committed outside the context of arbitrary detention. Finally, themes emerging out of this research, such as the impact of CRSV on reproductive health, could not be fully explored and would merit dedicated research.

8 Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-related Sexual Violence (Murad Code) (13 April 2022) www.muradcode.com/murad-code accessed 16 May 2022.



Focus group discussion with female CRSV survivors, Mersin, Turkey, March 2021
© ADMSP



II. INTRODUCTION

Despite a global commitment to the elimination of CRSV and a clear prohibition of sexual violence under international law, it continues to be a feature of most armed conflicts today.⁹ Since the start of the Syrian uprising in 2011, which later transformed into multiple, overlapping, violent national and international armed conflicts, nearly all conflict parties have committed CRSV, although the Assad government (Syrian regime) is responsible for the vast majority of these crimes.¹⁰ The armed conflict in Syria and the perpetration of CRSV remain ongoing and far from being resolved.

Survivors of CRSV experience an array of physical, psychological, and socioeconomic impacts, many of which extend to their families and society more broadly. Severe forms of stigmatisation and social exclusion dominate the experience of survivors. The impacts of CRSV are exacerbated by the ongoing conflict, displacement, disempowerment, and continuum of violence experienced by survivors inside Syria or in countries where they have sought refuge. Justice and reparation for survivors are non-existent due to the lack of acknowledgement of, and accountability for, CRSV by the duty bearers.

This Study reviews what is known about the scale, scope, and nature of CRSV in Syria since 2011. Through direct and systemised engagement with survivors of CRSV committed since 2011, the Study provides insights into the impacts of CRSV on survivors, their needs and expectations in relation to accessing reparations despite the absence of remedies for the harms they have experienced. The Study examines Syria's legislative and policy frameworks relevant

to reparation, as well as relevant frameworks at the international level and in other countries. It also makes recommendations to a range of stakeholders on moving forward, particularly in light of the Syrian government's unwillingness to acknowledge or repair these harms.

This Study is divided into eight sections. Section I presented the background and methodology of the research and introduces the Study's partners. Section II, this roadmap, presents this report's remaining sections. Section III of the Study attempts to capture the broad strokes of CRSV in Syria and its intersection with other types of violations and crimes experienced in the Syrian conflict. It also sheds light on what is known about victims and survivors of CRSV and the alleged perpetrators. Section IV presents the findings of the Survivors' Perceptions of Reparations Review by outlining how survivors define reparations and whom they perceive as the duty bearer. It lays out survivors' current needs and priorities for reparations as defined by them, as well as what survivors perceive as risks to the implementation of any reparation, assistance or support programmes. Section V offers a brief glimpse into assistance and interim relief programmes relevant to CRSV. Section VI explores existing and potential domestic, international, and other-country avenues to a remedy and reparation regarding CRSV and their implementation. Section VII addresses what could be done to provide survivors with interim reparative measures without removing the responsibility for providing full reparations from the Syrian government. A set of recommendations are made to a range of stakeholders in Section VIII.

9 UN Security Council, 'Conflict-Related Sexual Violence Report of the Secretary-General' S/2022/272 (29 March 2022) <https://reliefweb.int/sites/reliefweb.int/files/resources/N2229371.pdf> accessed 16 May 2022.

10 See UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 8 August 2022.



III. CONFLICT-RELATED SEXUAL VIOLENCE

1. Context of the conflict in Syria

Over a decade has passed since the Syrian regime led the country into one of the darkest periods of its history, later aggravated by other conflict parties. Since 2011, Syria has been the theatre of some of the most serious and well-documented crimes under international law.¹¹ It is also described as one of the worst humanitarian crises in the 21st century.¹² While different in scale and scope, given the Syrian regime's regain of control over large swathes of previously uncontrolled territories, the conflict remains ongoing and is, at best, drifting to a situation of "no war, no peace."¹³

The gross human rights violations and serious violations of international humanitarian law committed by the conflict's parties have largely gone unpunished. The impact of more than ten years of war has devastated the Syrian population in Syria and abroad. According to 2015 Security Council resolution 2254, a Syrian-led political transition over which the Syrian people feel ownership is the way forward to resolving the conflict in Syria.¹⁴ The UN Special Envoy for Syria has facilitated several rounds of negotiations under the Geneva Political Process and saw the establishment of a Constitutional Committee mandated to prepare and draft a constitutional

reform.¹⁵ However, after eight sessions of the Syrian Constitutional Committee, the Special Envoy noted, despite some progress, the 'slow pace of work' and continued disagreement.¹⁶

The 2011 Syrian conflict is rooted in decades of authoritarianism, political oppression, and economic and social marginalisation. It was catalysed by the wave of pro-democracy protests and uprisings, also known as the 'Arab Spring', that took place in the Middle East and North Africa starting in 2010 and 2011. The demonstrations that led to the fall of leaders of authoritarian regimes in Tunisia and Egypt inspired people in other countries in the region, including Syria, to demand democracy and respect for human rights and the rule of law.

Starting in March 2011, Syrians began peaceful demonstrations demanding basic economic, legal, and political rights and reform, which were suppressed by State forces, who responded with increasing violence.¹⁷ From March to November 2011, it was estimated that at least 3,500 civilians had been killed by State Forces.¹⁸ Among key moments, a turning point in the Syrian uprising was the death under torture of Thamer Al Sharee (age 14) and Hamza Ali Al Khateeb (age 13), in two separate incidents of demonstration-linked arrests and detentions.¹⁹

11 See reports of COI Syria, mandated to investigate all alleged violations of international human rights law committed since March 2011 in the Syrian Arab Republic. The current mandate of the Commission extends to 31 March 2024 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/independent-international-commission> accessed 21 August 2023.

12 UNCHR, Syria emergency (2021) <https://www.unhcr.org/syria-emergency.html> accessed 26 July 2021.

13 António Guterres, 'Remarks to the General Assembly on the situation in Syria' UN Secretary General (30 March 2021) <https://www.un.org/sg/en/content/sg/speeches/2021-03-30/remarks-general-assembly-situation-syria> accessed 26 July 2021.

14 United Nations Security Council, 'Resolution 2254 (2015)' S/RES/2254 (18 December 2015) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/443/34/PDF/N1544334.pdf?OpenElement> accessed 24 November 2022.

15 See 'Constitutional Committee', Office of The Special Envoy of The Secretary-General for Syria <https://specialenvoysyria.unmissions.org/constitutional-committee-0> accessed 26 July 2021.

16 Office of the Special Envoy of the Secretary General for Syria (OSES), 'United Nations Special Envoy for Syria Mr. Geir O. Pedersen Statement at the Conclusion of the Eight Session of the Small Body of the Syrian Constitutional Committee' Press Release (3 January 2022) <https://specialenvoysyria.unmissions.org/united-nations-special-envoy-syria-mr-geir-o-pedersen-statement-conclusion-eighth-session-small-body> accessed 11 July 2022.

17 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry in the Syrian Republic' UN Doc A/HRC/S-17-2/Add.1 (23 November 2011) para. 27 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 24 November 2022.

18 Ibid para. 28.

19 Ibid para. 62.

When their mutilated bodies were returned to their families, wide protests swept the country.²⁰ Military operations by the Syrian regime followed, leading to the mass arrest and arbitrary detention of thousands of protestors, members of the opposition, and sympathisers, actual or perceived; their subsequent killing or enforced disappearance; and a myriad of other abuses, including sexual violence against them and civilians more broadly.²¹

After the fall of leaders of authoritarian regimes in Tunisia and Egypt, a group of school children wrote “Your turn, doctor” on a wall, in reference to Assad’s previous medical occupation. This led to their arrest, torture, and for some, killing. This incident is considered to have sparked mass demonstrations across Syria.²²

Condemnation of the Syrian regime’s violent crackdown on peaceful protests by civilians was wide, paralleled by the setup of regional and international fact-finding bodies, which led to extensive documentation and reporting of human rights abuses in the early months of the uprising.²³ This did

little to prevent the situation on the ground from worsening. In August 2012, COI Syria determined that the situation was a non-international armed conflict.²⁴

“The intensity and duration of the conflict, combined with the increased organisational capabilities of anti-Government armed groups, had met the legal threshold for a non-international armed conflict.”²⁵

Since then, the uprising against the Syrian regime has transformed into multiple, and at times overlapping, non-international armed conflicts. The mosaic of armed groups party to the conflict – including mercenaries, militias, and UN-designated terrorist groups – are either fighting on the side of the Syrian regime, against the Syrian regime, or are waging war against one another.²⁶ Additionally, the conflict was internationalised through foreign intervention and military involvement of influential states, either on the side of the Syrian regime or on that of anti-government armed groups.²⁷ Several states have directly engaged in ground and/or aerial military operations against non-state armed groups and/or the Syrian regime, making parts of the conflict international.²⁸ Turkey has been occupying parts of northern Syria since 2016.²⁹

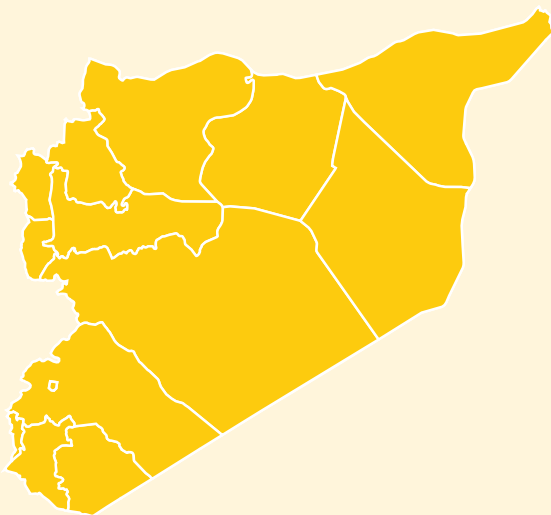
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- 20 Oula Alrifai and Aaron Zelin, ‘Protests in Daraa, Syria Undermine Assad’s Narrative of Victory’ Washington Institute, Brief Analysis (2 April 2021) <https://www.washingtoninstitute.org/policy-analysis/protests-daraa-syria-undermine-assads-narrative-victory> accessed 11 July 2022.
- 21 UN General Assembly, Human Rights Council, ‘Report of the Independent International Commission of Inquiry in the Syrian Republic’ UN Doc A/HRC/S-17-2/Add.1 (23 November 2011) para. 28 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 11 July 2022.
- 22 Oula Alrifai and Aaron Zelin, ‘Protests in Daraa, Syria Undermine Assad’s Narrative of Victory’ (2 April 2021) Washington Institute, Brief Analysis <https://www.washingtoninstitute.org/policy-analysis/protests-daraa-syria-undermine-assads-narrative-victory> accessed 11 July 2022.
- 23 The Syria COI was established on 22 August 2011 per UN Human Rights Council Resolution S-17/1. The Commission was mandated to investigate all alleged violations of international human rights law that took place in Syria since the revolution in March 2011. It was also mandated to “establish the facts and circumstances that may amount to such violations and of the crimes perpetrated and, where possible, to identify those responsible with a view to ensuring that perpetrators of violations, including those that may constitute crimes against humanity, are held accountable” (para. 13 of the Resolution). The Syria COI has also been given special mandates to look into particular events and issues in the Syrian conflict. The HRC has consistently renewed the mandate of the Syria COI. See <https://www.ohchr.org/EN/HRBodies/HRC/IIISyria/Pages/ColMandate.aspx>. On 16 February 2012, the United Nations General Assembly (UNGA) adopted resolution A/RES/66/253 in which it was agreed that the UN partners up with the League of Arab States to support a peaceful solution and a political transition to the Syrian conflict. The Security Council adopted two resolutions, 2042 and 2043, to endorse the six-point plan of Kofi Annan, the former Joint Special Envoy. The Joint Special Envoy, along with international and regional stakeholders, also adopted a document, called Geneva Communiqué, to support the plan and its implementation. The UNGA endorsed the Geneva Communiqué in resolution 66/253-B in August 2012 and the Security Council endorsed it in resolution 2118 in September 2013, see <https://dppa.un.org/en/mission/special-envoy-syria>.
- 24 UN General Assembly, Human Rights Council ‘Report of the independent international commission of inquiry on the Syrian Arab Republic’ Twenty-first session, A/HRC/21/50 (16 August 2012) para 12 https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf accessed 11 July 2022.
- 25 Ibid.
- 26 Rule of Law in Armed Conflict (RULAC), ‘Non-international armed conflicts in Syria’ (Geneva Academy of International Humanitarian Law and Human Rights, 29 May 2021) <http://www.rulac.org/browse/conflicts/non-international-armed-conflicts-in-syria> accessed 26 July 2021.
- 27 UN General Assembly, Human Rights Council, ‘Report of the Independent International Commission of Inquiry on the Syrian Arab Republic’ Forty-sixth session, A/HRC/46/54 (21 January 2021) para. 97 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/014/36/PDF/G2101436.pdf?OpenElement> accessed 11 July 2022.
- 28 RULAC, an initiative of the Geneva Academy of International Humanitarian Law and Human Rights, reports the following states as parties to the international armed conflicts in Syria: Australia, Belgium, France, Denmark, Germany, Jordan, Israel, Italy, Netherlands, Saudi Arabia, Syria, Turkey, United Arab Emirates, United Kingdom and the United States (July 2022) <https://www.rulac.org/browse/countries/syria#collapseIaccord> accessed 3 July 2022.
- 29 Engin Yüksel and Erwin van Veen, ‘Turkey in northwestern Syria: Rebuilding empire at the margins’ CRU Policy Brief (Clingendael, Netherlands Institute of International Relations, June 2019) https://www.clingendael.org/sites/default/files/2020-01/Policy_Brief_Turkey_in_Northwestern_Syria.pdf accessed 26 July 2021.

Civilians have borne the brunt of the conflict on the receiving end of disproportionate and indiscriminate warring methods, deployed for collective punishment or for military gains. COI Syria reported that the Syrian regime and those affiliated with it, as well as other warring parties, have “consistently focused on the acquisition and control of territory, at the expense of the rights of the civilian population” in their conduct.³⁰

While many violations and crimes under international law can be attributed to the Syrian regime, armed groups have also committed crimes against the civilian population and other protected persons, inflicting

unnecessary harm to opponents, actual or perceived, and extending punishment to their families.³¹ More than ten years into the conflict, the death toll in Syria is estimated to have reached at least 594,000 persons.³² Half of Syria’s pre-war population has been displaced, 6.7 million internally³³ and more than 5.6 million³⁴ seeking refuge in neighbouring countries and beyond. In a statement to the 48th Session of the United Nations Human Rights Council (UN HRC), Commissioner Karen Koning AbuZayd of COI Syria underscored that “this is no time for anyone to think that Syria is a country fit for its refugees to return.”³⁵ Those arbitrarily detained, missing, or disappeared, are estimated to total at least 148,191 individuals.³⁶

AFTER MORE THAN TEN YEARS OF THE CONFLICT IN SYRIA



594,000

PERSONS ESTIMATED TO HAVE DIED

6.7 MILLION

INTERNALLY DISPLACED PERSONS

5.6 MILLION

PERSONS SEEKING REFUGEE

Source: Syrian Observatory for Human Rights and UNHCR, 2021

30 UN General Assembly, Human Rights Council, ‘Report of the Independent International Commission of Inquiry on the Syrian Arab Republic’ Forty-sixth session, A/HRC/46/54 (21 January 2021) 19 (96) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/014/36/PDF/G2101436.pdf?OpenElement> accessed 11 July 2022.

31 Human Rights Council, ‘Human rights abuses and international humanitarian law violations in the Syrian Arab Republic, 21 July 2016- 28 February 2017’ Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, Thirty-fourth session, A/HRC/34/CRP.3 (10 March 2017) 14- 15 (61-66) <https://www.ohchr.org/en/hr-bodies/hrc/reports-archive> accessed 11 July 2022.

32 See the Syrian Observatory for Human Rights, ‘Syrian Revolution 120 months on: 594,000 persons killed and millions of Syrians displaced and injured’ (14 March 2021) <https://www.syriahr.com/en/209018/> accessed 26 July 2021.

33 UNHCR, ‘Syria emergency’ (March 2021) <https://www.unhcr.org/syria-emergency.html> accessed 24 November 2022.

34 UNHCR, Operational Data Portal, ‘Syria Regional Refugee Response’ (7 July 2021) <https://data2.unhcr.org/en/situations/syria> accessed 26 July 2021.

35 OHCHR, ‘Statement by Commissioner Karen Koning AbuZayd of the Independent International Commission of Inquiry on the Syrian Arab Republic, to the 48th Session of the United Nations Human Rights Council’ (27 September 2021) <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=27542&LangID=E> accessed 11 July 2022.

36 Syrian Network for Human Rights (SNHR), ‘The Ninth Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances; There Is No Political Solution without the Disappeared’ (30 August 2020) 7 <https://sn4hr.org/blog/2020/08/30/55402/> accessed 26 July 2021.

Sexual violence has been a key feature of the Syrian conflict since its beginning and has been committed by the Syrian regime and other major parties to the conflict, as will be explored in the next section.

2. Conflict-related sexual violence in Syria

Sexual violence has been a constant and devastating feature of the Syrian conflict from the outset, committed on a large scale by the Syrian regime and by several non-state armed groups and terrorist organisations. Additionally, sexual and gender-based violence (SGBV) beyond crimes committed by the conflict's parties has also been grave and prevalent. Such violence has been exacerbated or triggered by the conflict and includes increased levels of domestic violence,³⁷ forced (including child and early) marriage,³⁸ forced prostitution, including in the context of trafficking for sexual purposes,³⁹ and sexual exploitation and abuse in connection with displacement⁴⁰ and the provision of humanitarian assistance.⁴¹ This type of violence has been committed within Syria and in neighbouring and third countries where Syrians fleeing the war reside.

As documented by COI Syria, the Syrian regime forces and associated militias have committed sexual violence against civilians and other protected persons since the early days of the conflict as part of a policy to intimidate, threaten, humiliate, or punish opposition

communities and persons, or those perceived as such.⁴² Sexual violence was committed in various settings: its widespread and systematic use in raids on houses of demonstrators and in opposition areas, at checkpoints, and in detention settings is extensively documented.⁴³

Several non-state armed groups have also committed sexual violence with elements of exploitation, sectarianism, or revenge.⁴⁴ UN-designated terrorist organisations used sexual violence to enforce their ideologies that inherently promoted persecution on gender and other intersecting grounds. These ideologies have led to the targeting of religious and ethnic minorities and, in the case of CRSV against Yazidis, which took place partly in Syria, amounted to genocide.⁴⁵

2.1. Root causes and gendered dimensions of sexual violence

The commission of CRSV in Syria has been extremely gendered and must be analysed within existing political, social, economic, and cultural structures that are discriminatory toward women and girls, but also toward individuals with non-conforming sexual orientation and/or gender identities.

37 Michelle Lokot, 'Challenging Sensationalism: Narratives on Rape as a Weapon of War in Syria' (2019) 19 (5) *International Criminal Law Review* 868. See also Whole of Syria: Gender-Based Violence Area of Responsibility, 'Voices from Syria 2018: Assessment Findings of The Humanitarian Needs Overview' (UNFPA, November 2017) <https://reliefweb.int/sites/reliefweb.int/files/resources/gbv.pdf> accessed 26 July 2021.

38 See Syrians for Truth and Justice, 'Early Marriage Hits High Rates in Some Areas of Syria' (17 September 2020) <https://stj-sy.org/wp-content/uploads/2020/09/Early-Marriage-Hits-High-Rates-in-some-Areas-of-Syria.pdf> accessed 26 July 2021.

39 Human Rights Watch, 'Lebanon: Syrian Women at Risk of Sex Trafficking' (2016) <https://www.hrw.org/news/2016/07/28/lebanon-syrian-women-risk-sex-trafficking> accessed 26 July 2021.

40 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) paras 91-92 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 8 August 2022; UN Security Council, Report of the Secretary General on Conflict related sexual violence, S/2019/280 (29 March 2019) para. 92 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/077/43/PDF/N1907743.pdf?OpenElement> accessed 8 August 2022.

41 See Whole of Syria: Gender-Based Violence Area of Responsibility, 'Voices from Syria 2018: Assessment Findings of The Humanitarian Needs Overview' (UNFPA, November 2017) <https://reliefweb.int/sites/reliefweb.int/files/resources/gbv.pdf> accessed 26 July 2021.

42 See UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

43 Ibid.

44 Ibid.

45 Human Rights Council, "They came to destroy": ISIS Crimes Against the Yazidis', Thirty-second session, A/HRC/32/CRP.2 (15 June 2016) paras 163-165 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_32_CRP.2_en.pdf accessed 11 July 2022.

Patriarchal cultural frameworks in Syrian society, maintain that the 'honour' of the family and the broader community is closely tied to the female members of their families, the way they behave, and their 'chastity'.⁴⁶ The impact of sexual violence on the chastity of women and girls, and thereby the family's 'honour', affected entire populations; some women and girls even fled their homes to avoid its impending threat.⁴⁷

The gendered commission of sexual violence can be observed, among other ways, in how the threat of sexual violence against women and girls compelled male relatives to make forced confessions or to surrender themselves.⁴⁸ Men and boys were commonly made to watch or listen to women and girls from their families or communities (and sometimes strangers) being subjected to sexual violence.⁴⁹ Sexual violence was often aimed to impose a sense of loss of masculinity, shaming men who failed to exercise their traditional role of protecting the women in their families from sexual violence.⁵⁰ When sexual violence was committed against men directly, it aimed at 'feminising' them and exposing them to homophobic shame.⁵¹ These acts were often tied to punishing men and boys who challenged the

promoted rhetoric of masculine nationalism, which presents defending the nation (or the regime) as a symbol of manhood and heroism.⁵² Another concept tied to manhood and masculinity is the ability to have children, which was illustrated in the way Syrian men's reproductive functions were targeted during torture, often aiming at achieving permanent harm and impotence through the repeated violence and torture directed at the genitals.⁵³

Patriarchal cultural norms also influenced survivors' experiences following incidents of sexual violence. Women and girls who experienced sexual violence - be it conflict-related or not - suffer from a culture of victim-blaming⁵⁴ and social ostracization.⁵⁵ To rid themselves of what is considered a source of shame, families try to dispose of women and girl victims of sexual violence by sending them abroad⁵⁶ or by forcing them into marriage, at times to the perpetrators,⁵⁷ that are in and of themselves a form of gender-based violence and a gateway to other forms of violence, including sexual, and the deprivation of rights. In some cases, survivors' families would pretend that CRSV survivors died in detention.⁵⁸ The same often applies to women who society *assumes*

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- 46 Nawal Saadawi, 'Women, Violence and Psychiatry' Modern Discussion (24 March 2013) 1, <https://www.ahewar.org/debat/show.art.asp?aid=351131> accessed 15 June 2021; Marie Frostier, 'You want freedom? This is your freedom': Rape as a tactic of the Syrian regime' (LSE Centre for Women, Peace and Security, March 2017) 1 http://eprints.lse.ac.uk/69475/8/WP_3_2017.pdf accessed 15 June 2021.
- 47 UN Security Council, 'Sexual violence in conflict. Report of the Secretary-General' A/67/792-S/2013/149 (14 March 2013) para 90 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/259/44/PDF/N1325944.pdf?OpenElement> accessed 11 July 2022.
- 48 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) paras 18, 70 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.
- 49 Ibid, paras 14, 16.
- 50 Ibid, para 6.
- 51 Lisa Davis, 'Dusting Off the Law Books: Recognizing Gender Persecution in Conflicts and Atrocities' Northwestern Journal of Human Rights (2021) 20(1) 20.
- 52 Syria Untold, 'Belonging to a Militarized Syria as a Woman' (5 January 2018) <https://syriauntold.com/2018/01/05/belonging-to-a-militarized-syria-as-a-woman/> accessed 15 June 2021.
- 53 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 47 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.
- 54 Lawyers and Doctors for Human Rights and Synergy for Justice, 'Knowledge, Attitudes and Stigma Surrounding Sexual Violence and its Survivors in Syrian Communities' (January 2021) 14 <https://drive.google.com/file/d/1cGc2EsHoCvVBlI9ShfkPuvxohOuQQ8OA/view> accessed 25 November 2022; UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 5 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.
- 55 Dawlaty and Women's International League for Peace and Freedom (WILPF), 'Sexual violence by force of arms against women in Syria: A tool of political repression, social dismantling and impoverishment of women and communities' Policy Paper (2020) 7 <https://www.wilpf.org/wp-content/uploads/2020/10/Sexual-violence-by-force-of-arms-against-women-in-Syria-t.pdf> accessed 15 June 2021.
- 56 Lawyers and Doctors for Human Rights, 'Understanding Gender, Gender Based Violence and Stigma in Syrian Communities. A Mapping of Three Different Syrian Communities by Syrian First Responders' (October 2018) 29 <http://dhrights.org/en/wp-content/uploads/2018/12/LDHR-Gender-GBV-and-Stigma-Mapping-Report-FINAL.pdf> accessed 25 November 2022.
- 57 Lawyers and Doctors for Human Rights and Synergy for Justice, 'Knowledge, Attitudes and Stigma Surrounding Sexual Violence and its Survivors in Syrian Communities' (January 2021) 47 <https://drive.google.com/file/d/1cGc2EsHoCvVBlI9ShfkPuvxohOuQQ8OA/view> accessed 25 November 2022.
- 58 Ibid 46.

have been subjected to sexual violence, such as former detainees or abductees. Physical violence, sometimes leading to killing in the name of 'honour',⁵⁹ is a concrete threat facing survivors.⁶⁰

Only recently, on 17 March 2020, was Article 548 of the penal code annulled, removing the institutionalised tolerance for 'honour' crimes through articles that offered perpetrators mitigated sentences.⁶¹ Articles 192 and 242 of the Penal Code, however, continue to be in effect and offer mitigated sentences for perpetrators of crimes committed with 'noble motives' and 'intense rage', respectively.⁶²

Understanding these patriarchal norms and the gendered nature of CRSV in Syria helps to contextualise its massive underreporting, as well as the particular harms CRSV survivors experience and their associated needs. Women and girls often resort to silence as a coping mechanism, as what would have normally been considered as a private matter – family honour and shame – became a public *"national or territorial shame that would invoke and fuel more violence and acts of revenge,"*⁶³ including against survivors. Sexual violence against men is also underreported, due to the shame connected to the perceived loss of

masculinity.⁶⁴ This, among other reasons, leads many male survivors to describe their experiences as torture or other forms of violence, without stating its sexualised dimension.⁶⁵ It also prevents all survivors, regardless of gender, from accessing essential medical and psychological assistance.⁶⁶

2.2. Scale, scope, forms, and pattern of conflict-related sexual violence

As in other armed conflicts or crises, the full extent of CRSV in Syria is difficult to measure or assess accurately, and attempts to come up with even rough numerical figures face multiple challenges. Still, documentation of CRSV to date confirms its prevalence and pervasiveness in the Syrian conflict. The United Nations Secretary-General (UNSG), in the annual reports on CRSV, has frequently listed the Syrian government, pro-government militias, non-state armed groups, and terrorist organisations as parties committing or responsible for patterns of rape and other forms of sexual violence (see Annex 2). In a report documenting CRSV in Syria from 2011-2017, COI Syria found *"no one unaffected by sexual and gender-based violence."*⁶⁷ The following sections summarise what is known about the scale, scope, forms, and patterns of CRSV in Syria.

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- 59 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) paras 5-6 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.
- 60 Women Now for Development, 'Surviving Freedom: An Analysis of the Experiences of Female Survivors of Detention After their Release, Based on the Testimonies of the 'Survivors or not Yet' Campaign' (2020) 4 https://women-now.org/wp-content/uploads/Surviving_Freedom-EN.pdf?fbclid=IwAR3sg84wCpdtID4H5qOrISn9y09pFM0vugVxy_kiu1Lk4U4bohsCnsMUDpl accessed 17 February 2021.
- 61 Syrians for Truth and Justice, 'How is Violence against Women Written into Syrian Laws and Society?' (November 2021) 8-9 <https://stj-sy.org/wp-content/uploads/2021/11/Violence-Against-Women-in-Syrian-Law-.pdf> accessed 25 November 2022.
- 62 Syrian Penal Code, articles 192 and 242; Syrians for Truth and Justice, 'How is Violence against Women Written into Syrian Laws and Society?' (November 2021) 9 <https://stj-sy.org/wp-content/uploads/2021/11/Violence-Against-Women-in-Syrian-Law-.pdf> accessed 25 November 2022.
- 63 Khuloud Alsaba and Anuj Kapilashrami, 'Understanding women's experience of violence and the political economy of gender in conflict' (2016) 24(4) 9.
- 64 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) paras 43-50 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.
- 65 Human Rights Watch, 'The Treated us in Monstrous Ways: Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict' (29 July 2020) 16 <https://www.hrw.org/report/2020/07/29/they-treated-us-monstrous-ways/sexual-violence-against-men-boys-and-transgender> accessed 27 July 2021.
- 66 Lawyers and Doctors for Human Rights, 'Understanding Gender, Gender Based Violence and Stigma in Syrian Communities. A Mapping of Three Different Syrian Communities by Syrian First Responders' (October 2018) 31 <http://ldhrights.org/en/wp-content/uploads/2018/12/LDHR-Gender-GBV-and-Stigma-Mapping-Report-FINAL.pdf> accessed 25 November 2022.
- 67 UN News, 'Report: No one unaffected by sexual and gender-based violence in Syrian conflict' (28 March 2018) <https://www.ohchr.org/EN/NewsEvents/Pages/SyriaReport.aspx> accessed 26 July 2021.



#International_Day_Of_The_Girl

#اليوم_العالمي_للفتاة



Campaign for the right to education for Syrian girls, 2019
© Women Now for Development

2.3. Sexual violence by the Syrian regime and State actors

A. SEXUAL VIOLENCE IN SYRIAN REGIME DETENTION FACILITIES

Arbitrary detention had been a tool instrumentalised by the Syrian regime to silence (or disappear) dissidents and activists even before 2011, making the release of political detainees among the first demands of the uprising.⁶⁸ After more than a decade of conflict, survivors and victims' families demanded halting arbitrary detention, immediately releasing of tens of thousands individuals arbitrarily detained, and ending violations, including sexual violence, against them, as areas of priority.⁶⁹ As arbitrary detention pre-dates the Syrian uprising, so too did sexual violence in detention settings.⁷⁰ In his testimony in the case against Anwar R. and Eyad A. (See Section VI.4 for more information on the case), Mazen Darwish, Syrian human rights lawyer and Head of the Syrian Center for Media and Freedom of Expression (SCM), testified that sexual violence was committed in detention prior to 2011, using the example of sexual violence committed against family members of the Muslim Brotherhood.⁷¹

An expert ethnologist testifying in the Koblenz trial explained detention conditions and methods of torture, including sexual violence, used across four intelligence services. She stated that the torture techniques were often the same as were used against the opposition in the 1970s, i.e., in the era of Hafez Al-Assad, father of current president, Bashar Al-Assad.⁷²

A study by ADMSP compares the commission of sexual violence in the Sednaya Prison (where male detainees are being held) before and after the 2011 uprising, based on the analysis of 400 cases of detention in the Sednaya prison from 1980 to 2017. The analysis shows that a quarter of those detained in the Sednaya Prison before the 2011 uprising reported experiences of sexual violence, compared to over a third of those detained after 2011.⁷³ Further, the comparison shows an increase in several forms of sexual violence experienced by detainees after the 2011 uprising, including beatings, harms directed to the genitals, and forced sexual positions.⁷⁴



Aerial photo of the Red Building of the Sednaya detention center, Syria
© ADMSP

68 Human Rights Council, 'Report of the independent international commission of inquiry on the Syrian Arab Republic', Seventeenth special session, A/HRC/S-17/2/Add.1 (23 November 2011) para. 27 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 11 July 2022.

69 See Charter for Truth and Justice (the 'Truth and Justice Charter: A Common Vision on the Question of Enforced Disappearance and Arbitrary Detention in Syria by Syrian Victims' and Family Members' Organisations') drawn by five associations for victims, survivors and their families: Association of Detainees and the Missing in Sednaya Prison, Caesar Families Association, The Coalition of Families of Persons Kidnapped by ISIS-Daesh, Families for Freedom, and Ta'af (February 2021) <https://drive.google.com/file/d/1BV9DAbDO5Ubs3RC3pyu4BSw8e0xRFeJp/view> accessed on 4 April 2021.

70 Syria Justice and Accountability Center, 'Inside the Raslan Trial: Notes of Compassion from Raslan and SCM's Director Testifies' (7 January 2021) <https://syriaaccountability.org/updates/2021/01/07/inside-the-raslan-trial-notes-of-compassion-from-raslan-and-scms-director-testifies/> accessed 26 July 2021.

71 Ibid.

72 Syria Justice Accountability Center, 'The Anwar Raslan Trial: Trial Monitoring' <https://syriaaccountability.org/the-trial-of-anwar-raslan-and-eyad-al-gharib/> accessed 20 August 2021.

73 Association of Detainees and the Missing in Sednaya Prison, 'Detention in Sednaya: Report on the Procedures and Consequences of Political Imprisonment' (November 2019) 54 <https://www.admsp.org/wp-content/uploads/2021/07/sydnaya-en-final-November-s-11-07-2019.pdf> accessed 25 November 2022.

74 Ibid.

Over the course of the conflict's decade, COI Syria documented and analysed a significant number of reports of sexual violence in government detention facilities including sexual assault and sexual humiliation against women, men, and children as young as 11.⁷⁵ The findings documented a wide range of sexual violence acts against women and girls in detention, including rape, gang rape, sexual torture, sexual abuse and humiliation, sexualised verbal insults and degrading comments, forced nudity, the forced witnessing of rape

and other forms of sexual violence, intimate searches, and threats of rape, particularly during interrogations.⁷⁶ Similar trends of sexual violence against women and girls were also documented by civil society organisations including Lawyers and Doctors for Human Rights (LDHR)⁷⁷ and SJAC.⁷⁸ The Euro-Mediterranean Human Rights Network documented the degrading intimate body searches of women upon their arrival to security centres and the daily sexual violence committed against women at all stages of their detention.⁷⁹

A former detainee in branch 251 (an intelligence detention facility) testified as witness in the trial against Anwar R. in Koblenz, Germany stating that: "Upon arrival in Branch 251, she was searched by a Red Crescent nurse. When she had undressed for the search, a prison employee tried to enter the room. The nurse pushed him back, saying that the witness "was on her period," but he still saw her naked. One of the guards in Branch 251 who led her to interrogations harassed her and touched her breasts several times. Insults, including with sexual connotations, were a daily occurrence. The witness noted that she was never addressed by name during her imprisonment, only by derogatory terms such as 'whore.'⁸⁰

COI Syria documented various forms of sexual violence against men and boys in government detention facilities, including rape (particularly, but not limited to, with objects); humiliation; forced engagement in sexual acts amongst detainees; forced nudity, including before the opposite sex; forced witnessing of rape and other forms of sexual violence – particularly against, but not limited to, women and minors; and the electrocution, beating, and mutilation of their genitals.⁸¹ LDHR

documented six types of sexual violence against men and boys in detention settings: rape; genital violence including mutilation, electrocution, burning, beating, and tying the penis; collective sexual humiliation; the forced witnessing of sexual violence; the threat of sexual violence; and forced nudity.⁸² ADMSP lists eight forms of sexual torture reported in 29.4% of 400 documented cases of detention in the Sednaya prison against male detainees.⁸³

75 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, 22 February–19 March 2021, A/HRC/46/55 (11 March 2021) para. 21 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf> accessed 11 July 2022.

76 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic', Thirty-seventh session, A/HRC/37/72/CRP.3 (1 February 2018) paras 29-32 https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-72_EN.pdf accessed 11 July 2022.

77 Lawyers and Doctors for Human Rights, 'Voices from the Dark: Torture and Sexual Violence against Women in Assad's Detention Centres' (July 2017) 14-15 <https://ldhrights.org/en/wp-content/uploads/2017/07/Voices-from-the-Dark.pdf> accessed 27 July 2021.

78 Syria Justice and Accountability Centre, 'Do You Know What Happened Here? An Analysis of Survivor Accounts of SGBV in Syria' (April 2019) 5 <https://syriaaccountability.org/content/files/2022/04/SGBV-report.pdf> accessed 7 July 2022.

79 Sema Nassar, 'Detention of Women in Syria: A weapon of war and terror' (The Euro-Mediterranean Human Rights Network, May 2015) 18-20 https://euromedrights.org/wp-content/uploads/2015/06/EMHRN_Womenindetention_EN.pdf accessed 26 July 2021.

80 'Trial updates: First trial worldwide on torture in Syria: Al-Khatib trial, day 61 and 62, 10/11 March, 2021: Survivors testify about their imprisonment in al-Khatib' (European Center for Constitutional and Human Rights) <https://www.ecchr.eu/en/case/trial-updates-first-trial-worldwide-on-torture-in-syria/> accessed 20 August 2021; 'The Anwar Raslan Trial: Trial Monitoring' (Syria Justice Accountability Center) <https://syriaaccountability.org/the-trial-of-anwar-raslan-and-eyad-al-gharib/> accessed 20 August 2021.

81 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Thirty-seventh session A/HRC/37/72 (1 February 2018) paras. 43- 50 https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-72_EN.pdf accessed 11 July 2022.

82 Lawyers and Doctors for Human Rights, 'The Soul has Died: Typology, Patterns, Prevalence and the Devastating Impact of Sexual Violence against Men and Boys in Syrian Detention' (March 2019) 17-39 <http://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf> accessed 27 July 2021.

83 Association of the Detainees and the Missing in Sednaya Prison, 'Detention in Sednaya: Report on the Procedures and Consequences of Political Imprisonment' (2019) 54. These forms are: the beatings of sexual organs, threat of rape, harm to sexual organs or sensitive body parts, tying or tightening of sexual organs or sensitive body parts, forced sexual positions, molestation, connecting electric wires to sexual organs and shocking them, and insertion of a pipe or stick into the anus.

A male survivor testifying in the Trial against Anwar R. and Eyad A. in Koblenz, Germany shared details of sexual assault against him and others detained in Branch 251. As the European Center for Constitutional and Human Rights (ECCHR) wrote in their trial summary: "Guards had stuck a gun barrel and finger into his anus and fondled his chest and hair. The witness then reported, trembling, that the majority of prisoners he had been in contact with in al-Khatib had also been sexually assaulted. Guards would stand very close behind them, play with their nipples and stroke them behind the ear. The witness said, "In the culture I come from, it is very difficult to talk about this." He did not believe that anyone would actually admit in court to being sexually abused".⁸⁴

unwanted pregnancies.⁸⁸ The significant and particular trauma suffered by child survivors is among the reasons for under-documentation of sexual violence against children.⁸⁹

Detention has also exacerbated sexual violence against individuals with non-conforming sexual orientation and/or gender identities victimised by the regime.⁹⁰ In addition, animosity towards them from a significant portion of the prison population further aggravated their experiences. Documented forms of sexual violence perpetrated against these persons include rape, beatings on the genitals, sexualised verbal abuse including being called pejoratively 'tante' (auntie, or simply a woman), being forced to have sex with one another, and being forced to wear makeup.⁹¹

Within the detention population, children were not spared from sexual violence. Children in detention facilities suffered similar or identical sexual violence as adults, including threats and acts of sexual torture.⁸⁵ Detained children were deliberately targeted with sexual violence as a tool to punish, humiliate, and instil fear among affected communities.⁸⁶ In addition to being subjected to sexual violence directly, some children were forced to watch their parents or friends being subjected to sexual, and other forms of, violence.⁸⁷ While sexual violence carries a significant impact on all survivors, it is particularly gruesome on children, highlighted, for example, by reports of girls dying by suicide given the extreme stigma and consequences of rape, including

B. SEXUAL VIOLENCE BY THE SYRIAN REGIME AND STATE ACTORS OUTSIDE DETENTION SETTINGS

The use of sexual violence by the Syrian regime and militias acting on its behalf was not restricted to detention settings but committed in other settings as well, including: during house raids in ground operations, at check points, and in other circumstances against the family members of detainees, disappeared, or missing persons as they were trying to visit them or establish their fate.

As early as March 2011, when the Syrian uprising started, the Syrian regime resorted to a campaign of house raids and house-to-house searches to arrest

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- 84 'Trial updates: First trial worldwide on torture in Syria: Al-Khatib trial, day 61 and 62, 10/11 March, 2021: Survivors testify about their imprisonment in al-Khatib' <https://www.ecchr.eu/en/case/trial-updates-first-trial-worldwide-on-torture-in-syria/>, accessed 20 August 2021; The Anwar Raslan Trial: Trial Monitoring' (Syria Justice Accountability Center) <https://syriaaccountability.org/the-trial-of-anwar-raslan-and-eyad-al-gharib/>, accessed 20 August 2021.
- 85 UN General Assembly, Security Council, 'Children and armed conflict. Report of the Secretary-General' A/67/845*-S/2013/245* (15 May 2013) para 154 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_245.pdf accessed 20 August 2021.
- 86 Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, 22 February–19 March 2021 A/HRC/46/54 (21 January 2021) para. 56 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/014/36/PDF/G2101436.pdf?OpenElement> accessed 11 July 2022.
- 87 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 101 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.
- 88 Ibid, para. 100.
- 89 UN General Assembly, Security Council, 'Children and armed conflict. Report of the Secretary-General' A/72/361-S/2017/821 (27 August 2017) para 179 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_72_361.pdf accessed 20 August 2021.
- 90 Sarah Chynoweth, 'Sexual Violence against Men and Boys in the Syria Crisis' (UNHCR, October 2017) 27-29 <https://www.refworld.org/docid/5a128e814.html> accessed 26 July 2021.
- 91 Graeme Reid, 'The Double Threat for Gay Men in Syria' (Human Rights Watch, April 28, 2014) <https://www.hrw.org/news/2014/04/28/double-threat-gay-men-syria> accessed 2 September 2021.

protestors or those suspected of joining or supporting the Free Syrian Army.⁹² As described by COI Syria, “House raids were characterised by arrests of men and sexual violence against women and girls, as well as killings of men, women, and occasionally children.”⁹³

During ground operations, sexual violence mostly took the form of rape, including gang-rape, but included also other forms of sexual violence that amount to torture and degrading treatment.⁹⁴ Women and girls were raped in front of their families, who were forced to watch. Survivors also witnessed the killing of their male relatives, including those trying to intervene to stop them from being raped. In some instances, women and girls were killed after they were raped.⁹⁵ Sexual violence during house raids was a country-wide pattern from 2011 to 2015,⁹⁶ after which ground operations decreased due to the reliance on air force to quell the opposition.⁹⁷

Sexual violence at checkpoints of the Syrian regime’s army, intelligence, or pro-government militias targeting mostly women and girls from opposition areas has also been documented.⁹⁸

Previously, women and girls were not searched at checkpoints, yet as the conflict escalated, women were subjected to sexual harassment and abuse, intimate searches, and rape in nearby vehicles or buildings, sometimes in front of their male relatives.⁹⁹ Men suspected of being gay were vulnerable to sexual violence at checkpoints after being singled out based on their appearances or content suggestive of their sexual orientation found on their phones.¹⁰⁰

In addition to the widespread phenomenon of sexual violence in regime detention, family members of the detained and the missing also faced threats of or were subjected to sexual violence in the context of visiting or searching for their family members. Most of those missing or forcibly disappeared are men, more than half of whom are married.¹⁰¹ The women left behind – the wives, mothers, sisters, and daughters of the disappeared – experienced numerous forms of hardships and burdens,¹⁰² including establishing the fate or whereabouts of their family members. Female relatives lead the searches for their loved ones due to the severe risk to men, especially younger men, of arrest and detention, such as when they visit a security or detention facility to inquire about a missing family member. Women have therefore taken on this difficult role, increasing their vulnerability to sexual violence.

92 UN Human Rights Council, COI Syria, “I lost my dignity”: Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic’ A/HRC/37/CRP.3 (8 March 2018) paras 9-10 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

93 Ibid, para. 10.

94 Ibid, paras 14, 19.

95 Ibid, paras. 14, 17.

96 Ibid, para. 15.

97 Ibid, para. 12.

98 UN Human Rights Council, COI Syria, “I lost my dignity”: Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic’ A/HRC/37/CRP.3 (8 March 2018) paras 22-26 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

99 Ibid, para 23.

100 Human Rights Watch, ‘They Treated us in Monstrous Ways: Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict’ (29 July 2020) 38-39 <https://www.hrw.org/report/2020/07/29/they-treated-us-monstrous-ways/sexual-violence-against-men-boys-and-transgender> accessed 27 July 2021.

101 Association of Detainees and the Missing in Sednaya Prison, ‘Forcibly Disappeared in Syrian Detention Centers: Research about the Details of the Process of Forced Disappearance and the Fate of the Victims’ (2020) 8 <https://www.admsp.org/wp-content/uploads/2021/07/Forcibly-Disappeared-in-Syrian-EN.pdf> accessed 27 July 2021.

102 See Anna Fleischer, ‘Gender impact of enforced disappearances in Syria’ (Heinrich Böll Foundation’s Beirut office, May 2020) http://www.icip-perlapau.cat/numero38/articles_centrales/article_central_5/ accessed 25 November 2022.

ENFORCED DISAPPEARANCE

As defined in the International Convention for the Protection of All Persons from Enforced Disappearance (2010), enforced disappearance refers to *"the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."*¹⁰³

As of 30 August 2021, the Syrian Network for Human Rights estimated 102,287 persons to be forcibly disappeared, more than 84% of whom disappeared at the hands of the Syrian regime, while the rest were disappeared at the hands of non-state armed groups.¹⁰⁴

Formal avenues for the search for the missing in Syria are largely met with the denial of any information about the disappeared person. Consequently, families of the missing and disappeared resort to informal channels, through intermediaries (including people working for the regime), contacts, or frequently, persons who turn out to be scammers.¹⁰⁵ In exchange for information, families pay large sums of money.¹⁰⁶ Moreover, women are sometimes asked to return sexual favours or are sexually exploited by security

officers or intermediaries.¹⁰⁷ ADMSP informed GSF that in its efforts to assist the families of the missing and the disappeared, it advises families not to send men to make inquiries but only to send older women who are at lesser risk of sexual abuse or exploitation.

2.4. Sexual violence by non-state armed groups and terrorist organisations**A. SEXUAL VIOLENCE BY NON-STATE ARMED GROUPS AND TERRORIST ORGANISATIONS IN DETENTION FACILITIES**

As reported by COI Syria, non-state armed groups and terrorist organisations with territorial control have also operated detention facilities and are responsible for numerous custody-related violations, including sexual violence.¹⁰⁸ Such groups include the Free Syrian Army and groups formerly associated with it such as Jaysh al-Islam and Ahrar al-Sham; UN-designated terrorist organisations include the Islamic State of Iraq and the Levant (ISIL) and Hay'at Tahrir al-Sham (encompassing Jabhat al-Nusra and related groups); the Syrian National Army (SNA); and the Syrian Democratic Forces (SDF) and related entities.¹⁰⁹ Detention facilities run by these groups and organisations range from purpose-built to makeshift prisons, as well as heavily guarded displacement camps.¹¹⁰ Some armed groups used the detention of women and girls, particularly those belonging to minority groups, as a bargaining chip for initiating prisoner swaps.¹¹¹ Around 7,000 Yazidi women and children were abducted by ISIL, with thousands still

103 The International Convention for the Protection of All Persons from Enforced Disappearance (2010), Article 2 <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced> accessed 8 August 2022.

104 Syrian Network for Human Rights, 'Record of enforced disappearances' <https://sn4hr.org/blog/2021/03/04/record-of-enforced-disappearances/> accessed 30 December 2021.

105 الاحتيال والابتزاز المالي لأهالي المعتقلين والمختفين قسراً، كيف تحمون انفسكم من الوقوع ضحية الاحتيال والابتزاز خلال رحلة البحث عن أحببتكم، متوفر على [pdf](https://www.admsp.org/wp-content/uploads/pdf/Fraud-blackmail/IT-TV) <https://www.admsp.org/wp-content/uploads/pdf/Fraud-blackmail/IT-TV> <https://www.admsp.org/wp-content/uploads/pdf/Fraud-blackmail/IT-TV> (نوفمبر 2021)

106 Association of Detainees and the Missing in Sednaya Prison, 'Forcibly Disappeared in Syrian Detention Centers: Research about the Details of the Process of Forced Disappearance and the Fate of the Victims' (2020) 25 <https://www.admsp.org/wp-content/uploads/2021/07/Forcibly-Disappeared-in-Syrian-EN.pdf> accessed 27 July 2021.

107 Women's International League for Peace and Freedom (WILPF), 'Violations against women in Syria and the disproportionate impact of the conflict on them – Universal Periodic Review of the Syrian Arab Republic submission to the Human Rights Council' (WILPF, November 2016) 11 https://wilpf.org/wp-content/uploads/2016/06/WILPF_VAW_HC-2016_WEB-ONEPAGE.pdf accessed 3 September 2021.

108 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, 22 February–19 March 2021, A/HRC/46/55 (11 March 2021) para. 7 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf> accessed 11 July 2022.

109 Ibid, para 10–20.

110 Ibid, para. 7.

111 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 57. <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

missing.¹¹² ISIL then proceeded to organise a 'slave trade' and to 'sell' sexually enslaved Yazidi women and children back to their families for large monetary sums.¹¹³

Starting in 2017, the SNA¹¹⁴ expanded its control in Northern-West Syria, including operating a significant network of detention facilities in Afrin and Ra's al-Ayn.¹¹⁵ The group has detained civilians, primarily of Kurdish and Yazidi origin, and women have become increasingly vulnerable to detention at checkpoints or during raids on villages or homes.¹¹⁶ The COI Syria reported that detained women and girls of Kurdish, and in some cases, Yazidi origin were subjected to various forms of sexual violence, including rape, threats of rape, degrading and humiliating acts, 'virginity tests', or the photographing or video recording of women and girls being abused and the dissemination of such content.¹¹⁷ The fate of some of these women was reported in 2020 to be unknown.¹¹⁸ Sexual violence against men has also been reported, including gang rape and the forced witnessing of rape, including of minors, to humiliate, extract confessions, and instil fear within male detainees.¹¹⁹

The International Protocol on the Documentation and Investigation of Sexual Violence in Conflict states that gynaecological tests, often referred to as the 'two finger tests', which are administered to prove whether a girl or a woman was a virgin or that she was accustomed to sexual intercourse, are common in certain jurisdictions. These degrading and unscientific tests have been condemned by the World Health Organisation and Independent Forensic Expert Group and constitute a form of discrimination against women, which is prohibited under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). In fact, such actions can amount to rape and torture when committed forcibly and involving vaginal penetration.¹²⁰

Prior to fighting under the Coalition of the SNA, various factions of the Free Syrian Army (FSA) committed sexual violence. While on a lower scale than that of the Syrian regime, several instances of sexual violence in FSA run detentions centres have been documented.¹²¹

112 International Commission on Missing Persons, 'International Human Rights Day: ICMP Highlights Experience of Yazidi Families of the Missing' (11 December 2021) <https://www.icmp.int/news/international-human-rights-day-icmp-highlights-experience-of-yazidi-families-of-the-missing/> accessed 8 August 2022.

113 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-third session A/HRC/43/57 (28 January 2020) para. 39 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/022/08/PDF/G2002208.pdf?OpenElement> accessed 11 July 2022; FIDH, 'Sexual and Gender-based Crimes against the Yazidi community: The Role of ISIL Foreign Fighters' (2018) 22-27 <https://www.fidh.org/IMG/pdf/irak723angweb.pdf> accessed 26 July 2021.

114 As described at UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session A/HRC/46/55 (11 March 2021) paras 35-36 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement> accessed 11 July 2022. "In August 2016, numerous factions previously affiliated with the Free Syrian Army participated alongside Turkish armed forces in the cross-border Operation Euphrates Shield, gaining control over northern parts of Aleppo, including I'zaz. By late 2017, these groups unified under the banner of the Syrian National Army. In 2018 and 2019, the Syrian National Army participated in two additional operations alongside Turkish armed forces: Operation Olive Branch (in 2018) and Operation Peace Spring (in 2019). The operations ultimately allowed Syrian National Army forces to gain control over parts of Afrin district and east of the Euphrates River, including Ayn al-Arab, Tall Abyad and Ra's al-Ayn (Hasakah). The Syrian National Army operates in three regions with multiple brigades under a single command. As hostilities ceased in the Euphrates Shield areas, Afrin region, and in the Ra's al-Ayn area, the court system and a network of prisons and detention sites were consolidated into a joint structure under the "Syrian interim government", with judges reportedly appointed by Turkey and paid in Turkish lira."

115 Ibid, para 41.

116 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-third session, A/HRC/43/57 (28 January 2020) para. 57 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/022/08/PDF/G2002208.pdf?OpenElement> accessed 11 July 2022.

117 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session A/HRC/46/55 (11 March 2021) para 44 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement> accessed 11 July 2022.

118 Syrians for Truth and Justice, 'Afrin: How Eight Women were Forcibly Disappeared by the Hamza Division?', 3 August 2020 <https://stj-sy.org/en/afrin-how-eight-women-were-forcibly-disappeared-by-the-hamza-division/> accessed 12 October 2022.

119 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-fifth session, A/HRC/45/31 (14 August 2020) para 60 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/210/90/PDF/G2021090.pdf?OpenElement> accessed 11 July 2022.

120 Sara Ferro Ribeiro and Danaé van der Straten Ponthoz, UK Foreign & Commonwealth Office, 'International Protocol on the Documentation and Investigation of Sexual Violence in Conflict' (2nd edn, March 2017) 62 https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict/International_Protocol_2017_2nd_Edition.pdf accessed 26 July 2021.

121 Peter Levran, 'Looking through the Window Darkly: A Snapshot Analysis of Rape in Syria 2011-2015' (Syrian Accountability Project, 2016) 4 <https://syrianaccountabilityproject.syr.edu/docs/looking-through-the-window-darkly-a-snapshot-analysis-of-rape-in-syria-by-syrian-accountability-project-syracuse-university.pdf> accessed 26 July 2021. See also: Umar Lateef Misgar, "Systematic Sexual Abuse Perpetrated in Syria", (The New Arab, 27 March, 2018), <https://english.alaraby.co.uk/analysis/systematic-sexual-abuse-perpetrated-syria> accessed 26 July 2021.

The Syrian Democratic Forces (SDF) was founded in 2014 and played a pivotal role in the battles against ISIL.¹²² It is the only armed group in Northeast Syria and is a faction of the Syrian Democratic Council (SDC) and Autonomous Administration of North-east Syria (AANES). The SDF detained activists, NGO workers, political opponents, and dissidents¹²³ as well as ISIL members and their families in detention facilities or internment camps.¹²⁴ COI Syria documented instances of sexualised torture of male detainees such as the threats to burn and the burning of genitals with cigarette lighters during interrogation.¹²⁵

Hay'at Tahrir al-Sham, a UN-designated terrorist group,¹²⁶ also committed sexual violence in its detention facilities since 2011, sometimes under its previous incarnation, Jabhat al-Nusra. Documentation includes sexual violence against male detainees in the form of sexual harassment, forced nudity, sexual torture through electrocution of the genitals and rape and against women in the form of rape, threats of rape, and sexualised insults.¹²⁷ Detention and sexual violence by this group is part of its persecutory attitudes on gender and religious grounds, targeting women for violating the group's religious ideology, including for instance, not being accompanied by a *muhram* (a male chaperon)

in public spaces, not being covered or 'appropriately' dressed, or for having a profession.¹²⁸ It is reported that around 36 percent of Hay'at Tahrir al-Sham's victims are from minority groups.¹²⁹

B. SEXUAL VIOLENCE BY NON-STATE ARMED GROUPS AND TERRORIST ORGANISATIONS OUTSIDE DETENTION SETTINGS

In addition to detention settings, non-state armed groups and terrorist organisations have committed sexual violence in connection with forced marriage and the deprivation of liberty relating to abductions and slavery.

As recognised in international law and developing jurisprudence, forced marriage is a gender-based crime entailing the non-consensual imposition of a marriage status and its associated duties on a person.¹³⁰ Forced marriage is a gateway to multiple other forms of sexual violence as generally, victims are subjected to rape, sexual torture, sexual slavery, and/or forced pregnancy. In the Syrian conflict, forced marriage by armed groups has been more documented than those ensuing acts, and is therefore included in this Study as a way of capturing sexual violence suffered by victims and survivors.

122 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, A/HRC/46/55 (11 March 2021) para 53 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement> accessed 12 October 2022.

123 Ibid para 50.

124 Ibid, paras 54-55.

125 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 90 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022; See also UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, A/HRC/46/55 (11 March 2021) para 10 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement> accessed 12 October 2022.

126 UN Security Council, 'Resolution 2170 (2014): Adopted by the Security Council at its 7242nd meeting, on 15 August 2014', S/RES/2170 (2014) (15 August 2014) 3 [https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2170%2520\(2014\)&Language=E&DeviceType=Desktop&LangRequested=False](https://www.undocs.org/Home/Mobile?FinalSymbol=S%2FRES%2F2170%2520(2014)&Language=E&DeviceType=Desktop&LangRequested=False) accessed 11 July 2022.

127 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, A/HRC/46/55 (11 March 2021) para 65 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement> accessed 11 July 2022; Human Rights Council, "They came to destroy": ISIS Crimes Against the Yazidis', Thirty-second session, A/HRC/32/CRP.2 (15 June 2016) para. 62 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_32_CRP.2_en.pdf accessed 11 July 2022.

128 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, A/HRC/46/55 (11 March 2021) para. 63 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement> accessed 11 July 2022.

129 Ibid, para 59.

130 International Criminal Court, *The Prosecutor v. Dominic Ongwen*, Trial Judgment, ICC-02/04-01/15 (4 February 2021) paras 91-95.

Several non-state armed groups and terrorist organisations are responsible for forcing mostly women and girls, but also men, into marriage. Reports indicate that members of the FSA used their positions to pressure families to marry off their daughters, who were sometimes minors.¹³¹ If families opposed, commanders would sometimes intervene to force these marriages.¹³² Forced child marriages by Jabhat al-Nusra were prevalent in Yarmouk Camp and in areas controlled by ISIL.¹³³

Contrary to the Druze faith that does not permit mixed marriages, Jabhat al-Nusra forced Druze men and women to marry non-Druze persons, including members of the organisation.¹³⁴ Unmarried Sunni women and girls living in areas controlled by ISIL were forced to marry ISIL fighters, enforcing the organisation's social order, which perceives unmarried women and girls as a threat.¹³⁵ Most victims of forced marriage were girls between 12 and 16 years old.¹³⁶ Kurdish women in Afrin and Ra's al-Ayn were abducted for forced marriages by the SNA, particularly members of its Division 24 and the Sultan Murad Brigade.¹³⁷

Child marriage is "any formal marriage or informal union between a child under the age of 18 and an adult or another child."¹³⁸ It is a violation of children's human rights and a form of gender-based violence with devastating consequences, including to the health and education of the child.¹³⁹

From 2014 onwards, when ISIL expanded and solidified its territorial control in Syria and Iraq, the group resorted to various forms of deprivation of liberty, from detention to enslavement, targeting members of minority religious, ethnic, or sectarian groups who formed half of its victims.¹⁴⁰ SGBV against women and girls was a regular practice by ISIL. ISIL's genocidal campaign against Yazidi women and girls was comprised of abduction, captivity, sexual enslavement, rape, gang rape, and other forms of sexual violence.¹⁴¹ Girls as young as nine were sold in slave markets in Syria, after which they endured brutal sexual and physical violence, were denied access to adequate food and medicine,¹⁴² and were even sold again, sometimes multiple times.¹⁴³

131 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 55 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

132 Ibid.

133 UN Human Rights Council, "They have erased the dreams of my children": children's rights in the Syrian Arab Republic. Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-third session, A/HRC/43/CRP.6 (13 January 2020) para. 67 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 25 November 2022.

134 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 60 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

135 Ibid, para 2.

136 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-fifth session, A/HRC/45/31 (14 August 2020) para. 83 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 25 November 2022.

137 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-third session, A/HRC/43/57 (28 January 2020) para 57 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 25 November 2022. A/HRC/43/57, para. 57.

138 UNICEF, 'Child marriage' <https://www.unicef.org/protection/child-marriage> accessed 25 November 2022.

139 Save the Children, 'Child Marriage: The Devastating End of Childhood' <https://www.savethechildren.org/us/charity-stories/child-marriage-a-violation-of-child-rights> accessed 25 November 2022.

140 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session A/HRC/46/55 (11 March 2021) paras 70-71 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf?OpenElement> accessed 11 July 2022.

141 Ibid para 74; Human Rights Council, "They came to destroy": ISIS Crimes Against the Yazidis', Thirty-second session, A/HRC/32/CRP.2 (15 June 2016) para 113-149 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/A_HRC_32_CRP.2_en.pdf accessed 11 July 2022.

142 UN Human Rights Council Syria COI, "They have erased the dreams of my children": children's rights in the Syrian Arab Republic. Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-third session, A/HRC/43/CRP.6 (13 January 2020) para 67 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 25 November 2022.

143 FIDH, 'Sexual and Gender-based Crimes against the Yazidi community: The Role of ISIL Foreign Fighters' (2018) 22-27 <https://www.fidh.org/IMG/pdf/irak723angweb.pdf> accessed 28 June 2022.

3. Profile and mapping of victims

As the earlier sections present, most segments of Syrian society have been subjected to or impacted by CRSV. The victims and survivors are people of all genders and ages and nearly all geographic locations in Syria. Women and girls have been disproportionately impacted by CRSV, but men and boys also suffered sexual violence, particularly in the context of detention.¹⁴⁴ A significant proportion of the victims and survivors belong/ed to religions and ethnicities considered in opposition to the Syrian regime. Victims and survivors belonging to minority religious, ethnic, or sectarian groups have particularly been targeted by terrorist organisations with extreme ideologies.

Today, victims and survivors are present wherever the Syrian population is: in Syria, neighbouring countries, and beyond. Escaping Syria has not saved Syrians from being subjected to sexual violence.¹⁴⁵ Refugees, internally displaced people, and migrants have also been subjected to further sexual violence in refugee and displacement camps or en route to

asylum or safe countries.¹⁴⁶ They have been sexually exploited, trafficked, and abused in exchange for humanitarian aid.¹⁴⁷

4. Profile and mapping of perpetrators

Perpetrators of sexual violence in the Syrian conflict are not lone actors, and their conduct has been linked to broader policies of the Syrian regime, armed groups, and terrorist organisations that have instigated, encouraged, or tolerated the commission of sexual violence. Syrian army officers, soldiers, and members of pro-Government militias¹⁴⁸ – including foreign militias¹⁴⁹ committed sexual violence at checkpoints and ground operations,¹⁵⁰ which, considering its scale and systematic nature,¹⁵¹ indicates superior/command responsibility at the police, army, and political levels. The convictions of Anwar Raslan, a former head of an investigative unit of the Syrian intelligence services and head of the Al-Khatib detention center, and of Eyad al-Gharib for complicity, further indicate that sexual crimes were committed as part of the State's security apparatus, instigated or ordered by higher commanders.¹⁵²

144 UNFPA, 'More than Numbers: Regional Overview: Responding to gender-based violence in the Syria crisis' (UNFPA, 2016) 2 https://reliefweb.int/sites/reliefweb.int/files/resources/SYRIA%20CRISIS%20-%20MORE%20THAN%20NUMBER%20%20GBV%20%20ENG%20_0.pdf accessed 16 August 2021.

145 Michelle Lokot, 'Challenging Sensationalism: Narratives on Rape as a Weapon of War in Syria' (2019) 19(5) *International Criminal Law Review* 868.

146 Whole of Syria: Gender-Based Violence Area of Responsibility, 'Voices from Syria 2018: Assessment Findings of The Humanitarian Needs Overview' (UNFPA, November 2017) 57 <https://reliefweb.int/sites/reliefweb.int/files/resources/gbv.pdf> accessed 26 July 2021; James Landale and Vinnie O'Dowd, 'Syria conflict: Women 'sexually exploited in return for aid' *BBC News* (27 February 2018), 1 <https://www.bbc.com/news/world-middle-east-43206297> accessed 16 August 2021; The Freedom Fund, 'Struggling to survive: Slavery and exploitation of Syrian refugees in Lebanon', (The Freedom Fund, 12 April 2016) 3, <https://freedomfund.org/wp-content/uploads/Lebanon-Report-FINAL-8April16.pdf> accessed 16 August 2021.

147 Ibid.

148 For instance, the Shu'aytat militias, see UN General Assembly, Security Council, 'Children and armed conflict. Report of the Secretary-General' A/72/361-S/2017/821 (24 August 2017) para 179 <https://www.securitycouncilreport.org/un-documents/document/s2015203-1.php> accessed 25 November 2022; UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General' S/2015/203 (23 March 2015) para 62 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96F9%7D/s_2015_203.pdf accessed 25 November 2022.

149 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 20 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

150 Ibid, paras 9-26; UN Human Rights Council, Syria COI, "They have erased the dreams of my children": children's rights in the Syrian Arab Republic. Conference Room Paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-third session, A/HRC/43/CRP.6 (13 January 2020) para. 60 <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation> accessed 25 November 2022; UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General' S/2019/280 (29 March 2019) para 92 <https://www.securitycouncilreport.org/un-documents/document/s-2019-280.php> accessed 25 November 2022; UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General' S/2017/249 (15 April 2017) para. 69 <https://www.securitycouncilreport.org/un-documents/document/s2017249.php> accessed 25 November 2022.

151 UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General' S/2016/361(20 April 2016) para 68 <https://www.securitycouncilreport.org/un-documents/document/s2016361.php> accessed 25 November 2022; UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General' S/2019/280 (29 March 2019) para 92 <https://www.securitycouncilreport.org/un-documents/document/s-2019-280.php> accessed 25 November 2022.

152 See for instance, European Center for Constitutional Rights, 'Al-Khatib trial, day 74, 17 June 2021: Survivor talks about his encounters with Anwar R – and his influence in Syria' <https://www.ecchr.eu/en/case/trial-updates-first-trial-worldwide-on-torture-in-syria/> accessed 29 September 2021; TRIAL International, 'Anwar R. and Eyad A.' <https://trialinternational.org/latest-post/anwar-r-and-eyad-a/> accessed 29 September 2021. accessed 29 September 2021.

As outlined earlier, members of non-state armed groups, including the FSA, the SDF, and the SNA, have also committed various forms of sexual violence in the contexts of detention and forced marriages. Members of the SNA perpetrated sexual violence in the context of detention, abduction, and at check points, sometimes in the presence of members of Turkish Police or officials.¹⁵³

The sexual slavery, rape, and forced marriage committed by ISIL members was institutionalised, disseminated in propaganda material, and committed

by members of the group and its highest leadership, including foreign nationals.¹⁵⁴ Jabhat Fatah al-Sham have forced men and women from religious minorities into marriages outside their religion and underage girls into marriages with its fighters.¹⁵⁵ These actions indicate a group policy that must have been known to the group's commandship.

To this date, no party to the conflict has investigated or prosecuted perpetrators of sexual violence, which remains ongoing.¹⁵⁶



Activity during the 16 days of Activism Campaign for the International Day for the Elimination of Violence Against Women, Syria, 2021
© Women Now for Development

153 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic', Forty-fifth session, A/HRC/45/31 (14 August 2020) paras 54, 60 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/210/90/PDF/G2021090.pdf?OpenElement> accessed 11 July 2022.

154 UN Security Council, 'Report of the Secretary-General on conflict-related sexual violence' S/2018/250 (23 March 2018) para 77 <https://www.securitycouncilreport.org/un-documents/document/s2018250.php> accessed 26 November 2022; UN Security Council, 'Report of the Secretary-General on conflict-related sexual violence' S/2016/361 (20 April 2016) para 68 <https://www.securitycouncilreport.org/un-documents/document/s2016361.php> accessed 26 November 2022; UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General S/2015/203 (23 March 2015) para 61 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/report/s2015203-23-march-2015/SG-Report-2015.pdf>.

155 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 60 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

156 UN Security Council, 'Conflict-related sexual violence. Report of the Secretary General' S/2021/312 (30 March 2021) para 57 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf> accessed 26 November 2022.



IV. SURVIVORS' PERCEPTIONS, NEEDS, PRIORITIES, AND RISKS

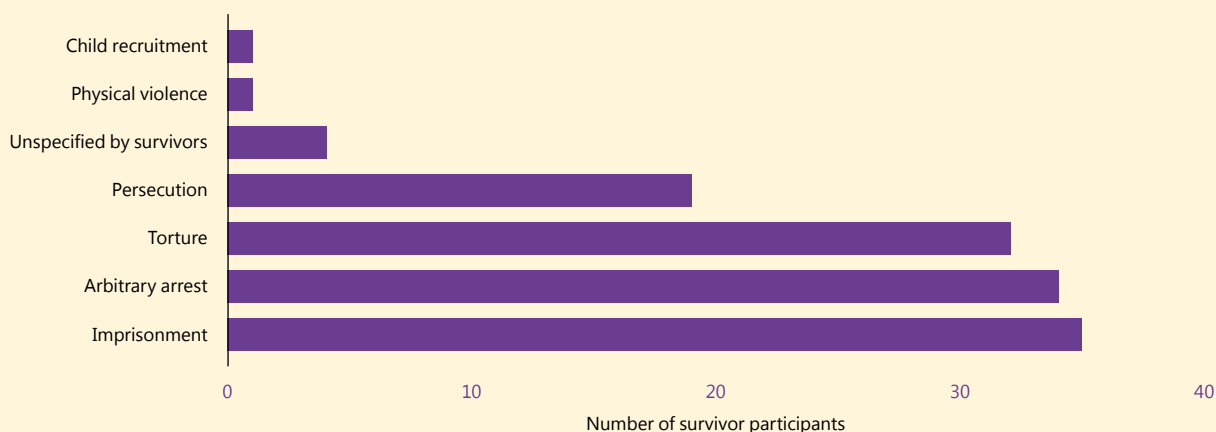
Survivors participating in this Study experienced multiple forms of CRSV, all with grave impacts. The experiences of these survivors spanned a broad spectrum of violations and crimes and differed from one survivor to another. All survivors who participated in the Study were victims of other overlapping and non-overlapping violations and crimes, including arbitrary detention, torture, deportation, enforced disappearance, siege, and chemical weapon attacks.¹⁵⁷

It was therefore important to examine the impacts of sexual violence in the context of the multiple and repetitive conflict-related violations and crimes endured across the past decade by survivors, their families, and communities. While some impacts and needs identified below are clearly connected with the experience (or assumption due to detention) of sexual violence, some are intertwined with other forms of victimisation experienced by the survivors.

Similarly, while CRSV was a central and defining feature to some survivors' experiences, to others, this was not necessarily the case. Several survivors, particularly women, spoke against a narrow emphasis on sexual violence that negates the remainder of their experiences. A female survivor described:

"I am very disturbed when we speak of one aspect only [sexual violence] as if it is the primary point in the experience. Why then? Is it because us as women are defined by sexual violence? I do feel that when we focus primarily on sexual violence, we deepen societal discrimination."¹⁵⁸

OTHER CRIMES EXPERIENCED BY SURVIVORS PARTICIPANTS



Number of survivor participants = 40

Source: GSF Study

¹⁵⁷ The reported violations and crimes were mentioned by survivor participants in the course of the Study, particularly in semi-structured interviews and focus group discussions. The Study does not seek to collect survivor testimonies or comprehensive accounts of survivors' experiences, and therefore, this list cannot be comprehensive. Survivors are likely to have experienced other violations or crimes that they did not share. Moreover, these violations and crimes are not necessarily reported on the basis of their legal elements and are rather how survivor participants qualified their experiences.

¹⁵⁸ MESYRWOINT01.

The impacts, needs, and priorities identified below are not comprehensive nor are they a complete representation of all CRSV survivors or their overall needs. Survivors residing in countries or in certain areas of Syria not accounted for in the sample of this Study, for example, may have other specific needs that are not sufficiently covered below.

1. Impact of conflict-related sexual violence on victims, families, and communities

1.1. Impacts on female survivors

A. SELF-PERCEPTION AND ESTEEM

Sexual violence has had an impact on how women and girls perceive themselves. Several women survivors stated that they did not feel the same anymore and that they felt defeated, unconfident, and not as strong as they used to feel.¹⁵⁹ Several survivors also shared feeling distant from those around them, including family members, unable to share or speak of what happened.¹⁶⁰ A few survivors expressed feelings of self-blame, describing how sexual violence aggravated an existing unhealthy relationship with the self; they would scrutinise themselves to find any mistakes that may have led to CRSV.¹⁶¹ One survivor said that she wished to be a man, as this experience

happened to her because she was a woman.¹⁶² Several survivors also shared having no desire for commitment or getting married, due to their inability to be intimate with another person or fear of violence from a future husband who would hold over their heads being sexual violence survivors.¹⁶³

B. HEALTH IMPACTS

Nearly all survivors described an array of mental health impacts, particularly the occurrence of nightmares, constant anxiety, lack of concentration, forgetfulness, and mental fatigue.¹⁶⁴ Survivors also described a feeling of constant fear: fear of repetition of crimes, fear of people, and fear of daily tasks such as taking a shower or leaving the house.¹⁶⁵ One survivor reported becoming aggressive and resorting to violence against people close to her.¹⁶⁶ Another described the inability to be happy or to live the moment, which she says would never come back.¹⁶⁷ Several survivors described finding it difficult to speak of or describe the sexual violence they endured and expressed relief that they were not asked to narrate what happened for the purposes of the Study.¹⁶⁸ One survivor stated that she feels ill for two days when she speaks about her experience or hears a similar one.¹⁶⁹

Survivors also described physical impacts following the sexual violence incidents, some of which are still ongoing, particularly hormonal imbalances leading to irregularities in menstruation.¹⁷⁰

159 MESYRSEINT026; MESYRWOINT02; MESYRSEFGD01.

160 MESYRSEINT026; MESYRWOINT02; MESYRWOINT06.

161 MESYRWOINT01.

162 MESYRSEINT022.

163 MESYRSEINT026; MESYRWOINT03; MESYRWOINT07.

164 MESYRWOINT01; MESYRSEINT023; MESYRSEINT024; MESYRSEINT026; MESYRSEINT029; MESYRSEINT030; MESYRWOINT01; MESYRWOINT04; MESYRWOINT07; MESYRSEFGD01.

165 MESYRSEINT022; MESYRSEINT024; MESYRSEINT029; MESYRWOINT01; MESYRWOINT02; MESYRSEFGD01.

166 MESYRSEINT028.

167 MESYRWOINT02.

168 MESYRSEFGD01.

169 MESYRWOINT01.

170 MESYRSEINT022; MESYRSEINT026; MESYRSEINT029; MESYRWOINT03; MESYRWOINT07.

A survivor in her mid-thirties suffering from hormonal imbalances shared that she was diagnosed with early menopause, which gravely impacted her mental health, given her wish to have children.¹⁷¹ Several survivors mentioned that hormonal imbalances, along with other health consequences, were connected to a substance called Camphor, which according to survivors, was added to detainees' drinking water.¹⁷² Limited information is available on the use of this substance in places of detention and its health impacts. However, according to an article published on Enab Baladi, an independent Syrian media organisation, Camphor leads to hormonal imbalances and reduces fertility and libido, among other grave health consequences.¹⁷³

detention, or how people stopped attending their business due to fears of being associated with a former detainee.¹⁷⁷ As one survivor described:

"I had a sewing workshop and used to work on orders for people. I worked well, had a good reputation and customers. People used to come to my workshop, they did not know I was a former detainee [...] but once they knew, even if they appreciated and were impressed by my work, they would take their stuff and leave. I would never see them again."¹⁷⁸

Survivors' displacement in Syria or abroad, triggered by societal rejection or fear of the recurrence of violence, compounded the disruption to their lives.¹⁷⁹ It meant that survivors left behind plans and structures built for their future and went to new places where opportunities were either limited or relatively inaccessible.¹⁸⁰ The moral and economic impact of these losses is grave and closely linked to the mental health problems suffered by survivors.

Several survivors also reported bleeding for months following the incident; many could not seek help from a gynaecologist, fearing being labelled as a rape victim and the associated stigma.¹⁷⁴

C. DISRUPTION OF LIFE PROJECTS

As most survivors participating in this Study experienced sexual violence in the context of arbitrary detention, they consequently experienced a disruption of their lives due to the time they were deprived of their liberty and/or attitudes towards them after their release.¹⁷⁵ For instance, many survivors were students at the time of their detention and could not subsequently complete their studies.¹⁷⁶ Some survivors described how they or their family members were let go from their jobs due to their

D. IMPACT ON FAMILY LIFE AND STRUCTURES

While some survivors were supported by their families,¹⁸¹ many survivors spoke of family rejection, lack of family support, or change in family dynamics.¹⁸² One survivor participating in the Study shared that she was divorced by her husband after her release from detention on the assumption that she had experienced sexual violence. She was also deprived of seeing her children and ultimately had to relocate to another country.¹⁸³ Several survivors expressed that the harm suffered after being released from detention was greater than the harm of the numerous crimes experienced in detention.¹⁸⁴

171 MESYRW0INT03.

172 MESYRSEFGD01.

عنب بلدي، "الكافور" مادة مسرطنة.. لماذا تعطى للمعتقلين؟ (1 أيار 9102)، <https://www.enabbaladi.net/archives/297892>، زيارة الموقع يوم ٠١ آب ٢٠٢٢.

173

174 MESYRSEINT022; MESYRSEINT026; MESYRW0INT03.

175 MESYRSEFGD01.

176 MESYRSEINT023; MESYRSEFGD01.

177 MESYRSEINT024; MESYRW0INT04; MESYRSEFGD01.

178 MESYRSEINT024.

179 MESYRSEFGD01.

180 MESYRSEFGD01.

181 MESYRSEINT030.

182 MESYRSEINT023; MESYRSEINT026; MESYRW0INT02; MESYRW0INT04; MESYRSEFGD01.

183 MESYRSEFGD02.

184 MESYRSEFGD01.

As one survivor described:

“What we suffered inside [detention] was difficult, but after our release came the more difficult and shocking part. It came from those closest to you, from society [...] Inside [detention] the harm was from the opponent, where you expect every move and every insult. But outside of detention, it came from the relatives, the brothers, and those who exploited our cause.”¹⁸⁵

Some survivors shared being told by family members not to mention that they had been detained, lest the possibility of being a victim of sexual violence, or rape specifically, become known.¹⁸⁶ Several survivors spoke of societal pressure even with a supportive family, where for instance, extended family members or the community would taunt the family for having a female member in detention, suggesting that she must have done something wrong to be detained.¹⁸⁷ Several women shared being asked very explicitly by their family members if they were raped.¹⁸⁸

Sexual violence greatly impacted survivors’ ability to have intimate relationships. One survivor experienced verbal sexual abuse in detention when she was very young. With her reserved and religious background, this verbal sexual abuse was her first confrontation with sexuality. After getting married, she realised that this experience made her find sex repulsive and unnatural and that she was not receptive to it.¹⁸⁹

E. SOCIETAL ATTITUDES

A particularly harmful impact shared by many female survivors was the near immediate questioning by members of their communities about whether they had been raped, or whether rape was committed in detention.¹⁹⁰ This would happen as early as the first days after being released from detention, when some survivors were not even fit for social

contact.¹⁹¹ Survivors found these questions hurtful, degrading, and accusatory, and they felt attacked and disbelieved.¹⁹²

As illustrated in the table below, survivors participating in the Study were not necessarily victims of rape but suffered from other forms of sexual violence prevalent in detention, particularly forced nudity or partial undressing, verbal sexual torture, threats of rape or other forms of sexual violence, the forced witnessing of sexual violence, touching, and invasive searches.

Examples of verbal sexual violence shared by survivors include cursing with sexual content, either directed at the detainee or their family members; referring to detainees as ‘whores’ or other similar insults instead of using their names; and detailing sexual acts as a threat of what the detainees’ family members would be subjected to should the detainee not cooperate.

Women who have been detained reported that the stigmatisation of victims of rape was extended to them on the assumption that they must have been raped while in detention.¹⁹³ The automatic imposition of a rape victim status, and the obsessive identification of women who were (or were assumed to have been) subjected to rape created a major barrier to seeking support for nearly all sexual violence survivors.¹⁹⁴

185 MESYRSEFGD01.

186 MESYRSEINT026.

187 MESYRSEINT026; MESYRWOINT04.

188 MESYRSEINT022; MESYRSEINT030; MESYRSEINT026.

189 MESYRWOINT03.

190 MESYRSEFGD01.

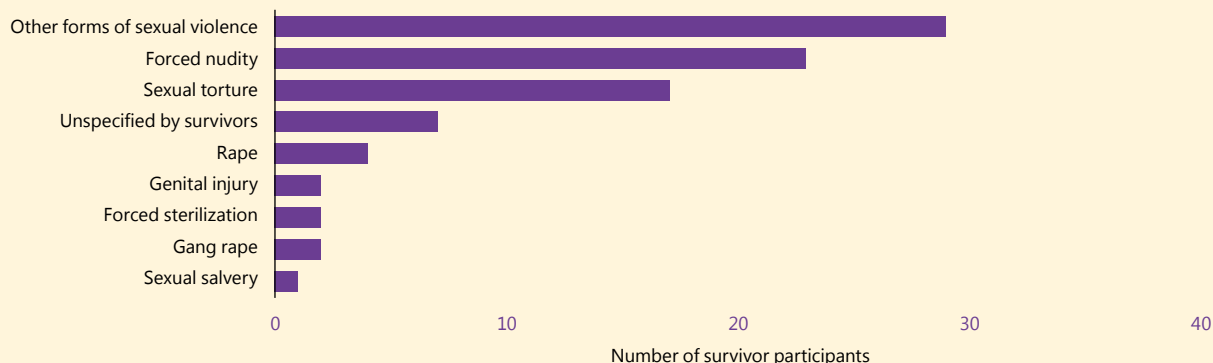
191 MESYRSEFGD01.

192 MESYRSEFGD01; MESYRSEFGD02.

193 MESYRSEINT030; MESYRWOINT04.

194 MESYRSEFGD01.

ACT OF SEXUAL VIOLENCE EXPERIENCED BY SURVIVORS PARTICIPANTS



Number of survivor participants = 40

Source: GSF Study

Other forms of sexual violence include inappropriate searching, inappropriate touching during menstruation, threats of rape, verbal sexual assault, removing the veil and niqab, forced group nudity, and surveillance in bathrooms.

This emphasis has also downplayed or completely neglected the grave consequences of sexual violence other than rape, including the physical and psychological impacts of sexual torture, forced nudity, and the constant threats, fear, and forced witnessing of sexual violence. As evident from this Study, these other forms of sexual violence are extremely serious and have grave consequences, resulting in survivors' need for assistance and support.

Women who were victims of rape also found this sole status troubling, not only due to the harmful societal attitudes to victims of rape, but also due to the lack of attention to women's broader identity and experiences. One survivor stated that being labelled solely as a sexual violence survivor failed to reflect the reasons underpinning the violence, referring to political activism and opposition to the Assad regime.¹⁹⁵

Other women stated that they endured sexual advances from men who assumed that since former detainees must have been raped, they were no longer virgins and therefore open to sexual relations.¹⁹⁶

More generally, many survivors experienced abandonment from their society and felt they were on their own.¹⁹⁷ One survivor shared:

"When I left detention, I found no one by my side. I was released wearing an Abaya, and I arrived to [a country neighbouring Syria] wearing the same Abaya. I slept in public gardens and washed dishes in a kitchen to live."¹⁹⁸

F. DISPLACEMENT AND LEGAL CONSEQUENCES

Most survivors participating in the Study have been displaced either in Syria, or in neighbouring or third countries.¹⁹⁹ In several cases, displacement was in the context of forced deportation or smuggling, contexts that inherently entail various forms of violence and exploitation. Survivors described the legal consequences of displacement, including loss of civil rights and documentation; and in some instances, they were living illegally without a residence permit.²⁰⁰ One survivor said that despite the hardships experienced due to displacement, including legal and economic hardships, she would not dare to return to Syria.²⁰¹

195 MESYRSEFGD02; MESYRWOINT01.

196 MESYRSEINT022; MESYRSEINT026.

197 MESYRSEFGD01; MESYRSEINT023.

198 MESYRSEFGD01.

199 See Annex I.

200 MESYRSEFGD01; MESYRSEINT023; MESYRSEINT024; MESYRWOINT01.

201 MESYRSEINT029.

1.2. Impacts on male survivors

A. SELF-PERCEPTION AND ESTEEM

Male survivors' self-perception and esteem are also impacted by sexual violence. Survivors described feeling shame, discomfort, self-blame, insecure, shattered, and dehumanised.²⁰² They described difficulties identifying with the status of a CRSV victim and being treated as such.²⁰³ Moreover, certain forms of sexual violence were so widespread to the extent of normalisation, in that *"it happens to everyone."* This was the case for forced nudity, resulting in its impacts upon survivors being made invisible.²⁰⁴ As one survivor expressed:

"Due to forced nudity [in places of detention], I started to feel that it is normal to just take off my clothes in front of others, even after my release from detention. I lost the sensitivity to issues like: do I need to strip or not? Should no one see me? For example, after I was released from detention, I stayed in a house with my friends. I used to just take off my clothes, it was normal to me. They would tell me: just close the door."²⁰⁵

Survivors expressed that forced nudity as a constant practice against groups of detainees – by, inter alia, forcing detainees to stay naked in crowded cells or leading groups of naked detainees *"like a herd"* to bathrooms – diminished the integrity of their bodies something that stayed with survivors for extended periods after their release.²⁰⁶

B. HEALTH IMPACTS

Like female survivors, male survivors experienced mental health consequences including constant anxiety, overthinking, loss of appetite, and constant fear.²⁰⁷ Fear stayed with survivors for long periods of time, even after leaving Syria, and was particularly triggered by seeing men in uniforms.²⁰⁸ Some survivors said that they constantly felt cold or numb in their limbs, and that certain smells, words, dialects, or situations would easily trigger memories of what happened in detention, including sexual violence.²⁰⁹

As described in Section III of the Study, a widespread phenomenon in places of detention was the beatings and electrocution of detainees' genitals. Survivors stated that this was intentional and aimed at causing permanent damage to the reproductive capacities of men and making them feel emasculated.²¹⁰ According to one survivor:

"During interrogations, the interrogator asked me: 'are you married?', I said 'no'. He said 'you are educated, you know that it would be enough to electrocute you three times with this electric wand to damage your testicles, make you infertile, and deprive you from children. But we will electrocute you ten times, you know why?'; I answered 'so that you are certain?' The interrogator responded 'no, so that you are certain that you won't have children."²¹¹

202 MESYRSEINT019; MESYRSEINT025; MESYRSEINT020; MESYRSEINT032.

203 MESYRSEFGD02.

204 MESYRSEFGD02.

205 MESYRSEFGD02.

206 MESYRSEFGD02.

207 MESYRSEINT019; MESYRSEINT025; MESYRSEINT020; MESYRSEINT032; MESYRSEFGD02.

208 MESYRSEFGD02; MESYRSEINT019; MESYRSEINT020.

209 MESYRSEFGD02.

210 MESYRSEFGD02.

211 MESYRSEFGD02.

Indeed, some survivors participating in this Study became impotent and/or experienced temporary or permanent erectile dysfunction due to physical sexual torture.²¹² This led to severe mental health consequences. According to one survivor: *"Being told 'you are infertile,' 'you cannot have children,' affected me badly. You lose your manhood; you do not have manhood. I am still suffering from this."*²¹³ It also had an impact at the family level, as will be explained in the next section.

C. IMPACT ON FAMILY LIFE AND STRUCTURES

Many male survivors who participated in this Study experience(d) pressure from their family to get married and have children following their release. Some stated that they feared getting married due to uncertainties over possible damage to their reproductive capacities, an issue that would be exposed if they were to get married. In the face of such hesitance, some survivors sought medical assistance, but others did not and refused the idea of marriage. One survivor expressed:

*"Initially, I was completely against the idea [of marriage]. Then one day my brother in-law told me, people will start to talk. They will think your [sexual] orientation has changed, or that you have a problem. People will talk. I told him that I do not care for what people say, that I am comfortable like this and that he should not intervene. Then he stopped talking to me for three months."*²¹⁴

Some survivors also experienced a temporary loss of libido upon their release, with one survivor stating that he could not have sex with his wife for three months.²¹⁵ Another survivor said that he would avoid sexual acts that would bring back memories

of the detailed verbal sexual torture experienced in detention, where the torturer would describe what he would do to the detainee's wife.²¹⁶ Verbal sexual torture was also directed at other female members of the detainee's family, where the interrogator or guards would detail what they would do a detainee's sister, wife, daughter, or mother.²¹⁷ This had an impact on the relationship of detainees with these family members. As one survivor described:

*"As a consequence, I now cannot see my sisters. Or I would see them for very brief moments and then leave. The reason is the content of the sexualised verbal torture I experienced, sexually describing my sisters and their sexual parts [...] They would describe in detail the sexual acts [that they would do to my sisters] as if it was a story."*²¹⁸

D. SOCIETAL ATTITUDES

Male survivors expressed that they felt female survivors are subjected to far worse societal attitudes than those they are subjected to.²¹⁹ However, there remains an impact at the societal level and negative attitudes towards men who were formerly detained.²²⁰ As one survivor stated: *"The entire social equation changes. Those who respected you, no longer respect you. Those who found your opinion the most important, now put your opinion in the tenth place."*²²¹ Like female survivors, male survivors were also avoided by acquaintances and family members due to fears of any security consequences relating to being associated with a former detainee.²²² Another survivor mentioned that an acquaintance of his, also a former detainee, proposed to a family to marry their daughter; they declined the proposition on the assumption that since he was a former detainee, it was not clear whether he could still [sexually] 'perform.'²²³

212 MESYRSEINT020; MESYRSEINT027.

213 MESYRSEINT027.

214 MESYRSEFGD02.

215 MESYRSEFGD02.

216 MESYRSEFGD02.

217 MESYRSEFGD02; MESYRSEINT033.

218 MESYRSEFGD02.

219 MESYRSEFGD02.

220 MESYRSEFGD02; MESYRSEINT027; MESYRSEINT031.

221 MESYRSEFGD02.

222 MESYRSEFGD02; MESYRSEINT020.

223 MESYRSEFGD02.

E. DISRUPTION OF LIFE PROJECTS

Like female survivors, male survivors' life projects were disrupted by their detention and subsequent displacement.²²⁴ A number of male survivors were confronted with the hardships faced by their families in light of their arbitrary detention.²²⁵ While their mental and overall health would have required a period of recovery, they were forced to immediately work to finally be able to support their families. Several survivors shared that they took the first job available, jobs that were often draining and underpaid.²²⁶

Several survivors expressed their wish to start or resume their education, but very few had the financial means to do so.²²⁷

F. SAFETY AND STABILITY

Many of the survivors living abroad expressed a constant worry about their safety and the risk of being arrested and subjected to a new wave of violence.²²⁸ For those living outside of Syria, particularly in neighbouring countries, fears of being deported were very present.²²⁹ They also suffered anxieties over getting in any kind of trouble, fearing a similar ill-treatment at the hands of the local police. Two LGBTQI survivors participating in the Study identified safety as their first priority, as they have not felt safe in Syria nor in any neighbouring countries.²³⁰ These two survivors, and several others, expressed a desire to seek asylum in third countries where they could receive more support and have a sense of stability.²³¹

2. Survivors' current needs

Nearly all survivors participating in the Study identified effective psychological support as a key need.²³² To make it effective, survivors clarified that such support should be made available as soon as possible following the violence and for the longest term, as opposed to only a few sessions or a few months.²³³ In speaking to psychologists and counsellors, it became apparent that transportation costs and other logistical arrangements, such as childcare, must be arranged to make this support accessible to all survivors. A number of survivors stated that family counselling and psychological support for children are necessary to elevate the impact of violence, displacement and the conflict more broadly.²³⁴

Many survivors participating in the Study had difficulties in resuming their studies or work, particularly due to the economic hardships that dictated the need to immediately take on any available job. As such, a key demand expressed by survivors is assistance in resuming, or starting, new life projects, in the form of educational grants, job opportunities, or grants for small projects.²³⁵ One survivor shared that she has difficulties in explaining the gaps in her resume, which correspond to years where she was arbitrarily detained.²³⁶

Survivors also asked for support for the education of their children, which includes financial support to enable children to go to school instead of abandoning their studies to work to support their families.²³⁷

224 MESYRSEFGD02; MESYRSEINT025; MESYRSEINT020; MESYRSEINT027; MESYRSEINT031; MESYRSEINT032.

225 MESYRSEFGD02; MESYRSEINT020.

226 MESYRSEFGD02; MESYRSEINT020.

227 MESYRSEFGD02; MESYRSEINT033; MESYRSEINT032; MESYRSEINT025.

228 MESYRSEINT019.

229 MESYRSEFGD02.

230 MESYRGSFINT01; MESYRSEINT021; MESYRSEINT025.

231 MESYRSEINT025; MESYRSEINT019; MESYRSEINT020.

232 MESYRSEINT022; MESYRSEINT023; MESYRSEINT024; MESYRSEINT028; MESYRWOINT02; MESYRSEINT019; MESYRSEINT027; MESYRSEINT031; MESYRSEINT032; MESYRWOINT03; MESYRGSFINT01; MESYRGSFINT02.

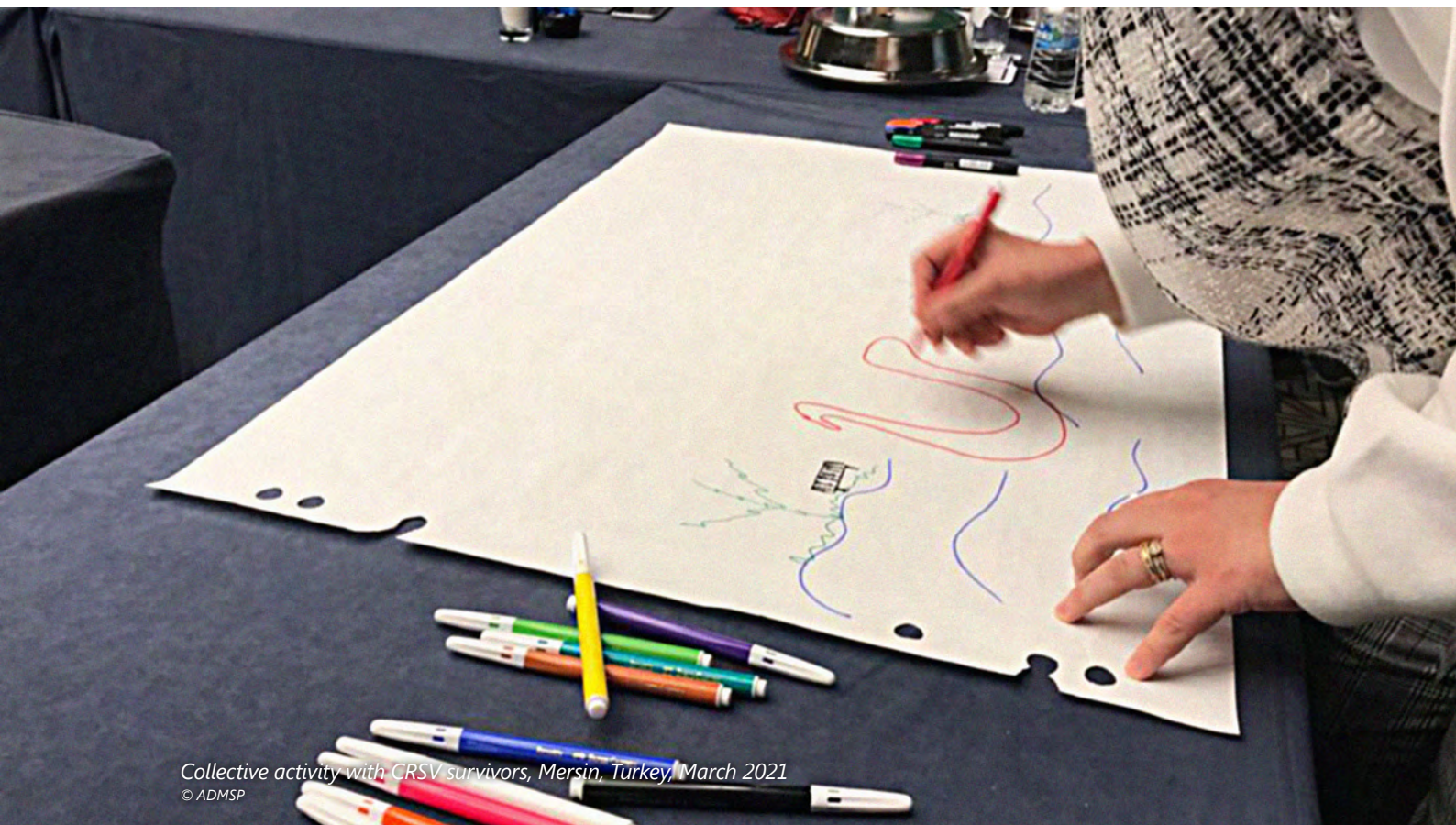
233 MESYRSEINT023; MESYRGSFINT01; MESYRGSFINT02.

234 MESYRGSFINT02.

235 MESYRSEINT024; MESYRSEINT028; MESYRWOINT02; MESYRWOINT03; MESYRWOINT04; MESYRSEINT025; MESYRSEINT020; MESYRSEINT027; MESYRSEINT031; MESYRSEINT032; MESYRSEINT033; MESYRGSFINT01; MESYRGSFINT02.

236 MESYRGSFINT02.

237 MESYRGSFINT02.



Collective activity with CRSV survivors, Mersin, Turkey, March 2021
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Survivors experience a range of difficulties relating to their legal rights, specifically in issuing identification documents such as work and protection permits, asylum processes, and family reunification applications, among others.²³⁸ For those living outside of Syria, and who were previously detained and sometimes still wanted by the Syrian regime, issuing Syrian identification documents is a long and overly expensive process. Processes for survivors in asylum and refuge countries are not always clear, particularly due to language barriers.

Being supported, heard, and believed were additional needs identified by survivors.²³⁹ This would support their reintegration in society, which according to

survivors, requires significant awareness-raising to change societal attitudes toward CRSV and survivors.²⁴⁰ Survivors expressed the desire to be treated as though they had not experienced CRSV instead of being seen exclusively as survivors.²⁴¹ Security has been a concern for many and a crucial need expressed in interviews for this Study by two LGBTQI survivors, who continue(d) to face violence even outside of Syria.

Accountability and the halting of ongoing violence have also been identified as needs by survivors, many of whom feel a responsibility for those who remain in detention and are still subjected to a myriad of violations, including sexual violence.²⁴²

238 MESYRSEINT023; MESYRSEINT024.

239 MESYRSEINT022; MESYRSEINT028; MESYRSEINT025.

240 MESYRSEINT022; MESYRWOINT01.

241 MESYRWOINT04.

242 MESYRSEINT025; MESYRSEINT027; MESYRSEINT031; MESYRSEINT032; MESYRSEINT033; MESYRSEINT022; MESYRGSFINT01; MESYRGSFINT02.

3. Survivors' agency and perceptions of reparations

Most survivors perceived reparations as a legal right,²⁴³ while others who were not entirely sure whether it was, stated that it should be.²⁴⁴ Survivors value reparations, but many of them expressed that their views on reparations had changed over time. Initially, there was more optimism that survivors' demands would be realised, but after more than 10 years of conflict and the impact it has had upon them and their families, expectations have significantly lowered.²⁴⁵ Survivors also expressed a weakening trust in nearly all actors working in the Syrian context, a feeling that is closely connected with Syria being abandoned and let down by the international community.²⁴⁶

A great number of survivors recognised, albeit with great scepticism, that the Syrian State bears the primary responsibility for the provision of reparations.²⁴⁷ Survivors underscored, however, that this was not a realistic avenue given the government's failure to acknowledge conflict-related crimes, including sexual violence committed on a large scale by the Syrian regime itself.²⁴⁸ Other survivors stated that this would fall upon a future transitional government.²⁴⁹ Several survivors identified other actors, including other governments, the international community that has been watching atrocities in Syria unfold, the United Nations, civil society, and other

international bodies as duty bearers.²⁵⁰ According to one survivor:

"The whole world is responsible. The whole world has had a hand in the Syria situation."²⁵¹

Recognising that reparations by the Syrian State and other liable parties are currently not possible, there was an expectation that the international community would intervene with urgency to fill the gap through interim measures to acknowledge the harm suffered, restore dignity, and prevent irreparable harm including stigmatisation and secondary victimisation.²⁵²

For survivors participating in the Study, reparations and justice are closely intertwined. Responses varied from viewing reparations as a form or part of justice to justice being part of reparations.²⁵³ Reparations, as defined by survivors, particularly in light of the blatant impunity for the violations committed in Syria, can bring a feeling of justice. However, survivors stated that an essential part of justice is the criminal prosecution of those responsible for such violations and crimes, without which neither justice nor reparations could be complete.²⁵⁴ Similarly, criminal prosecutions alone were not enough for survivors who viewed additional measures of compensation and rehabilitation as essential for both justice and reparation.²⁵⁵

243 MESYRSEINT022; MESYRSEINT023; MESYRSEINT024; MESYRSEINT030; MESYRWPOINT01; MESYRWPOINT03; MESYRWPOINT07; MESYRSEINT025; MESYRSEINT020; MESYRSEINT027; MESYRSEINT031; MESYRSEINT032.

244 MESYRSEINT033; MESYRWPOINT02; MESYRWPOINT04.

245 MESYRSEFGD01; MESYRSEFGD02.

246 MESYRSEINT019; MESYRSEINT032.

247 MESYRSEINT023; MESYRSEINT030; MESYRWPOINT01; MESYRWPOINT02; MESYRWPOINT03; MESYRWPOINT04; MESYRWPOINT07; MESYRSEINT032; MESYRSEINT033; MESYRSEFGD01; MESYRSEFGD02.

248 Ibid.

249 MESYRWPOINT03; MESYRWPOINT07; MESYRSEINT019.

250 MESYRSEINT022; MESYRSEINT023; MESYRSEINT024; MESYRWPOINT02; MESYRWPOINT07; MESYRSEINT023; MESYRSEINT024; MESYRSEINT026; MESYRSEINT028.

251 MESYRSEINT020.

252 MESYRSEINT022; MESYRSEINT023; MESYRSEINT024; MESYRWPOINT02; MESYRWPOINT07; MESYRSEINT023; MESYRSEINT024; MESYRSEINT026; MESYRSEINT028.

253 MESYRSEINT022; MESYRSEINT023; MESYRSEINT024; MESYRSEINT026; MESYRWPOINT01; MESYRWPOINT02; MESYRWPOINT03; MESYRWPOINT04; MESYRSEINT027; MESYRSEINT031; MESYRSEINT033.

254 MESYRSEINT020; MESYRSEINT032.

255 MESYRGSFINT01; MESYRGSFINT02.

Several victims' associations launched advocacy and legal initiatives that set out key demands for survivors, victims, and their families. The Charter for Truth and Justice, which was launched by five victims' associations, sets out key demands including the halting of arbitrary detention and violations, including sexual violence, against detainees and the immediate release of those arbitrarily detained. It also includes demands for reparations by the State (Syria) and international entities, including restitution of rights, rehabilitation, and compensation for material and moral damages.²⁵⁶ The Charter emphasises the importance of co-creating any reparation programmes along with victims and survivors, which was echoed by survivors participating in the Study.

4. Survivors' expectations of reparations and interim reparative measures

Survivors participating in the Study were aware that their access to full reparations is currently curtailed by the ongoing conflict and the political standpoint. Discussions on priorities have therefore at times focused on immediate measures that could be implemented by non-duty bearers to address urgent needs and prevent irreparable harm. That said, this is not an indication that such measures hold a higher priority than other forms of reparations that cannot be immediately realised and that fall under the responsibility of the Syrian State.

*Many survivors identified political transition, reform, accountability for all conflict-related crimes, the release of those arbitrarily detained, and establishing the fate of the missing as core issues that underpin their reparation demands.*²⁵⁷

As survivors described, if the cause of their victimisation is not addressed, they cannot feel repaired.²⁵⁸ Survivors defined reparation to encompass psychological and medical care; compensation; being heard and treated with respect, dignity, and without blame or stigmatisation; ending sexual violence that remains ongoing, particularly against those who are still in arbitrary detention; accountability; and political transition.²⁵⁹ It was, however, underscored that the specific types of reparations will differ from one survivor to another, and that while survivors might share some demands, they should not be treated as a homogenous group.²⁶⁰

In addition, recognition of and honouring survivors, public apologies, national holidays dedicated to survivors, and dedicating monuments for survivors have also been identified as a form of reparation.²⁶¹ Moreover, to repair the impacts of sexual violence that victims and survivors experience at the societal level, it is crucial to design advocacy and awareness raising campaigns directed at the society as a whole. This would aim at mitigating the stigma and other forms of prejudices experienced by survivors and encourage survivors to seek the support and assistance they need. It would also assist in reintegrating survivors into society and making them feel less alienated.

Finally, survivors consulted in the Study emphasised their desire to play a meaningful role in supporting other survivors, for instance by engaging in the design and implementation of programmes or initiatives that seek to offer support and assistance to survivors.²⁶² This included having a central role in putting forward proposals and solutions related to justice, truth-telling, reparations, and other issues related to peace tracks and the future of Syria. Victim associations' efforts in successfully advocating for an international mechanism for the disappeared in Syria, as well as pushing for the participation of victims in such a mechanism, are a testament to the importance and impact of their efforts.²⁶³

256 Impunity Watch, 'Truth and Justice Charter Syria' <https://www.impunitywatch.org/truth-and-justice-charter-syria> accessed 10 August 2022.

257 MESYRGSFINT01; MESYRGSFINT02.

258 MESYRGSFINT01; MESYRGSFINT02.

259 MESYRSEINT022; MESYRSEINT023; MESYRSEINT024; MESYRSEINT029; MESYRWOINT04; MESYRWOINT07; MESYRSEINT019; MESYRSEINT025; MESYRSEINT020; MESYRSEINT027; MESYRSEINT031; MESYRSEINT032; MESYRSEINT033.

260 MESYRWOINT03.

261 MESYRSEINT022; MESYRSEINT023; MESYRSEINT028; MESYRSEINT029; MESYRSEINT025; MESYRSEINT027.

262 MESYRSEINT029; MESYRSEINT030; MESYRWOINT01; MESYRWOINT02; MESYRWOINT03; MESYRWOINT04; MESYRSEINT019; MESYRSEINT020; MESYRSEINT027; MESYRSEINT031; MESYRSEINT032; MESYRSEINT033.

263 Caesar Families Association, 'The Guidelines for the Participation of Victims in the International Mechanism for the Disappeared in Syria' (1 August 2022) <https://www.caesarfamilies.org/the-guidelines-for-the-participation-of-victims-in-the-international-mechanism-for-the-disappeared-in-syria/> accessed 8 August 2022.

5. Challenges to interim reparative measures

As access to comprehensive reparations in Syria does not hold immediate prospects, the risks and security challenges identified below particularly pertain to interim reparative measures and assistance programmes developed for the benefit of CRSV survivors. While some of these risks might also be relevant to reparation programmes that may be established in the future, a different assessment would need to be made to reflect risks arising at the given time and place. Further, the risks below are by no means comprehensive and are only the main risks identified by the Study participants.

5.1. Ongoing conflict, insecurity, and fear of reprisal

The ongoing conflict, impunity, and insecurity have been identified as challenges to survivors' access to programmes offering assistance or reparative measures, even if such programmes were implemented by non-duty bearers and outside of Syria. This challenge particularly pertains to fears that disclosure of harms would trigger reprisals, and that, because of these fears, those living in government-controlled area are unlikely to access programmes that would respond to their needs.

To minimise the risk of reprisals, participants to the Study stressed the importance of vetting personnel of any programme to identify any prior breaches of confidentiality or other misconduct. They also stressed the importance of accountability mechanisms, including introducing a process to address any misconduct by the programme's personnel.

5.2. Unsuitable or untailored programmes

Study participants stated that many projects designed to provide support for survivors assume that survivors are a homogenous group with the same needs. The lack of consideration for survivors' diverse needs risks leaving actual needs unaddressed. As such, it is essential to have programmes tailored to the specific needs, interests, and background of diverse categories of victims. Programmes should also be carefully thought through in terms of how they would better survivors' lives. For instance, a survivor expressed that

"doing a workshop for sewing when there are no sewing work prospects is pointless." Another expressed that programmes designed to be short-term or ones that did not ensure a proper follow-up with survivors could be more harmful than beneficial.

5.3. Social stigma

A number of women participating in this Study raised the risk of stigmatising survivors if programmes had a visible focus on sexual violence. Other participants also stressed that mental health support remains stigmatised and those who seek it might be described as 'crazy.' A man participating in the Study stated that male survivors are not immune from stigma and that *"survivor blaming is even worse on men as men are less likely to fall victims to rape. So if they do, the degradation is doubled."*

Awareness raising and sensitisation campaigns aimed at the society have therefore been identified as important measures to tackle negative societal attitudes that impede survivors' recovery. Such campaigns would address how societies should deal with sexual violence and how not to further the harm done to survivors. As one survivor described: *"society plays 60% of the role"* in survivors' recovery.

5.4. Lack of information on existing programmes

The lack of knowledge regarding available programmes was raised by several survivors, who stated they would hear of programmes offering education grants or financial support to others but would not know how to access them or the eligibility criteria. This lack of information also applies to advocacy and legal initiatives.

Study participants stated that publicising information on social media pages, as well as through victim associations, is the best way to ensure survivors are aware of available programmes. The information should be clear and detail the eligibility criteria and measures taken to ensure confidentiality and stress that participation in any programme would not incur costs upon survivors themselves. Information should not indicate that such programme is specifically for CRSV in order to prevent the stigmatisation of survivors and any potential breach of their privacy.

5.5. Lack of transparency

Some participants in the Study stated that nepotism and lack of transparency have made a number of programmes inaccessible to them. This has caused a great deal of frustration amongst those in need of benefitting from such programmes and confusion as to eligibility criteria. From survivors' experiences, this

issue particularly affects programmes offering financial assistance or other material support. Study participants called for a rigorous monitoring of programme implementation and the establishment of a committee to which any misconduct, including nepotism or irregular implementation of services, can be reported.



Session with female and male CRSV survivors on reparations, Gaziantep, Turkey, January 2022

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V. ACCESS TO ASSISTANCE OR INTERIM RELIEF

Earlier sections of this Study have demonstrated the prevalence of CRSV in the Syrian conflict and outlined its grave impacts upon survivors, their families, and their broader communities.

Security Council Resolution 2467 on CRSV calls for a survivor-centred approach and the strengthening of policies that provide response to all survivors.²⁶⁴ It also affirms that sexual violence survivors *“should have access to national relief and reparations programmes, as well as health care, psychosocial care, safe shelter, livelihood support and legal aid and that services should include provisions for women with children born as a result of sexual violence in conflict, as well as men and boys who may have been victims of sexual violence in conflict including in detention settings; contribute to lifting the sociocultural stigma attached to this category of crime and facilitate rehabilitation and reintegration efforts.”*²⁶⁵

Since 2011, the UNSG has annually monitored and reported on the difficulties met by service providers to reach the populations in dire need of relief and assistance in Syria.²⁶⁶ In fact, both non-state armed groups and Syrian authorities have denied humanitarian assistance and access of international and domestic organisations to reach vulnerable populations.²⁶⁷ The destruction of hospitals and health facilities by both government and non-government actors has further exacerbated the consequences of sexual violence on survivors, particularly in rural areas where access to healthcare facilities has become even more limited.²⁶⁸

United Nations agencies and humanitarian actors have created coordination mechanisms to ensure a holistic response to the conflict and offer a strategic delivery of aid and services including to survivors of sexual violence.²⁶⁹ Cooperation between sectors

264 UN Security Council, ‘Resolution 2467 (2019)’ S/RES/2467 (2019) (23 April 2019) https://www.un.org/shestandsforpeace/sites/www.un.org/shestandsforpeace/files/unscr_2467_2019_on_wps_english.pdf accessed 26 November 2022.

265 Ibid, para 27.

266 UN Secretary General, ‘Conflict-related sexual violence. Report of the Secretary-General’ S/2021/312 (30 March 2021) paras 56, 58 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf> accessed 25 November 2022; UN Security Council, ‘Children and armed conflict. Report of the Secretary General’ A/74/845–S/2020/525 (9 June 2020) para 180 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2020_525_E.pdf accessed 25 November 2022; UN Security Council, ‘Children and armed conflict. Report of the Secretary General’ A/73/907–S/2019/509 (20 June 2019) para 181 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2019_509.pdf accessed 25 November 2022; UN Security Council, ‘Children and armed conflict. Report of the Secretary General’ A/72/865–S/2018/465 (16 May 2019) para 195 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_72_865_s_2018_465.pdf accessed 25 November 2022; UN Secretary General, ‘Children and armed conflict. Report of the Secretary General’ A/72/361–S/2017/821 (24 August 2017) paras 184–185 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_72_361.pdf accessed 25 November 2022; UN Security Council, ‘Children and armed conflict. Report of the Secretary General’ A/70/836–S/2016/360 (20 April 2016) para 162 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2016_360.pdf accessed 25 November 2022; UN Security Council, ‘Conflict-related sexual violence. Report of the Secretary-General’ S/2014/181 (13 March 2014) para 60 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/report/s-2014-181/SG-Report-2014.pdf> accessed 26 November 2022; UN Security Council, ‘Children and armed conflict. Report of the Secretary General’ A/68/878–S/2014/339 (15 May 2014) para 152 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_339.pdf accessed 26 November 2022; UN Security Council, ‘Children and armed conflict. Report of the Secretary General’ A/67/845–S/2013/245 (15 May 2013) para 161 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_245.pdf accessed 26 November 2022.

267 UN Security Council, ‘Conflict-related sexual violence: Report of the Secretary-General’ S/2020/487 (3 June 2020) para 183 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/065/40/PDF/N2006540.pdf?OpenElement> accessed 11 July 2022.

268 UN Human Rights Council, ‘National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Syrian Arab Republic’ Working Group on the Universal Periodic Review, Twenty-sixth session, A/HRC/WG.6/26/SYR/1 (28 September 2016) https://www.upr-info.org/sites/default/files/document/syrian_arab_republic/session_26_-_november_2016/js7_upr26_syr_e_main.pdf accessed 11 July 2022.

269 UN Security Council, ‘Conflict-related sexual violence. Report of the Secretary-General’ S/2014/181 (13 March 2014) para 55 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_181.pdf accessed 11 July 2022; UN General Assembly, Security Council, ‘Children and armed conflict. Report of the Secretary-General’ A/67/845–S/2013/245 (15 May 2013) para 90 http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2013_245.pdf accessed 11 July 2022.

has reportedly improved, in part from efforts by the United Nations to increase health front-liners' awareness of basic principles related to gender-based violence and the referral of CRSV survivors to adequate and specialised services.²⁷⁰

GSF has not conducted its own assessment or a mapping of humanitarian assistance and relief available to CRSV survivors, which would require dedicated research. From available literature and consultations with service providers and survivors, however, it has become clear that despite their importance, efforts to respond to survivors' needs have been insufficient and/or inaccessible to various groups of survivors.

In 2021, the UNSG reported an increase in the territorial reach of services inside Syria since the start of the conflict yet noted that services remain insufficient or inaccessible.²⁷¹ Reasons behind CRSV survivors' limited access to humanitarian services are numerous: the geographical distances survivors must travel for these services; the lack of transportation available; the risk of 'honour' killing of survivors; the fear of familial rejection, and for married women, rejection from their husbands; stigmatisation; trauma;

restrictions imposed by their family to access these services; and the unwillingness from the authorities to ensure the security of CRSV survivors.²⁷²

In general, accessing services and relief is largely dependent on the geographic location of survivors, the familial and societal contexts, and the risks that might arise from attempting to access such services. For instance, while the Clinical Management of Rape in health facilities²⁷³ has been supported by several actors, including the United Nations Population Fund (UNFPA), such services are not available throughout Syria.²⁷⁴

Significant progress has been made in the establishment of Women and Girls Safe Spaces and community wellbeing centres in Syria, Jordan, Lebanon, and Turkey, which serve as entry points for accessing humanitarian assistance for survivors of CRSV,²⁷⁵ including reproductive health care, psychological support, and case management.²⁷⁶ However, those spaces are often hard to access, particularly to divorced, widowed, or disabled women and girls.²⁷⁷ Specialised services for male and LGBTQI survivors are extremely limited,²⁷⁸ curtailed by lack of expertise, negative attitudes by service providers, and stigma.²⁷⁹

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- 270 UNFPA and Gender Based Violence Area of Responsibility, 'Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview' (2020) 47 https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/voices_from_syria_2020_final_draft.pdf accessed 11 July 2022.
- 271 UN Secretary General, Security Council, 'Children and armed conflict. Report of the Secretary General' A/74/845–S/2020/525 (9 June 2020) para 56 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/117/04/PDF/N2011704.pdf?OpenElement> accessed 11 July 2022.
- 272 UN Security Council, 'Sexual violence in conflict. Report of the Secretary-General' A/67/792–S/2013/149 (14 March 2013) para 90 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/259/44/PDF/N1325944.pdf?OpenElement> accessed 11 July 2022; UN Secretary General, 'Guidance Note of the Secretary-General. Reparations for Conflict-Related Sexual Violence' (June 2014) para 60 <https://digitallibrary.un.org/record/814902?ln=en> accessed 12 July 2022; UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General' S/2019/280 (29 March 2019) para. 92 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/077/43/PDF/N1907743.pdf?OpenElement> accessed 11 July 2022.
- 273 UN Security Council, 'Conflict-related sexual violence: Report of the Secretary-General' S/2020/487 (3 June 2020) para 58 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/065/40/PDF/N2006540.pdf?OpenElement> accessed 11 July 2022.
- 274 United Nations Office for the Coordination of Humanitarian Affairs, '2019 Humanitarian Needs Overview. Syrian Arab Republic (March 2019) 69 <https://reliefweb.int/report/syrian-arab-republic/2019-humanitarian-needs-overview-syrian-arab-republic-enar#:~:text=Key%20concerns%20in%202019%20will,2018%20on%20food%20security%20and> accessed 11 July 2022.
- 275 United Nations Population Fund and Gender Based Violence Area of Responsibility, 'Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview' (2020) https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/voices_from_syria_2020_final_draft.pdf accessed 11 July 2022.
- 276 For an overview see, Humanitarian Response, 'Syrian Arab Republic: Syria hub Protection and Community Services Sector (PCSS) Overview of interventions provided by Sector's partners as of End August 2018' (2018) https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/4w_overviewpcss_activities_august_2018.pdf accessed 10 September 2021; UN Secretary General, 'Conflict-related sexual violence. Report of the Secretary-General' S/2021/312 (30 March 2021) paras 56, 58 <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report-2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf> accessed 10 September 2021; UN Security Council, 'Children and armed conflict. Report of the Secretary General' A/74/845–S/2020/525 (9 June 2020) para 57 https://www.securitycouncilreport.org/atf/cf/%7B65BF9F9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2020_525_E.pdf accessed 11 July 2022.
- 277 United Nations Population Fund and Gender Based Violence Area of Responsibility, 'Voices from Syria 2020: Assessment Findings of the Humanitarian Needs Overview' (2020) 51 https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/voices_from_syria_2020_final_draft.pdf accessed 11 July 2022.
- 278 UN Security Council, 'Conflict-related sexual violence. Report of the Secretary-General' S/2017/249 (15 April 2017) paras 69–70 <https://reliefweb.int/report/world/report-secretary-general-conflict-related-sexual-violence-s2017249-enar> accessed 26 November 2022; *ibid.* 49.
- 279 Human Rights Watch, 'They Treated Us in Monstrous Ways' Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict' (2020) 53–60 <https://www.hrw.org/report/2020/07/29/they-treated-us-monstrous-ways/sexual-violence-against-men-boys-and-transgender> accessed 26 November 2022.

Services for supporting CRSV survivors (including services outside of Syria) remain insufficient. As SJAC notes, while most survivors of CRSV demonstrate a clear need for psychosocial support, which has been reiterated in this Study by survivors themselves, such services “are few and far between, and the organizations that provide group and individual therapy sessions have limited ability to respond to the demand.”²⁸⁰

The dire socioeconomic situation and lack of support have subjected Syrians to additional violence and exploitation, including outside of Syria. The International Center for Migration Policy Development

researched and found that Syrians are “often trafficked or exploited because they are not able to meet their basic needs. This is exacerbated by complications in relation to legal residence status in host countries and legal authorisation to work.”²⁸¹ Additional resources show that the Syrian population is “highly vulnerable to sex trafficking and forced labour in neighbouring countries, particularly Jordan, Lebanon, Iraq, and Turkey.”²⁸² Other forms of sexual violence experienced due to the absence of support systems include an increase in child marriage, particularly among refugee populations, and forced prostitution including through fraudulent job offers.²⁸³

280 Syria Justice and Accountability Center, ‘Do you know What Happens here? An Analysis of Survivor Accounts of SGBV in Syria’ (2019) 12-13 <https://syriaaccountability.org/content/files/2022/04/SGBV-report.pdf> accessed 26 November 2022.

281 Laire Healy, ‘How are the war in Syria and the refugee crisis affecting human trafficking?’ Policy Brief (International Centre for Migration Policy Development, January 2016) https://www.icmpd.org/file/download/48168/file_How%2520are%2520the%2520war%2520in%2520Syria%2520and%2520the%2520refugee%2520crisis%2520affecting%2520human%2520trafficking_EN.pdf accessed 11 July 2022.

282 US Department of State, ‘2021 Trafficking in Persons Report: Syria’ <https://www.state.gov/reports/2021-trafficking-in-persons-report/syria/> accessed 25 November 2022.

283 Ibid.



VI. AVENUES FOR REPARATIONS

1. International human rights obligations, legal and policy frameworks for reparations

Victims' right to a remedy and reparation is enshrined in international²⁸⁴ and regional²⁸⁵ human rights and humanitarian law instruments now widely accepted by States.²⁸⁶ The dual right encompasses both a procedural right to access and participate in obtaining justice as well as a substantive right to redress for the harm suffered.²⁸⁷

The right to a remedy is further consolidated in the 2005 *UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, adopted by the General Assembly (Basic Principles on the Right to a Remedy and Reparation).²⁸⁸ Good practices have been set out in the 1993 Declaration on the Elimination of Violence against Women,²⁸⁹

the 2007 Nairobi Declaration on the Right of Women and Girls to a Remedy and Reparation (Nairobi Declaration),²⁹⁰ and the 2014 Guidance Note of the UN Secretary-General on Reparations for Conflict-Related Sexual Violence (UN Guidance Note on Reparations for CRSV).²⁹¹

Pursuant to the Basic Principles on the Right to a Remedy and Reparation, reparations should be provided by a State for attributable acts or omissions that violate its obligations under international human rights law or international humanitarian law. Otherwise, a person, a legal person, or other entity found liable for violations of international humanitarian law should provide reparation. In the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations, States should endeavour to establish domestic reparation programmes for reparations and assistance to victims.²⁹²

284 The provisions of numerous international instruments provide a right to a remedy and to reparation for victims of violations of international human rights law, in particular: article 8 of the Universal Declaration of Human Rights; article 2 of the International Covenant on Civil and Political Rights; article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; article 39 of Convention on the Rights of the Child; and article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination; Articles 12 and 2 of the International Convention for the Protection of All Persons Against Enforced Disappearances. Also of international humanitarian law, such as article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV); article 91 of the Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977; and international criminal law, articles 68, 75, and 79 of the Rome Statute of the ICC.

285 The provisions of various regional conventions also provide a right to a remedy and reparation for victims of violations of international human rights, in particular: articles 13 and 41 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of Human Rights); articles 25 and 63 of the American Convention of Human Rights; Articles 7 and 21-2 of the African (Banjul) Charter of People and Human's Rights; article 45 of the Protocol on the Statute of the African Court of Justice and Human Rights (amended by article 20 of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights); see also Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (in its entirety).

286 Views to the contrary also exist, finding that adequate redress for victims is not a binding commitment on States, even if it is a 'desirable objective'. See Christian Tomuschat, 'Darfur—Compensation for the Victims' (2005) 3(3) *Journal of International Criminal Justice* 582–587.

287 Theo van Boven, 'Victims' Rights to a Remedy and Reparation: The United Nations Principles and Guidelines' in Carla Ferstman and Mariana Goetz, *Reparations for Victims of Genocide, War Crimes and Crimes against Humanity, Systems in Place and Systems in the Making* (2nd revised edition) 2020, 18–22.

288 UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution adopted by the General Assembly, 16 December 2005, A/RES/60/147 (21 March 2006) www.ohchr.org/sites/default/files/2021-08/N0549642.pdf accessed 6 August 2022.

289 Article 4 (d) of the Declaration on the Elimination of Violence against Women, UN General Assembly Resolution 48/104 of 20 December 1993 <https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx> accessed 25 November 2022.

290 Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation, adopted at the International Meeting on Women's and Girls' Right to a Remedy and Reparation held in Nairobi from 19–21 March 2007 <https://www.legal-tools.org/doc/b22586/pdf/> accessed 26 November 2022.

291 UN, 'Guidance Note of the Secretary-General. Reparations for Conflict-Related Sexual Violence' (June 2014) www.ohchr.org/sites/default/files/Documents/Press/GuidanceNoteReparationsJune-2014.pdf accessed 9 August 2022.

292 UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, principles 15 and 16, also quoted in <https://www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf>.

Global guidance for reparations generally outlines five primary forms of reparation which seek to address the harms suffered, acknowledge wrongdoing, and implement reforms.²⁹³ These forms include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.²⁹⁴ Further, reparation must be victim-centric, gender-sensitive, adequate, effective, and comprehensive, tailored to the particular needs of the victim and proportionate to the gravity of

the harm suffered.²⁹⁵ As a party to various international human rights treaties, Syria has undertaken the duty to prevent and protect persons on its territory from sexual violence and to guarantee victims the right to an effective remedy in fulfilment of such treaties. Failure to do so induces State responsibility, for instance, committing sexual violence or failing to prevent its commission or to conduct prompt, effective, and independent investigations.²⁹⁶

OF PARTICULAR RELEVANCE, SYRIA IS PARTY TO:²⁹⁷

- The four Geneva Conventions of 1949, ratification/accession on 02 November 1953;
- The Genocide Convention, ratification/accession on 25 June 1955.
- The International Covenant on Civil and Political Rights, ratification/accession on 21 April 1969;
- The International Covenant on Economic, Social and Cultural Rights, ratification/accession on 21 April 1969;
- The Additional Protocol I to the Geneva Conventions, ratification/accession on 14 November 1983;
- The Convention on the Rights of the Child and its two additional protocols ratification/accession on 15 July 1993, 17 October 2003, and 15 May 2003, respectively;
- The Convention on the Elimination of All Forms and Discrimination against Women, ratification/accession on 28 March 2003;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratification/accession on 19 August 2004.

293 See UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution adopted by the General Assembly, 16 December 2005, A/RES/60/147 (21 March 2006) www.ohchr.org/sites/default/files/2021-08/N0549642.pdf accessed 6 August 2022.

294 Ibid; also see the Glossary in Annex III for definitions of these terms.

295 UN, 'Guidance Note of the Secretary-General. Reparations for Conflict-Related Sexual Violence' (June 2014), Guidance Principles 1 and 2 www.ohchr.org/sites/default/files/Documents/Press/GuidanceNoteReparationsJune-2014.pdf accessed 9 August 2022.

296 Sara Ferro Ribeiro and Danaé van der Straten Ponthoz, UK Foreign & Commonwealth Office, 'International Protocol on the Documentation and Investigation of Sexual Violence in Conflict' (2nd edn, March 2017) 70-73 https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2019/06/report/international-protocol-on-the-documentation-and-investigation-of-sexual-violence-in-conflict/International_Protocol_2017_2nd_Edition.pdf accessed 26 July 2021.

297 Overview of the ratification/accession status by Syria of UN treaties (UN Treaty Body Database) https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=183&Lang=EN accessed 8 July 2022; Overview of the ratification/accession status by Syria of international humanitarian law and other relevant treaties (ICRC) https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=SY accessed 8 July 2022; Convention on the Prevention and Punishment of the Crime of Genocide (9 December 1948, entered into force 12 January 1951).

Despite these ratifications, Syria's breach of its international obligations since 2011 has been repeatedly documented by UN bodies. For instance, Syria COI found that rape and other forms of sexual violence perpetrated by government forces *"amount[ed] to serious violations of international human rights law including the right to life, liberty and security of person, the right to freedom from torture and other forms of cruel, inhuman, or degrading treatment, and the right to the highest attainable standard of physical and mental health."*²⁹⁸

In 2012, the Committee against Torture urged Syria to stop acts of torture and degrading treatment, such as acts of sexual violence perpetrated by public officers including against male detainees and children,²⁹⁹ and *"to cease its clear breach of the obligations under the Convention."*³⁰⁰ In 2014, the Committee on the Elimination of Discrimination against Women notably urged Syria to combat impunity for conflict-related crimes against women and girls, including sexual violence; to provide victims with comprehensive medical services; and to adopt practical measures to prevent all forms of sexual violence against women.³⁰¹ In 2019, the Committee on the Rights of the Child expressed deep concern about "girls and boys being exposed to sexual exploitation and abuse, including rape and forced marriage of girls, in the context of the armed conflict, both by State security forces and non-state armed groups."³⁰²

A number of States have also condemned Syria's breach of its treaty obligations. On 18 September 2020, the Netherlands (later joined by Canada³⁰³) informed Syria of its decision to hold it responsible for torture prohibited under the CAT.³⁰⁴ Both States argue that Syria has failed to respect its international obligation to protect its citizens against acts of torture, which includes acts of sexual violence, and to provide full reparation for the harm caused.

Syria bears further obligations under the four Geneva Conventions of 1949 (GCs) and Additional Protocol I (API) relating to the protection of victims of international conflict. The GCs and API prohibit all forms of sexual violence during international and non-international armed conflicts,³⁰⁵ and any violation of this prohibition can constitute a grave breach or serious violation of international humanitarian law.

According to COI Syria, rape and other forms of sexual violence committed by members of the Syrian government forces and associated militias at checkpoints, during ground operations, and in detention facilities constitute serious human rights, crimes against humanity, and after 2012, war crimes, including torture and outrages upon personal dignity.³⁰⁶ Rape and sexual violence committed by armed groups after February 2012 were also found by COI Syria to constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity.³⁰⁷

298 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) para 124 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

299 UN Committee against Torture 'Consideration by the Committee against Torture of the implementation of the Convention in the Syrian Arab Republic in the absence of a special report requested pursuant to article 19, paragraph 1, *in fine*. Concluding observations of the Committee against Torture' CAT/C/SYR/CO/1/Add.2 (29 June 2012) 7 <https://digitallibrary.un.org/record/731371?ln=en> accessed 26 November 2022.

300 Ibid.

301 UN Committee on the Elimination of Discrimination against Women, 'Concluding observations on the second periodic report of the Syrian Arab Republic' CEDAW/C/SYR/CO/2 (24 July 2014) paras 9-10 <https://digitallibrary.un.org/record/778824?ln=en> accessed 26 November 2022.

302 UN Committee on the Rights of the Child, 'Concluding observations on the fifth periodic report of the Syrian Arab Republic' CRC/C/SYR/CO/5 (6 March 2019) para 31 <https://digitallibrary.un.org/record/3794940?ln=en> accessed 26 November 2022.

303 Global Affairs Canada, 'Minister of Foreign Affairs takes action on Syria's human rights violations' (*Government of Canada*, 4 March 2021) <https://www.canada.ca/en/global-affairs/news/2021/03/minister-of-foreign-affairs-takes-action-on-syrias-human-rights-violations.html> accessed 14 May 2021.

304 'The Netherlands holds Syria responsible for gross human rights violations' (Ministry of Foreign Affairs, Government of the Netherlands, 18 September 2020) <https://www.government.nl/latest/news/2020/09/18/the-netherlands-holds-syria-responsible-for-gross-human-rights-violations> accessed 14 May 2021.

305 International Committee of the Red Cross, 'Prevention and criminal repression of rape and other forms of sexual violence during armed conflicts' (11 March 2015) www.icrc.org/en/document/prevention-and-criminal-repression-rape-and-other-forms-sexual-violence-during-armed accessed 03 June 2021.

306 UN Human Rights Council, COI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic. Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic' A/HRC/37/CRP.3 (8 March 2018) paras 121-124 <https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf> accessed 11 July 2022.

307 Ibid para 130.

Considering the conclusions reached by various UN Committees and COI Syria, Syria has been, and is still, failing to meet its obligations to prevent, protect, and appropriately respond to CRSV, including the fulfilment of the right to reparation. COI Syria has found that Syria's unwillingness to fulfil its international obligations to investigate and prosecute alleged perpetrators of serious international crimes, as well as the inadequacy of the domestic legal framework, make national courts not an option for pursuing justice.³⁰⁸ Syria's failure to investigate, prosecute, and provide for remedies at the domestic level will be further explored in the section below.

2. Domestic legal and policy frameworks relevant to remedy and reparation

The Syrian Penal Code does not provide for judicial reparations at the end of criminal cases, and the Syrian government has not introduced administrative reparation programmes for conflict-related crimes (and is unlikely to do so in the near future). However, an anti-torture law passed on 30 March 2022 (Law No. 16) stipulates that courts are to award appropriate compensation to redress material and moral damage and losses suffered by those who

have been tortured.³⁰⁹ Implementation of this law has not been assessed as part of the Study, but civil society organisations contrasted the adoption of this law with the continued pervasiveness of torture in Syria and the prevalent impunity for these crimes.³¹⁰ In addition, the 1949 Syrian Civil Code No. 84 sets out an obligation for compensation upon whoever harms another.³¹¹ The amount of compensation for the harm is assessed by a judge.³¹² However, officials who harmed an individual as a result of executing a superior's order are excluded from this obligation.³¹³ In general, compensation claims will be impacted by the lack of judicial independence of criminal and civil courts in Syria.³¹⁴

Further, due to the various powers currently holding control over Syrian territory, the legal systems and frameworks for remedy vary between areas.³¹⁵ For instance, Hay'at Tahrir al-Sham, the Autonomous Administration of North and East Syria, and the Syrian National Army all operate a different legal system from the one applied by the Syrian government. While those have not been explored as part of this Study, it is worth reiterating COI Syria's conclusion that: *"No party to the conflict appears to be either willing or able to meet their obligations to investigate and hold perpetrators accountable, or to provide effective remedies, including reparations for victims."*³¹⁶

308 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic' Forty-sixth session, A/HRC/46/54 (21 January 2021) para 75 <https://www.ohchr.org/en/documents/country-reports/ahrc4654-report-independent-international-commission-inquiry-syrian-arab> accessed 26 November 2022.

309 القانون رقم ١٦ لعام ٢٠٢٢ لتجريم التعذيب، المادة ٥.

310 Human Rights Watch, 'Torture in Syrian Prisons is Not a Joke' (1 April 2022) <https://www.hrw.org/news/2022/04/01/torture-syrian-prisons-not-joke> accessed 15 October 2022.

311 Syria Civil Code Legislative Decree 84 [1949] article 174.

312 Ibid article 171.

313 Ibid article 168.

314 The Carter Center, 'Syria's Transition Governance & Constitutional Options Under U.N. Security Council Resolution 2254' (2016) 9 https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/syria-conflict/principles-and-constitutional-provisions-may-8-2016.pdf accessed 6 August 2022.

315 See Mikael Ekman and William D. Meyer, 'ILAC Rule of Law Assessment Report: Syria 2021' (2021) <http://ilacnet.org/wp-content/uploads/2021/06/ILAC-Rule-of-Law-Assessment-Syria-2021.pdf> accessed 6 August 2020.

316 UN General Assembly, Human Rights Council, 'Report of the Independent International Commission of Inquiry on the Syrian Arab Republic', Forty-sixth session, A/HRC/46/55 (11 March 2021) para 98 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/059/73/PDF/G2105973.pdf> accessed 11 July 2022.

” What does Gender Based Violence mean in many places in Syria?

You get married when you're 12

You have a baby when you're 13”



Poster of the 16 days of Activism Campaign for the International Day for the Elimination of Violence Against Women, Syria, 2021
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A DETRIMENTAL EFFECT ON WOMEN AND GIRLS

The *de facto* justice system is especially problematic for women and girls living in areas controlled by Hay'at Tahrir al-Sham, which adheres to a very strict and conservative interpretation of Islam and Sharia.³¹⁷ The absence of written laws gives rise to legal uncertainty for female survivors of gender-based violence (including forced marriage) since lawyers cannot rely on a legal foundation to challenge conservative misconceptions and misinterpretations fostered by religious norms.³¹⁸

3. Domestic legal and policy frameworks relevant to conflict-related sexual violence

To investigate and prosecute acts of sexual violence as war crimes, crimes against humanity, or as constituting elements of genocide in Syria, these crimes must be criminalised in the domestic

legislation. To this day, however, these crimes do not appear in the Syrian Penal code.³¹⁹ As such, CRSV can only be prosecuted as an ordinary crime, which fails to reflect its gravity and scale or to adequately punish those most responsible. Such domestic prosecutions, unlikely as they are, would also be curtailed by immunity granted to officials pursuant to Legislative Decrees No. 14/1969 and No. 69/2008.³²⁰

317 See Mikael Ekman and William D. Meyer, 'ILAC Rule of Law Assessment Report: Syria 2021' (2021) 71 <http://ilacnet.org/wp-content/uploads/2021/06/ILAC-Rule-of-Law-Assessment-Syria-2021-.pdf> accessed 6 August 2020.

318 Ibid 11.

319 Legislative Decree No. 148 of 22 June 1949 – Penal Code of the Syrian Arab Republic, as amended [1949] art 391(i) ('Syrian Penal Code').

320 The Syrian Human Rights Committee, 'A new decree protecting security personnel who practice torture from prosecution' (12 October 2008) <https://www.shrc.org/?p=9298> accessed 26 July 2021.

Legislative Decrees No. 14/1969 and No 69/2008 grant security, intelligence, police, and customs personnel immunity from prosecutions for human rights violations committed on duty.

On 24 June 2013, the Syrian Parliament approved an amendment to the Syrian Penal Code modifying article 488, which establishes a punishment of ten to twenty years of temporary hard labour for the recruitment of a child under 18 years old to take part in hostilities or to carry out other related acts.³²¹ The amendment stipulates a lifetime of forced labour if the child was sexually abused while being recruited. Still, this crime is considered an ordinary crime rather than a war crime.³²²

While both the Syrian Constitution³²³ and Penal Code³²⁴ criminalise torture, the Penal code does not use the Arabic equivalent of the word 'torture' but instead, the equivalent of the word 'violence.' The Penal Code also does not define what constitutes torture or link it to the conduct of a public official or a person acting in an official capacity (as in article 1 of the CAT). The previously mentioned Law No.16/2022 however defines torture and links it to the conduct of officials, individuals, or groups.³²⁵ It further assigns a minimum penalty of three years of imprisonment for torture and the death penalty if a person was raped or subjected to 'obscenity' during or for the purposes

of torture.³²⁶ The previously mentioned scepticism views the adoption of this law as the Syrian State's response to current efforts to hold it accountable for failing its obligations under CAT, not as a genuine desire to address, provide remedy for, and prevent future torture in Syria.³²⁷

Further, the Penal Code criminalises rape and sexual assault against women and children as ordinary crimes, yet it leaves men and boys unprotected as they are not recognised as potential victims.³²⁸ An absence of an independent judiciary as well as the lack of confidentiality and appropriate complaint mechanisms have limited female survivors' willingness to resort to government institutions, including medical facilities, police departments, and public prosecution.³²⁹

The Penal Code provides for the suspension of the prosecution or the penalty if the alleged perpetrator of rape marries his victim.³³⁰ In addition, despite the prevalence of conflict-related forced marriage and marital rape among IDP and refugee communities since the beginning of the armed conflict, marital rape is not criminalised in the Penal Code.³³¹ Further, the Penal Code's criminalisation of acts that fall in undefined categories of 'indecent,' 'immoral acts,' and 'acts against public decency' have been arbitrarily used, particularly against LGBTQI people.³³²

321 Addendum to the Penal Code of the Syrian Arab Republic regarding the involvement of children in hostilities No. 11, [2013] art 1.

322 Ibid.

323 Constitution of the Syrian Arab Republic [2012] art. 53(2) ('2012 Constitution').

324 Syrian Penal Code.

القانون رقم ١٦ لعام ٢٠٢٢ لتجريم التعذيب، المادة ١ 325

القانون رقم ١٦ لعام ٢٠٢٢ لتجريم التعذيب، المادة ٢ (ب) 326

327 Human Rights Watch, 'Torture in Syrian Prisons is Not a Joke' (1 April 2022), <https://www.hrw.org/news/2022/04/01/torture-syrian-prisons-not-joke> accessed 15 October 2022.

328 Article 489 of the Penal code criminalises rape and defines it as the coercion [by a man] of a woman other than his wife to sexual intercourse with violence and threats.

329 Sabah Al Hallaq and Sema Nassar, 'Syria Situation report on Violence against Women' (EuroMed Rights, November 2017) 2 https://euromedrights.org/wp-content/uploads/2017/11/Factsheet_VAW_Syria_EN_Nov2017.pdf accessed 25 November 2022.

330 Syrian Penal Code, article 508.

331 Sabah Al Hallaq and Sema Nassar, 'Syria Situation report on Violence against Women' (EuroMed Rights, November 2017) 2 https://euromedrights.org/wp-content/uploads/2017/11/Factsheet_VAW_Syria_EN_Nov2017.pdf accessed 25 November 2022.

332 Human Rights Watch, 'The Treated us in Monstrous Ways: Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict' (29 July 2020) 25 <https://www.hrw.org/report/2020/07/29/they-treated-us-monstrous-ways/sexual-violence-against-men-boys-and-transgender> accessed 27 July 2021.

Moreover, women and girls who carried pregnancies resulting from rape or were forced into marriage are impacted by other provisions in the penal code that are detrimental to their rights. For instance, the Penal Code criminalises abortion,³³³ which leads to unwanted pregnancies and related serious psychological and physical consequences.³³⁴ Legal penalties for individuals who performed abortions are reportedly reduced if the operation is conducted to “save the honour” of the woman or girl concerned.³³⁵ While abortion is somehow informally available and performed by some doctors and midwives, its illegal and irregular status and the associated costs nevertheless make this service dangerous and inaccessible.³³⁶

In addition to the Penal code, various personal status laws are discriminatory towards women despite a guarantee under article 33 of the 2012 Syrian Constitution that citizens shall be equal in rights and duties without discrimination on the grounds of sex.³³⁷ These discriminatory laws have had a negative impact on CRSV survivors in several areas. For instance, the Syrian nationality law allows only men to automatically pass their nationality to their children.³³⁸ While it is permitted to register a child born in Syria to a Syrian mother in cases where the legal relationship to his father cannot be established, in practice, the requirements for doing so render this possibility extremely difficult.³³⁹ Women wishing to pursue this legal avenue are required to request a police report to initiate an investigation into the circumstances of the conception of the child, which is likely to be extremely stigmatising and in the context of CRSV, particularly perilous.³⁴⁰

The UN Committee on the Rights of the Child stated that *“one of the major protection concerns for children in Syria was the civil registration and the right to acquire nationality. This was a long-standing issue which had been aggravated by the armed conflict and displacement, with some groups of children continuing to be at high risk of not being registered and documented at birth, for example children born to non-married parents or in mixed religion marriages, and children born out of situations of sexual violence or in contested or isolated areas. The lack of registration equated to a lack of legal status of the child and impeded access to all services – health, education and humanitarian assistance.”*³⁴¹

As demonstrated, there are currently no real avenues at the domestic level for investigating, prosecuting, and providing reparations for gross human rights violations and serious international crimes committed by all parties to the conflict. This makes international courts or other States’ domestic courts through the application of universal or extra-territorial jurisdiction the only –albeit limited– avenue for holding the Syrian government or individuals to account for conflict-related crimes, including sexual violence. A number of investigations and cases are currently ongoing; these can have a reparative value and provide **satisfaction** to survivors and victims connected to the investigation or the case and potentially to other survivors and the broader Syrian community. Depending on the applicable legal framework, they might also lead to compensation awards, as will be explored next.

333 Syrian Penal Code, arts 525-532.

334 Human Rights and Gender Justice Clinic, MADRE and The Women’s International League for Peace and Freedom (WILPF), ‘Submission to the United Nations Universal Periodic Review of the Syrian Arab Republic’ (2016) paras 9 and 22.

335 Syrian Penal Code, art 531.

336 Human Rights and Gender Justice Clinic, MADRE and The Women’s International League for Peace and Freedom (WILPF), ‘Submission to the United Nations Universal Periodic Review of the Syrian Arab Republic’ (2016), paras 9 and 17.

337 2012 Syrian Constitution, article 33 (3).

338 Legislative Decree 276 [1969], Syrian Nationality Law, article 3 <https://www.refworld.org/pdfid/4d81e7b12.pdf> accessed 25 November 2022.

339 UNHRC, ‘COI Note on the Treatment of Women with Children Born Out of Wedlock in Syria’ (2019) 2 <https://www.refworld.org/docid/5db174a44.html> accessed 25 November 2022.

340 UN Committee on the Rights of the Child, ‘Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations: Syrian Arab Republic’ CRC/C/SYR/CO/3-4 (9 February 2012) para 43 (c) <https://www.refworld.org/docid/5305e86f4.html> accessed 26 November 2022.

341 UN Committee on the Rights of the Child, ‘Committee on the Rights of the Child Reviews the Situation of Children in Syria’ Press Release (16 January 2019) <https://www.ohchr.org/en/press-releases/2019/01/committee-rights-child-reviews-situation-children-syria?LangID=E&NewsID=24082> accessed 25 November 2022.

4. International and third country investigations and prosecutions

Syria is not party to the Rome Statute, the founding treaty of the International Criminal Court (ICC). Given that those most responsible for alleged atrocities are either Syrian nationals or nationals from other States that are also not party to the Rome Statute, the jurisdiction of the ICC over these crimes is curtailed.³⁴² For the ICC to exercise its jurisdiction over the situation in Syria, it would need to be granted jurisdiction through a United Nations Security Council (UNSC) referral.³⁴³

In 2014, permanent UNSC members Russia and China vetoed a resolution that would have referred the situation in Syria to the ICC and granted the ICC Office of the Prosecutor (OTP) jurisdiction to investigate and prosecute alleged war crimes, crimes against humanity, and genocide committed in Syria.³⁴⁴ Any other effort to establish a hybrid or an international special court for the prosecution of core international crimes in Syria through the Security Council will likely be similarly vetoed.³⁴⁵ The Arab region does not have a regional human rights court that can consider claims from the region's war-affected population, such as for violations of the Arab Charter for Human Rights, to which Syria is party.³⁴⁶

In 2016, the UN General Assembly adopted resolution 71/248 establishing the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM). The IIIM does not hold prosecutorial powers but rather *"collects and analyses information and evidence of international courts of tribunals that have or may in the future have jurisdiction over these crimes."*³⁴⁷

Against this backdrop, emerging cases from several European countries, such as those in Germany and France, against suspects of war crimes, crimes against humanity, torture, genocide, or enforced disappearances committed in Syria have become a tangible avenue for remedy, even if far from comprehensive.³⁴⁸ These countries have incorporated war crimes, crimes against humanity, and genocide in their domestic criminal codes and sometimes even created specialised units within their police and prosecution services.³⁴⁹ In addition, some of these countries have established extra-territorial jurisdiction to prosecute these crimes before their own courts, even when such crimes were committed in other countries.³⁵⁰ Importantly, these countries can request information on crimes or suspects from the IIIM for Syria.³⁵¹

342 Rome Statute of the International Criminal Court, article 12(2).

343 Ibid article 15 *ter*.

344 'Russia, China Block Security Council Referral of Syria to International Criminal Court' (UN News 22 May 2014) <https://news.un.org/en/story/2014/05/468962-russia-china-block-security-council-referral-syria-international-criminal-court> accessed 3 June 2021.

345 A blueprint for a "Statute for a Syrian Extraordinary Tribunal to Prosecute Atrocity Crimes" (known as the *Chautauqua Blueprint*) has been prepared in 2013 by a group of international experts as a starting point to "help inform continuing discussions on an accountability mechanism that is fair and effective under the distinct circumstances of Syria". Eight years on, this proposal has not moved from its theoretical aspects to concrete practical ones, due to the non-availability of the needed political context for such mechanism. See, Cherif Bassiouni and others, 'The Chautauqua Blueprint for a Statute for a Syrian Extraordinary Tribunal to Prosecute Atrocity Crimes' (2013) <https://securitypolicy.syr.edu/wp-content/uploads/2013/09/Chautauqua-Blueprint1.pdf> accessed 25 November 2022.

346 Arab Charter on Human Rights (2004).

347 Resolution approved by the General Assembly on 21 December 2016' Res 71/248 (2016) UN Doc A/RES/71/248 (11 January 2017) <https://www.securitycouncilreport.org/un-documents/document/ares71248.php> accessed 26 November 2022.

348 Reem Salahi, 'The Road to Justice for Syria Goes through Europe' (Middle East Institute, 14 July 2020) <https://www.mei.edu/publications/road-justice-syria-goes-through-europe> accessed 3 June 2021.

349 See Council of the European Union, 'Council Decision 2003/335/JHA of 8 May 2003 on the investigation and prosecution of genocide, crimes against humanity and war crimes' (5 May 2003) art 4 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32003D0335> accessed 26 November 2022.

350 Human Rights Watch, 'Refugee Crisis and Universal Jurisdiction Cases in Europe' (20 October 2016) <https://www.hrw.org/news/2016/10/20/qa-first-cracks-impunity-syria-iraq#Q14> accessed 20 July 2021.

351 UN General Assembly, 'International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. Resolution approved by the General Assembly on 21 December 2016' Res 71/248 (2016) UN Doc A/RES/71/248 (11 January 2017) <https://www.securitycouncilreport.org/un-documents/document/ares71248.php> accessed 26 November 2022.

4.1. Overview of cases and investigations covering conflict-related sexual violence in Syria

A number of universal jurisdiction investigations and cases (or complaints) capture charges of sexual violence, often in the context of arbitrary detention in Syria. In Germany, the Office of the German Federal Prosecutor has been investigating individuals suspected of committing serious international crimes in Syria since 2011 and has opened a structural investigation that goes beyond individual cases by studying the context in which the crimes took place.

The structural investigation and the presence of suspects in Germany led to the first worldwide trial on Syrian State torture (known as the '*al-khatib trial*') in Koblenz, Germany.³⁵² The trial commenced in April 2020 against two former officials in the Syrian Regime's security apparatus, Anwar R and Eyad A.³⁵³ In March 2021, the Koblenz Higher Regional Court granted a motion for the reclassification of charges against Anwar R from ordinary crimes to crimes against humanity relating to evidence of rape and other forms of sexual violence introduced during the trial.³⁵⁴ On 13 January 2022, Anwar R was convicted and received a life sentence for crimes against humanity including underlying acts of sexual violence.³⁵⁵ Another trial in Germany commenced in January 2022 before the Frankfurt Higher Regional Court against Alaa M, a Syrian military doctor, for various charges of crimes against humanity, including

inflicting severe violence to the genitals of two detainees in a deliberate manner to deprive victims of reproductive ability.³⁵⁶

In Sweden, a series of criminal complaints brought by or on behalf of victims have been significant in advancing such investigations and bringing focus to sexual violence. For instance, on 20 February 2019, a complaint against 25 known and unknown high-level Syrian security officials was submitted by nine survivors to the War Crimes Unit of the Swedish Police relating to, among other things, sexual violence in detention.³⁵⁷

In June 2020, ECCHR, Urnammu and the Syrian Women's Networks, submitted a complaint to the German Federal Public Prosecutor demanding the prosecution of SGBV in Syrian detention centres as a crime against humanity.³⁵⁸ The complainants are seven former detainees of Syrian Air Force Intelligence prisons who are either survivors or witnesses to various forms of sexual violence, such as rape, the threat of rape, sexual harassment, electrical shocks targeting the genitals, or forced abortion.³⁵⁹ The complaint is directed against nine high-ranking officials of the Syrian Air Force Intelligence Service and National Security Bureau and complements an earlier complaint against the same suspects submitted in November 2017 by ECCHR, which resulted in an arrest warrant issued by the German Federal Court of Justice in June 2018 against Jamil Hassan, the former head of the Syrian Air Force Intelligence.³⁶⁰

352 European Center for Constitutional and Human Rights, 'First Criminal Trial Worldwide on Torture in Syria' https://www.ecchr.eu/en/case/first-criminal-trial-worldwide-on-torture-in-syria-before-a-german-court/#case_qa accessed 31 August 2021.

353 Ibid.

354 European Center for Constitutional and Human Rights, 'Al-Khatib Trial in Koblenz' (17 March 2021) <https://www.ecchr.eu/en/press-release/syrien-prozess-in-koblenz/> accessed 3 June 2021.

355 Ibid.

356 European Center for Constitutional and Human Rights, 'Proceedings against doctor Alaa M: Coming to terms with crimes in Syria continues' <https://www.ecchr.eu/en/case/proceedings-military-doctor-alaa-m-syria/> accessed 15 October 2022.

357 TRIAL International, 'Universal Jurisdiction Annual Review 2021' (2021) 67 <https://trialinternational.org/wp-content/uploads/2021/04/UJAR-2021-UniversalJurisdictionAnnualReview-2.pdf> 26 November 2022.

358 European Center for Constitutional and Human Rights, 'Survivors: Sexual Violence by Syrian Intelligence Services Are Crimes Against Humanity' https://www.ecchr.eu/en/case/survivors-sexual-violence-by-syrian-intelligence-services-are-crimes-against-humanity/#case_qa accessed 3 June 2021.

359 Ibid.

360 Ibid.

Universal jurisdiction cases against ISIL members for crimes against Yazidis have also included charges of sexual violence that have also taken place in Syria. For instance, in 2021, Sarah O, a German member of ISIL, was sentenced to six years and six months for crimes against humanity including aiding and abetting rape, religious and gender-based persecution, and the enslavement of five Yazidi women and two girls.³⁶¹ The case against Taha A J in Germany led to the first trial of an ISIL member for genocide. On 30 November 2021, Taha A J was convicted of genocide, war crimes, and crimes against humanity; sentenced to life imprisonment; and ordered to pay the plaintiff 50,000 Euro of compensation.³⁶²

4.2. Reparations for survivors participating in cases before courts in Europe

Despite the reparative value of universal and extra-territorial jurisdiction cases, a 2020 report studying the rights of victims of international crimes in the Netherlands, Sweden, Germany, Belgium, and France concluded that victims still face barriers to having their rights fulfilled.³⁶³ This finding is concerning, especially considering the adoption of the *Directive on minimum standards for the rights, support and protection of victims of crime* by the European Parliament and the European Council in 2012.³⁶⁴ Pursuant to this Directive, victims of international crimes are entitled to receive a decision on compensation, among other rights, and EU Member States must take concrete actions to ensure offenders will provide compensation to victims.³⁶⁵ In 2020, the first EU Strategy on victims' rights was also adopted to facilitate victims' access to compensation.³⁶⁶

The EU Victims' Rights Directive was established to strengthen the right of victims to receive information, assistance, support, protection and financial compensation. Under Article 16 of the Directive, victims of international crimes are entitled to receive a decision on compensation and EU Member States must make concrete actions to ensure offenders will provide compensation to victims.³⁶⁷

For victims engaged in proceedings in Belgium, Germany, and the Netherlands, compensation can be sought through a civil claim only if the accused is found guilty; while in France and Sweden, a claim can be lodged even if the alleged offender is acquitted.³⁶⁸ According to the 2020 Report, it is extremely difficult for victims to obtain compensation. Firstly, in the rare cases where victims are aware of their right to compensation and are adequately supported to claim it, offenders ordered to award compensation will either be insolvent, or victims will be responsible to enforce the award – a costly and strenuous process.³⁶⁹ Secondly, despite the existence of State-funded compensation schemes established pursuant to a 2004 EU Directive on compensation, most victims participating in universal or extra-territorial jurisdiction cases are not eligible to benefit from such schemes. Such eligibility criteria depend on the nationality or residence of the victim at the time of the crime and/or the place where the crime was committed, which in effect means that Syrian victims participating in extra-territorial jurisdiction cases in the EU are not eligible.³⁷⁰ In some instances, these obstacles to obtain compensation, which are often of a symbolic value, can become a source of secondary victimisation and additional psychological stress.³⁷¹

361 Doughty Street Chambers, 'German court convicts a third ISIS member of crimes against humanity committed against Yazidis' (18 June 2021) <https://www.doughtystreet.co.uk/news/german-court-convicts-third-isis-member-crimes-against-humanity-committed-against-yazidis> accessed 17 October 2022.

362 International, Impartial and Independent Mechanism, Bulletin No. 7 – March 2022, p. 4 <https://iiim.un.org/wp-content/uploads/2022/03/IIIM-Syria-Bulletin-7-ENG-March-2022-1.pdf> accessed 10 October 2022.

363 FIDH, European Center for Constitutional and Human Rights and REDRESS, 'Breaking Down Barriers: Access to Justice in Europe for Victims of International Crimes' (2020) 11 <https://www.ecchr.eu/en/publication/report-breaking-down-barriers-access-to-justice-in-europe-for-victims-of-international-crimes/> accessed 26 November 2022.

364 European Council and Council of the European Union, 'Council Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA' (25 October 2012) articles 1 and 4 (EU Victims' Rights Directive).

365 Ibid, article 16.

366 European Commission, 'EU Strategy on victims' rights (2020-2025)' Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions COM/2020/258 final (24 June 2020) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0258> accessed 26 November 2022.

367 EU Victims' Rights Directive.

368 Sarah Finnin, 'Breaking Down Barriers: Access to Justice in Europe for Victims of International Crimes' (FIDH, ECCHR, and REDRESS, September 2020) 126 https://www.ecchr.eu/fileadmin/Publikationen/Breaking_Down_Barriers_EN_web_FINAL_2020-11-08.pdf accessed 11 July 2022.

369 Ibid.

370 Ibid, 126-127.

371 Ibid, 127.

Still, while victims participating in these cases represent an infinitesimal proportion of CRSV victims of the Syrian conflict, the cases – in uncovering events on the ground and establishing harm and responsibility – may carry significant symbolic and truth telling value for survivors and affected communities more broadly. However, the Koblenz trial, for example, has had significant shortfalls in making its process known to Syrians. Despite making interpretation available for the defendant and witnesses, access to interpretation was not extended to persons attending the trial in the public gallery. Moreover, with the Court decisions being in the German language and the absence of recordings or transcripts, Syrian and international civil society organisations and other initiatives have had to fill the outreach gap.³⁷² If these cases are to serve as a form of satisfaction to those participating in the case and other victims and affected communities, efforts must be maximised to ensure that the process is visible and understood by those most affected.

4.3. Avenues to reparations at the International Court of Justice

As previously mentioned, the Netherlands (in 2020) and Canada (in 2021) decided to hold Syria responsible for failing its obligations under the CAT. According to both States, Syria has failed to protect its citizens against acts of torture and to provide for full reparation for the harm caused.³⁷³ As a first step, the Netherlands and Canada were required to ask Syria to enter negotiations on the subject matter of the Convention to attempt to resolve the dispute. Should those negotiations not succeed, arbitration could follow. In accordance with Article 30(1) of the

CAT, if the dispute were still not resolved in six months of arbitration, the case could be submitted to the International Court of Justice.

Article 30(1) of CAT states: *“Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.”*³⁷⁴

On 8 June 2023, Canada and the Netherlands filed a joint application before the ICJ to institute proceedings against Syria for committing multiple violations of the CAT.³⁷⁵ The two countries contended that Syria *“has committed countless violations of international law, beginning at least in 2011, with its violent repression of civilian demonstrations, and continuing as the situation in Syria devolved into a protracted armed conflict.”*³⁷⁶ These violations *“include the use of torture and other cruel, inhuman or degrading treatment or punishment (“CIDTP”), including through abhorrent treatment of detainees, inhumane conditions in places of detention, enforced disappearances, the use of sexual and gender-based violence, and violence against children.”*³⁷⁷ It was also contended that the violations include *“the use of chemical weapons which has been a particularly abhorrent practice to intimidate and punish the civilian population, resulting in numerous deaths, injuries and severe physical and mental suffering.”*³⁷⁸

372 See Charlotte Bailey, ‘Syrian war crimes on trial in Germany: Will justice be lost in translation?’ (*The New Humanitarian*, 12 October 2021) <https://www.thenewhumanitarian.org/2021/10/21/syrian-war-crimes-trial-germany-will-justice-be-lost-translation> accessed 26 November 2022; Trial monitoring by SJAC: <https://syriaaccountability.org/trial-monitoring/> accessed 26 November 2022; see also a transcript of the public prosecutor’s final statement on the case of Eyad A (in German) prepared by the European Center for Human Rights (ECCHR): https://www.ecchr.eu/fileadmin/Juristische_Dokumente/60_HVT_Eyad_A_Mitschrift_Pla_doyer_GBA_final_DE.PDF <https://www.thenewhumanitarian.org/2021/10/21/syrian-war-crimes-trial-germany-will-justice-be-lost-translation> accessed 26 November 2022.

373 ‘The Netherlands holds Syria responsible for gross human rights violations’ (Ministry of Foreign Affairs, Government of the Netherlands, 18 September 2020) <https://www.government.nl/latest/news/2020/09/18/the-netherlands-holds-syria-responsible-for-gross-human-rights-violations> accessed 14 May 2021; Global Affairs Canada, ‘Minister of Foreign Affairs takes action on Syria’s human rights violations’ (Global Affairs, Government of Canada, 4 March 2021) <https://www.canada.ca/en/global-affairs/news/2021/03/minister-of-foreign-affairs-takes-action-on-syrias-human-rights-violations.html> accessed 25 November 2022.

374 The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Article 30(1).

375 Government of Canada and Government of the Kingdom of the Netherlands, ‘Request for the indication of provisional measures: further to the joint application instituting proceedings concerning a dispute under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Canada and The Kingdom of The Netherlands v. The Syrian Arab Republic’ (8 June 2023) <https://www.icj-cj.org/sites/default/files/case-related/188/188-20230608-REQ-01-00-EN.pdf> accessed 31 July 2023.

376 Ibid 1.

377 Ibid

378 Ibid.

Alongside the Application, Canada and the Netherlands also submitted a Request for the indication of provisional measures, pursuant to Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court,³⁷⁹ "to preserve and protect the rights owed to them under the Convention against Torture, which Syria continues to violate, and protect the lives and physical and mental integrity of individuals within Syria who are currently, or are at risk of, being subjected to torture and other cruel, inhuman or degrading treatment or punishment."³⁸⁰ Some of the provisional measures sought by the two countries for the ICJ to decide upon are: 1) cessation of arbitrary detention and release of unlawfully detained prisoners, 2) disclosure of the location of burial sites of the victims to the next of kin, 3) non-destruction of any evidence related to the application, and 4) submission of a report on provisional measures to the Court every six months until the resolution of the dispute.³⁸¹

Article 41(1) of the Statute of the ICJ states: "The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party."³⁸²

On 7 July 2023, the ICJ announced a series of public hearings to be opened on 19 July 2023, with the purpose of hearing arguments regarding the indication of provisional measures.³⁸³ However, due to Syria's request for the postponement of the hearings, the ICJ rescheduled the date to 10-11 October 2023.³⁸⁴ In the event that Syria is found to be in breach of its obligations under CAT, the ICJ would have the power to adjudicate on reparations for victims of torture, including sexualised torture. According to the ICJ's jurisprudence, a breach of an international convention must be adequately repaired by the offending State.³⁸⁵ Importantly, full reparation should not only be granted to the claiming State but also to the individuals within its territory whose rights have been violated.³⁸⁶

The 9 February 2022 Judgment of the ICJ in the Democratic Republic of Congo v. Uganda case demonstrates challenges relating to compensation orders by the ICJ for the benefit of CRSV survivors, particularly in situations of underreporting and/or deficiencies in documentation.³⁸⁷ The Democratic Republic of Congo (DRC) sought US\$33,458,000 in compensation for an estimated number of victims of rape and sexual violence, produced on the basis of multiplying 342 cases of sexual violence documented by the Congolese Commission of Inquiry by five.

379 International Court of Justice, 'Press Release: Canada and the Kingdom of the Netherlands jointly institute proceedings against the Syrian Arab Republic and request the Court to indicate provisional measures' *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* No 2023/28 (12 June 2023) <https://www.icj-cij.org/sites/default/files/case-related/188/188-20230612-PRE-01-00-EN.pdf> accessed 31 July 2023.

380 Government of Canada and Government of the Kingdom of the Netherlands, 'Request for the indication of provisional measures: further to the joint application instituting proceedings concerning a dispute under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Canada and The Kingdom of The Netherlands v. The Syrian Arab Republic' (8 June 2023) <https://www.icj-cij.org/sites/default/files/case-related/188/188-20230608-REQ-01-00-EN.pdf> accessed 31 July 2023.

381 Ibid 8-9.

382 International Court of Justice, 'Statute of The International Court of Justice' <https://www.icj-cij.org/statute> accessed 31 July 2023.

383 Press Release: Request for the indication of provisional measures. Public hearings to open on Wednesday 19 July 2023' *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* No. 2023/38 (7 July 2023) <https://www.icj-cij.org/sites/default/files/case-related/188/188-20230707-pre-01-00-en.pdf> accessed 31 July 2023.

384 International Court of Justice, 'Press Release: Request for the indication of provisional measures. Public hearings postponed until October 2023' *Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Canada and the Netherlands v. Syrian Arab Republic)* No. 2023/41 (15 July 2023) <https://www.icj-cij.org/sites/default/files/case-related/188/188-20230715-pre-01-00-en.pdf> accessed 31 July 2023.

385 *Factory at Chorzów* (Judgment) International Court of Justice Series A No. 9 (26 July 1927) 21; *Gabcikovo-Nagymaros Project (Hungary/Slovakia)* (Judgment) International Court of Justice ICJ Report 7 (25 September 1997) para. 152; *Avena and Other Mexican Nationals (Mexico v. United States of America)* (Judgments) International Court of Justice ICJ Report 59 (31 March 2004) para. 119.

386 *Armed Activities in the Democratic Republic of Congo (Democratic Republic of the Congo v. Uganda)* (Judgment) International Court of Justice ICJ Report 168 (19 December 2005) para. 259. See also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) International Court of Justice ICJ Report 2004 (9 July 2004) paras. 149-152.

387 *Armed Activities in the Democratic Republic of Congo (Democratic Republic of the Congo v. Uganda)* (Reparations) International Court of Justice General List No. 116 (9 February 2022) para. 193.

The DRC resorted to this multiplication method to address the underreporting of sexual violence and acknowledging that it nonetheless was widespread.³⁸⁸ However, the Court found the provided evidence (victim identification forms) for the documented 342 cases of 'little probative value' and, while acknowledging

underreporting of sexual violence, did not find it appropriate to produce an estimate of victims on the basis of 'unsubstantiated multipliers.'³⁸⁹ The ICJ has therefore ordered compensation for rape and other forms of sexual violence as part of a total sum of US\$225,000,000 for the loss of life and other damage to persons.³⁹⁰

388 Ibid, para 183.

389 Ibid, para 189.

390 Ibid, para. 226.



Leadership workshop, Syria, June 2021
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VII. TOWARDS COMPREHENSIVE REPARATIONS AND ADDRESSING THE REPARATIONS GAP

As outlined in the previous sections, the Syrian regime and other liable parties have not acknowledged CRSV acts for which they are responsible, and as such, victims' and survivors' right to reparation has little to no prospects to be realised in the near future. CRSV remains a daily reality in the ongoing conflict, particularly at the hands of the Syrian regime, but also other conflict parties with military and territorial control over parts of Syria. Currently, reparations are considered by a range of actors as part of a transitional justice framework that would follow a future political transition. Increasingly, however, the prospects of a transition in the near future are diminishing as the Assad regime continues to regain power over the war-torn country.

Current steps to amend the Syrian constitution or draft a new one, as part of the UN-facilitated Constitutional Committee, have not yet yielded results that indicate that reparations will be furthered as part of this political process. While recently, several draft constitutional texts have been developed, including one on the rule of law, the UN Special Envoy for Syria expressed disappointment with the failure to move from the making and discussing of proposals to a productive textual drafting process.³⁹¹

While comprehensive reparations are unlikely to be available in the near future, it is imperative to safeguard and promote victims' right to a remedy and reparations immediately. This is particularly important given experiences showing that reparations following political negotiations and settlements have not paid adequate attention to victims and survivors and have been weak and politicised.³⁹² Reparations for CRSV specifically have also been elusive.

A number of current developments and initiatives, however, can play an instrumental role in ensuring that future comprehensive reparation programmes in Syria recognise and repair the harms experienced by CRSV survivors. Firstly, current documentation efforts by Syrian civil society organisations and the establishment of the IIM are important in ensuring that CRSV is investigated, its evidence preserved, and victims' and survivors' right to a remedy is safeguarded. Careful consideration should go into assessing whether and how this repository of information and evidence may help future reparation programmes, not only criminal prosecutions.

Secondly, the past years have seen the creation of multiple associations for survivors and victims' families, working primarily on arbitrary detention and issues relating to the missing, the disappeared, and those arbitrarily killed in the conflict.³⁹³ Those associations represent important structures for highlighting and amplifying survivors' views, visions, needs, and challenges and can play a key role in raising awareness of the right to a remedy and reparations, particularly amongst victims, survivors, and affected communities. Doing so is an essential element in enabling victims and survivors to claim their rights, currently and in the future. To strengthen these and other efforts, technical assistance and support, including funding, are needed to enable such associations to carry out their work effectively and meaningfully.

Thirdly, considerations should be given to how the sanctions framework, including the freezing and repurposing of sanctioned and ill-gotten assets in a due process of law, may be used to address the immediate needs of CRSV survivors. Specifically, where States have the requisite legislation, frozen

391 Special Envoy Geir O. Pedersen, 'Briefing to the Security Council on Syria. As delivered' (27 October 2021) https://specialenvoysyria.unmissions.org/sites/default/files/2021-10-27_secco_un_special_envoy_for_syria_mr_geir_o_pedersen_briefing_as_delivered.pdf accessed 26 November 2022.

392 Christalla Yakinthou, 'Syria: Using Data, Documentation, and Evidence in Reparations Processes' (Syria Justice and Accountability Center, April 2014) 3 https://syriaaccountability.org/content/files/2022/04/SJAC-Documents-Reparations-Memo-2013_EN.pdf accessed 25 November 2022.

393 See for instance Ta'afi (<https://www.taafi-sy.org/>); Massar (<https://massarfamilies.com/?lang=en>); Release me (<https://releasemesyria.org/>); Caesar Families Association (<https://www.caesarfamilies.org/>); and Synergy/Hevdesti Association for Victims in North and East Syria (<https://hevdesti.org/en/about/>).

sanctioned and ill-gotten assets may be seized, confiscated, and repurposed for financing reparations or immediate measures for the benefit of victims and survivors. In this respect, a lawful confiscation and repurposing regime could have two purposes: first, to contribute to halting and preventing violations of international human rights and criminal law; and second, to address the immediate needs of survivors.³⁹⁴

As of 31 May 2022, 289 persons were targeted by both asset freezing and a travel ban, and 70 entities were subject to asset freezing by the European Council.³⁹⁵ On 9 September 2021, a French Court ordered the confiscation of ill-gotten assets of Rifaat al Assad, alone amounting to 90 million euro.

Sanctioned assets should be repurposed to support victims of the most horrendous crimes committed in Syria, including CRSV survivors, to respond to the harms they have suffered, and to provide sustainable and life-changing interim reparative measures.

The international community, in consultation with Syrian civil society and other actors, should consider the creation of a multi-stakeholder fund used, among other things, for financing interim reparative measures. Legislations introduced in France³⁹⁶ and

Canada³⁹⁷ are encouraging steps towards using the sanctions regime to immediately respond to the needs of victims and survivors, despite the legal complexities and challenges involved in such procedures. Developments such as the confiscation of ill-gotten assets of Rifaat al Assad create a unique opportunity to finance an international fund or programme for interim reparative measures to victims. The repurposing of assets of perpetrators involved in the violations would also contribute to justice and accountability for the violations, thus strengthening the reparative dimension of the measures.

INTERIM REPARATIVE MEASURES IMPLEMENTED BY GSF AND ADMSP

In 2021, GSF started working with ADMSP, based in Turkey, on an 'interim reparative measures' project. The project will reach around 1,000 Syrian survivors of CRSV in Gaziantep, Hatay, Urfa, and Mersin (all in Turkey). The project includes survivors of sexual violence committed by both State and non-state actors in Syria, helping people of all genders and ages. The individual measures will consist of sexual violence-related medical care, grants for business support, cash grants for livelihood support, psychological care, and education support. The form of collective reparations will be selected, designed, and implemented by survivors themselves.

Finally, in addition to addressing the immediate material needs of CRSV survivors through interim reparative measures, symbolic measures by these same actors could be explored as a form of recognition, truth-telling, and solidarity and could help mitigate the stigmatisation survivors experience. Such measures have been pursued in other contexts around the world by non-duty bearers, particularly

394 Hogan Lovells, Global Survivors Fund, REDRESS and Goldsmith Chambers, 'Finance for Restorative Justice: Volume II' (19 June 2021) 14 https://www.hoganlovells.com/-/media/hogan-lovells/pdf/2021-pdfs/2021_06_25_finance_for_restorative_justice_-_volume_ii_stage_5.pdf accessed 16 May 2022.

395 Council of the European Union, 'Syria: Council extends sanctions against the regime for another year' (31 May 2022), <https://www.consilium.europa.eu/en/press/press-releases/2022/05/31/syria-council-extends-sanctions-against-the-regime-for-another-year/> accessed 9 August 2022.

396 'France has a new recovery mechanism for "illicit assets"' (Ministère de l'Europe et des Affaires Étrangères, France, October 2021) <https://www.diplomatie.gouv.fr/en/french-foreign-policy/development-assistance/france-has-a-new-recovery-mechanism-for-illicit-assets/> accessed 25 November 2022.

397 Parliament of Canada, 'An Act respecting the repurposing of certain seized, frozen or sequestered assets' First Session, Forty-fourth Parliament, 70 Elizabeth II, 2021 BILL S-217 (24 November 2021) www.parl.ca/DocumentViewer/en/44-1/bill/S-217/first-reading accessed 1 May 2022.

when justice and redress have been inaccessible at the domestic or international levels.³⁹⁸ Examples include the organisation of survivors' hearings, the building of archives and production of audio-visual material as a form of memorialisation and awareness raising, and the organisation of people's and women's courts to address the gaps or absence of justice.

Victim associations and civil society should consider, in consultation with survivors, whether initiatives such as granting survivors acknowledgment and empowerment could have a reparative value and mitigate the stigmatisation they experience. Survivors' security, privacy, and confidentiality should be carefully safeguarded.

398 See for example: the Women's Court for the former Yugoslavia, organised by women and victim groups from Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, Montenegro, Slovenia, and Serbia, as a space for women to testify about the violence they experienced, including sexual violence, among other awareness-raising and advocacy activities <http://www.zenskisud.org/en/index.html>; Badna Naaref, a project driven and implemented by multiple civil society organisations with several objectives, including increasing young people's understanding of political violence and violations in the Lebanese civil war and creating an archive of stories of the human experiences during the conflict <http://web.archive.org/web/20180128161659/http://www.badnanaaref.org/index.php/about/2>>; and survivors' hearings on reparations, organised by GSF in Kinshasa, to provide a platform for survivors of CRSV to share their testimonies, views, perceptions, and reflections around reparations, participation, and co-creation of reparations https://static1.squarespace.com/static/5ff7d9f4dd4cdc650b24f9a4/t/618e7e875c9d244eec135d5b/1636728461485/GSF_Kinshasa_Survivors_Hearing_Concept_Note_EN.pdf.



VIII. RECOMMENDATIONS

| To all parties to the conflict

- Immediately halt the perpetration of gross human rights violations and crimes under international law, including sexual violence, through measures for prevention and response in line with international law and standards;
- Release all those arbitrarily and unlawfully detained and prevent detention-related violations, including sexual violence;
- Cooperate with international entities such as allowing unhindered humanitarian access throughout the country to ensure provision of services and cease sieges on civilians.

| To the Syrian government

- Comply with international humanitarian, customary, and human rights law obligations including in relation to victims' right to an adequate and effective remedy and reparation;
- Implement recommendations from the UN-mandated Commission of Inquiry on Syria and other UN entities, including recommendations from the UN Secretary-General in the annual report on CRSV.

| To governments where Syrian populations, including Syrian refugees and asylum-seekers, reside

- Facilitate access to safe and public services necessary for CRSV survivors without discrimination or exclusion on the basis of nationality, ethnicity, gender, language, legal permits, or other grounds;
- Take legal and policy-oriented action against the exploitation of Syrians, including child marriage and child labour. Make adequate free legal aid available and accessible. Provide in-depth and comprehensive support and protection to survivors of sexual violence, exploitation, trafficking, and forced marriage.

| To the international and donor community

- Come together with Syrian civil society organisation to establish an international fund or programme to provide interim reparative measures, both of material and symbolic value, to victims of gross violations of international human rights law and serious violations of international humanitarian law, including CRSV survivors. A roundtable convening the relevant stakeholders, including survivors, can be a first step towards the establishment of such a fund or programme;
- Consider repurposing of assets from perpetrators as a form of financing a fund or programme to provide interim reparative measures. In this regards, proceedings in France relating to the confiscation of ill-gotten assets of Rifaat al Asaad could constitute a unique opportunity to finance urgent reparative measures for survivors;
- Address the lack of reparations for CRSV survivors by adequately funding, supporting, and promoting interim reparative measures by non-duty bearers that respond to survivors' urgent needs and expectations for reparations. Such measures should be co-created with survivors and gender-sensitive, aiming to mitigate the social discrimination (stigma) experienced by CRSV survivors;
- Support survivors and victims' family's association with technical assistance, funding, and meaningful participation and inclusion in political and justice processes; advance survivors' vision of justice and reparation through these associations and beyond;
- Continue to support and provide funding to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

For third-countries with jurisdiction over conflict-related crimes in Syria

- Investigate and prosecute perpetrators of sexual violence committed in the Syrian conflict as war crimes, crimes against humanity, genocide, or torture;
- Make trials open to the Syrian public, including survivors not participating in the case, and provide attendees with interpretation services where needed. Publicise key case documents, including in Arabic, and consider allowing verdicts to be live-streamed, translated into Arabic, and made available online; create outreach programmes so that the Syrian public is provided with the necessary information on litigation processes and opportunities for participation;
- Ensure that survivors participating in the case are adequately supported in all stages of the justice process to meet different intersecting needs, including with necessary psychosocial support and protections measures; ensure that they are fully informed of their rights, including to compensation when applicable.

Considerations for the initiation of projects with interim reparative measures

On development and design

- Undertake the development of projects that provide CRSV survivors with interim reparative measures, based on the acknowledgment of CRSV, the harms suffered, and survivors' views and demands;
- Ensure that development and design of projects are on the basis of survivors' needs, interests, and demands, as defined by them through their direct and meaningful engagement;
- Adopt a thorough and systematic do-no-harm approach to the design and implementation of all projects; treat victims with sensitivity, respect, and dignity;
- Recognise the plurality and diversity among CRSV survivors and refrain from treating them as a homogenous group with the same needs, interests, and demands;
- Consider the intersection of CRSV with other crimes, identities, and other factors that may lead to compounded harm;
- Ensure that developed projects are synergized with, and complementary to, other initiatives and do not lead to competitiveness, tensions, or perceived hierarchies among survivor groups;
- Adopt a comprehensive gender-transformative approach to programming and other issues that disproportionately affect women, such as lack of bank accounts and personal documentation, from design to execution; this approach should take into account matters including child-care support and funding for participating survivors.

On survivors' political and rights awareness

- Promote and undertake awareness-raising initiatives for all survivors on human rights, intersectionality, gender and power relations, victims' rights including to a remedy and reparation, and transitional and transformative justice;
- Create, in consultation with survivors, participatory sensitisation campaigns on CRSV and its root-causes and impacts, aiming at mitigating the social discrimination (stigma) experienced by survivors and countering other harmful gender stereotypes;
- Support and engage victim and survivor associations, including through ensuring their active and meaningful participation in all conversations where the rights of victims and survivors are affected;
- Take steps to implement the Truth and Justice Charter drawn by five Syrian associations for survivors, victims, and their families.

Recommendations for further research

- Additional research is recommended to assess the needs, demands, and perceptions of survivors of CRSV with regards to reparations in geographies and settings that this Study has not (sufficiently) covered, including inside Syria, in Lebanon and Jordan, and amongst survivors living in refugee or displacement camps;
- Additional research is recommended to assess the particular challenges, needs, and perceptions regarding reparations for disadvantaged subgroups of CRSV survivors, such as LGBTQI persons, persons with disabilities, and children;
- Additional research is recommended to assess the particular needs of CRSV survivors who were subjected to sexual violence outside of detention centres, as their representation in this Study has also been limited;
- Additional research is recommended to assess the availability of and access to services for CRSV survivors and explore specific challenges experienced by groups or subgroups of CRSV survivors;
- Additional research is recommended to explore symbolic and informal justice processes as means to provide survivors with recognition and as avenues for truth-telling, memorialisation, and solidarity;
- Additional research is needed to understand the impact of CRSV on reproductive health for men and women.



IX. CONCLUSION

Avenues to comprehensive accountability and reparations for core international crimes committed in Syria are curtailed by the ongoing conflict and state of impunity. The harms experienced by CRSV survivors, some detailed in this Study, are therefore left largely unaddressed. Those who have been subjected to CRSV have no recognition of the harms they have experienced and of themselves as survivors. They continue to struggle with a myriad of CRSV impacts, including medical, psychological, and economic impacts as well as an absence of any form of justice. The ongoing perpetration and threat of CRSV, displacement, and disruption of familial and societal structures further compound survivors' harms.

Overall, the Study reiterates that survivors' access to full reparations must be safeguarded and promoted in all discussions where this right might be affected, even if its realisation is not foreseeable in the near future. In parallel, survivors must not be left waiting with their urgent needs unaddressed for the realisation of this right to come into effect; doing so would lead only

to additional, and at times irreparable, harm. Indeed, survivors' access to reparations worldwide has been extremely limited, with most survivors not living to see the harm they have suffered repaired by the duty bearer. As such, urgent interim reparative measures, supported by the international community and Syrian civil society organisations, are needed to recognise and respond to survivors and the harm they have suffered, without losing sight of their right to full and adequate reparations.

Victims, survivors, and others affected by CRSV must be at the driving seat of any initiative to address the consequences of these crimes. This requires support and technical assistance to these groups, as well as awareness-raising and sensitisation initiatives to tackle the stigmatisation that dominates the experience of CRSV victims and survivors. Further, it also entails that all actors working on the Syria situation place the voices of victims, survivors, and their associations at the centre of any discussions affecting them, their rights, and their interests.



Panorama of Syria, 2009
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ANNEXES

| Annex I: Demographic profile of participating survivors

Demographic Information		Number of Participants (total number: 40)	Percentage of Participants
Age at Time of Incident	Up to 17	5	12.5
	18-29	20	50
	30-39	7	17.5
	40+	2	5
	NA	6	15
Current Age	Up to 19	1	2.5
	20-24	3	7.5
	25-29	3	7.5
	30-34	13	32.5
	35-39	9	22.5
	40-44	5	12.5
	45-49	3	7.5
	50-54	1	2.5
	55-59	1	2.5
	60+	0	0
	NA	1	2.5
Education	NA	4	10
	Primary School	2	5
	Secondary school	10	25
	Higher education	24	60
Marital Status	Unmarried	13	32.5
	Married	23	57.5
	Widowed	1	2.5
	Separated	1	2.5
	Divorced	1	2.5
	NA	1	2.5

Number of Children	None	6	15
	1	4	10
	2	6	15
	3	4	10
	4	4	10
	5+	1	2.5
	NA	15	37.5
Occupation at time of Incident	Employed	15	37.5
	Unemployed, looking for work	3	7.5
	Unemployed, not looking for work	5	12.5
	Self-employed/ Freelance/ Irregular work	1	2.5
	Homemaker	1	2.5
	Studying	12	30
	NA	3	7.5
Occupation after CRSV	Employed	19	47.5
	Unemployed, looking for work	10	25
	Unemployed, not looking for work	2	5
	Self-employed/ Freelance/ Irregular work	4	10
	Homemaker	2	5
	Studying	2	5
	NA	1	2.5
Current place of residence	Turkey	30	75
	Germany	3	7.5
	Lebanon	2	5
	Syria	3	7.5
	The Netherlands	1	2.5
	NA	1	2.5

Annex II:³⁹⁹ Conflict parties in the Syrian Arab Republic listed by the Secretary General as credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict on the agenda of the Security Council, from December 2011 to December 2020

Reporting period	Party (as listed)
December 2011 to December 2012	Syrian Government forces, including the Syrian Armed Forces, the intelligence forces, and the Shabbiha militia
January to December 2013	Syrian Government forces, including the Syrian Armed Forces, the intelligence forces, and the Shabbiha militia
	Armed opposition elements operating in contested and opposition-held areas, including Damascus, Rif Damascus, Aleppo, and Homs
January to December 2014	Islamic State in Iraq and the Levant
	Other armed groups in contested areas such as Raqqa, Al-Hasakeh, Damascus, and Rif Damascus, including: a. Al-Nusra Front; b. Liwa Al-Sham; c. Aknaf Bait al-Maqdes; d. Ansar Bait al-Maqdes; Harakat Ahrar Ash-Sham al-Islamiyya
	Government forces, including the Syrian armed forces, the intelligence services, and pro-Government forces, including the National Defence Forces militia
January to December 2015	Islamic State in Iraq and the Levant
	Other armed groups in contested areas such as Raqqa, Al-Hasakeh, Damascus, and Rif Damascus, including: a. Al-Nusra Front; b. Army of Islam; c. Aknaf Bait al-Maqdes; d. Ansar Bait al-Maqdes; Ahrar al-Sham
	Government forces, including the Syrian armed forces, the intelligence services, and pro-Government forces, including the National Defence Forces militia
January to December 2016	Non-state actors: (a) Islamic State in Iraq and the Levant; (b) Hay'at Tahrir Al-Sham (formerly Nusra Front); (c) Army of Islam; (d) Ahrar al-Sham; (e) Pro-Government forces, including the National Defence Forces militia
	State actors: (a) Syrian armed forces; (b) Intelligence services.

³⁹⁹ See: Reports submitted by the Secretary General to the Security Council on Conflict-related sexual violence: A/67/792–S/2013/149 (14 March 2013); S/2014/181 (13 March 2014); S/2015/203 (23 March 2015); S/2016/361 (20 April 2016); S/2017/249 (15 April 2017); S/2018/250 (23 March 2018); S/2019/280 (29 March 2019); S/2020/487 (3 June 2020).

January to December 2017	Non-state actors: (a) Islamic State in Iraq and the Levant; (b) Hay'at Tahrir al-Sham (formerly Nusra Front); (c) Army of Islam; (d) Ahrar al-Sham; (e) Pro-Government forces, including the National Defence Forces militia
	State actors: (a) Syrian armed forces; (b) Intelligence services.
January to December 2018	Non-state actors: (a) Islamic State in Iraq and the Levant; (b) Hay'at Tahrir al-Sham led by Nusra Front (Levant Liberation Organization); (c) Army of Islam; (d) Ahrar al-Sham; (e) Pro-Government forces, including the National Defence Forces militia
	State actors: (a) Syrian Arab Armed Forces; (b) Intelligence services.
January to December 2019	Non-state actors: (a) Islamic State in Iraq and the Levant; (b) Hay'at Tahrir al-Sham led by Nusra Front (Levant Liberation Organization); (c) Army of Islam; (d) Ahrar al-Sham.
	State actors: (a) Syrian Arab Armed Forces; (b) Intelligence services; (c) National Defence Forces and pro-government militias
January to December 2020	Non-state actors: (a) Islamic State in Iraq and the Levant; (b) Hay'at Tahrir al-Sham led by Nusra Front (Levant Liberation Organization); (c) Army of Islam; (d) Ahrar al-Sham.
	State actors: (a) Government forces, including the National Defence Forces and pro-government militias; (b) Intelligence services;
January to December 2021	Non-state actors: (a) Da'esh; (b) Hay'at Tahrir al-Sham; (c) Army of Islam; (d) Ahrar al-Sham.
	State actors: Government forces, including the National Defence Forces, intelligence services, and pro-government militias.

| Annex III: Glossary

The definitions in this glossary are limited to the use of these terms in the context of the Global Reparations Study and other projects of the Global Survivors Fund (GSF).

Survivors and Victims

Survivors. Persons who individually or collectively suffered harm as a result of violations of their fundamental rights through acts or omissions that constitute gross violations of international human rights law and/or serious violations of international humanitarian law. This non-legal term is often used interchangeably with the term victim (see *infra*), as the latter is the one most generally used in legal instruments. The term survivor is seen by many as empowering as it emphasises their strength and resilience instead of focusing on their suffering, but it is narrower and does not include deceased victims or indirect victims. Those who suffered or suffer harm are the ones who should decide which term best describes their situation. GSF uses both terms, depending on the context and the wishes of those who suffered harm.

Victims. Persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss, or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law and/or serious violations of international humanitarian law. The term ‘victims’ also includes the immediate family or dependants of the direct victim and persons who have suffered harm while intervening to assist victims in distress or prevent victimisation.⁴⁰⁰ Victims include not only natural persons but also organisations, institutions and the environment.

Reparations and Remedies

Administrative remedies. Non-judicial mechanisms or procedures that victims/survivors of violations of gross international human rights law and/or serious violations of international humanitarian law can use to access their right to reparations and/or to prevent violations.

Comprehensive reparations. All measures needed to adequately address the harms suffered by victims/survivors of gross violations of international human rights law and/or serious violations of international humanitarian law. Comprehensive reparations require a combination of measures of restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. The notion of comprehensive reparations comes from the concept of ‘integral reparation’ as developed by the Inter-American Court of Human Rights; its use has now expanded to other bodies and legal instruments.

Collective reparations. Forms of reparation owed to groups of people who have suffered collective forms of harm as a result of gross violations of international human rights law and/or serious violations of international humanitarian law. Such groups are often bound by a common identity, culture, or ancestry. They may also have shared experiences, such as living in a community of those with such bonds or being subjected to similar violations. These collective measures can be symbolic and/or material.

Domestic / administrative reparation programmes. Out-of-court/non-judicial processes or mechanisms established at the domestic level by States to provide reparation to certain categories of victims/survivors when large-scale, gross violations of international human rights law and/or serious violations of international humanitarian law occur. Such programmes are more sensitive to victims’ situations and the realities of armed conflict as they are, in theory, meant to provide prompt access to reparations at no cost and with a lower evidential threshold than required before a court. In such programmes, States identify the violations and the victims/survivors to be redressed and provide them with reparation through an established procedure.

Judicial remedies. All judicial and quasi-judicial mechanisms and procedures at the national or international level to protect survivors’ rights or to adjudicate cases involving the international crimes they have suffered. Many of these mechanisms can also order or recommend forms of reparation for the survivors. Their decisions are, *per se*, a form of satisfaction.

400 UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution adopted by the General Assembly, 16 December 2005, A/RES/60/147 (21 March 2006), Principle 8 www.ohchr.org/sites/default/files/2021-08/N0549642.pdf accessed 6 August 2022.

Judicial reparations. Measures awarded by judicial or quasi-judicial bodies to redress victims/survivors through a judgment or decision at the end of a legal process.

Remedies. Appropriate mechanisms that seek to address a gross violation of international human rights law and/or serious violation of international humanitarian law and are provided by the State or other duty-bearers.

Right to reparation. Right of victims of gross violations of international human rights law and/or serious violations of international humanitarian law. It consists of measures that the State or other duty-bearers must provide in response to those violations to recognise and address their consequences and the society's structural and gender inequalities that uphold systems of discrimination and violence. Reparations that victims/survivors are entitled to are generally recognised to include the five following forms: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. These five forms of reparation are not mutually exclusive but complement each other as each addresses different needs that victims/survivors may have.

Reparation fund. Legal body or entity established at the domestic, regional, or international level to manage funds and provide reparation to specific categories of victims/survivors of international human rights law and/or international humanitarian law violations. A reparation fund can have different purposes depending on the mandate given, such as providing reparations to victims/survivors or assisting them in meeting their needs (e.g., physical rehabilitation, material support, or psychological rehabilitation).

Symbolic reparations. Measures aimed to acknowledge and facilitate the recognition of victims/survivors and the violations of international human rights law and/or international humanitarian

law violations that have occurred. Fully symbolic reparation measures can include public apologies, commemoration initiatives, preservation of memory, the change of names of public spaces, and the creation of museums, parks, or memorials dedicated to the victims/survivors. All reparation measures should include a symbolic dimension (e.g., providing compensation along with an act of acknowledgement of responsibility).

Transformative reparations. Reparation measures that aim to have a transformative effect by addressing socio-cultural injustices, political, economic, gender, and structural inequalities, rather than simply bringing victims/survivors back to the *status quo ante*, one of inequality and discrimination. Doing so would merely reinstate or reinforce the structural conditions within society that allowed the violations to occur in the first place.⁴⁰¹

Urgent interim reparation. Interim measures provided by States to victims/survivors of gross violations of international human rights law and/or serious violations of international humanitarian law to address the most urgent and immediate consequences of such violations and avoid irreparable harm.⁴⁰² It should not be confused with humanitarian or other assistance measures. Urgent interim reparation is based on the recognition of State responsibility and requires State and political support. It is granted while victims/survivors wait for comprehensive reparation. Such measures have been provided by States in, for example, South Africa or East Timor.

Forms of Reparation

Compensation. Monetary measures that seek to address harms by economically assessing and quantifying them. These harms can include economic loss, loss of one's life plan, physical and mental harm, and moral damage.⁴⁰³

401 UN, 'Guidance Note of the Secretary-General. Reparations for Conflict-Related Sexual Violence' (June 2014) Guiding Principle 4 www.ohchr.org/sites/default/files/Documents/Press/GuidanceNoteReparationsJune-2014.pdf accessed 9 August 2022. Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation (March 2007) International Meeting on Women's and Girls' Right to a Remedy and Reparation, Nairobi, Kenya; *González et al. ("Cotton Field") v. Mexico* (Preliminary Objections, Merits, Reparations and Costs) Inter-American Court of Human Rights Series C No. 205 para. 450.

402 UN, 'Guidance Note of the Secretary-General. Reparations for Conflict-Related Sexual Violence' (June 2014) Guiding Principle 7 www.ohchr.org/sites/default/files/Documents/Press/GuidanceNoteReparationsJune-2014.pdf accessed 9 August 2022.

403 UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution adopted by the General Assembly, 16 December 2005, A/RES/60/147 (21 March 2006), Principle 20 www.ohchr.org/sites/default/files/2021-08/N0549642.pdf accessed 6 August 2022.

Guarantees of non-repetition/non-recurrence. A key form of reparation that includes different measures aimed at addressing the structural causes of the violation, including any kind of discrimination, that can contribute to preventing further violations, such as (a) ensuring effective civilian control of military and security forces; (b) ensuring/putting in place justice system reforms and strengthening the independence of the judiciary; (c) providing international human rights and international humanitarian law education to all sectors of society and training for law enforcement officials as well as military and security forces; (d) reviewing and reforming laws and practices contributing to or allowing violations of international human rights and/or international humanitarian law; (e) working with all sectors of society to challenge expressions of patriarchal power and transform masculinities; (f) fostering an enabling environment for civil society; (g) investing in education, arts, and other cultural interventions.⁴⁰⁴ Guarantees of non-repetition do not depend exclusively on State actors: civil society organisations, religious and community leaders, artists, and educators, among others, have a crucial preventive role and contribute to creating and sustaining an environment conducive to the full realisation of rights.

Recognition. Form of satisfaction for victims/survivors. It is the acknowledgement of the victim/survivor as an individual, who has a value of their own, and an acknowledgement of the fact that they have suffered gross violations of international human rights law and/or serious violations of international humanitarian law, that they are not responsible for what happened, and that they are entitled to reparations to address the harms they suffered. It implies the consideration and acknowledgement of how the person has been affected and has suffered due to the environment and actions of others. Recognition can take place through different measures such as the investigation, prosecution, and punishment of perpetrators; a public apology; or the provision of reparations as part of a domestic reparations programme.

Rehabilitation. Measures that include all essential services that victims/survivors need to carry out their lives in a dignified way. It includes adequate, comprehensive, and timely medical and psychological care, as well as legal and social services.⁴⁰⁵

Restitution. Measures that, whenever possible and advisable, seek to restore the victim/survivor to the original situation prior to the violations. Restitution can include measures such as restoring someone's liberty or enjoyment of rights, return to their place of residence, or restoring employment.⁴⁰⁶

Satisfaction. Forms of reparation that aim to provide victims and survivors with a sense of dignity and recognition. Different types include (a) measures aimed to stop continuing violations; (b) full and public disclosure of the truth; (c) search for the whereabouts of disappeared persons and the remains of those killed; (d) official declarations or judicial decisions that restore the dignity, reputation, and rights of the victims and their next of kin; (e) public apologies, including acknowledgement of the facts and acceptance of responsibility.⁴⁰⁷

Interim Reparative Measures

Interim reparative measures (IRM). Measures provided to survivors by non-duty bearers such as non-governmental and civil society organisations to support their process of healing and rebuilding, in circumstances where States or other duty-bearers have yet to comply with their obligation to provide reparations. IRM are premised on the urgent need for reparatory measures. They are inspired by administrative reparation programmes, but receiving such measures does not substitute the obligations that States or other responsible parties have to provide comprehensive reparations. IRM are developed with the active participation of survivors through a process of co-creation, which carries reparative value in itself.

404 Ibid, Principle 23. See also UN General Assembly, 'Report of the Special Rapporteur on the promotion of truth, justice and guarantees of non-recurrence' A/72/523 (12 October 2017).

405 UN General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law: resolution adopted by the General Assembly, 16 December 2005, A/RES/60/147 (21 March 2006), Principle 21 www.ohchr.org/sites/default/files/2021-08/N0549642.pdf accessed 6 August 2022.

406 Ibid, Principle 19.

407 Ibid, Principle 22.

Assistance

Assistance/relief. Provision of resources or services that aim to respond to the basic needs of populations suffering from armed conflict, natural disasters, or other human-made crises. They are generally provided as part of development aid and humanitarian assistance programmes.

Interim assistance/relief. Provision of resources or services that apply during a particular period to respond to the urgent and immediate needs of populations suffering from armed conflict, natural disasters, or human-made crises.

Principles and Approaches

Co-creation. Methodological approach developed by GSF in which survivors/victims develop reparation processes and measures and other activities concerning their rights; as right holders, they play an active role in the mapping, design, implementation, monitoring, and evaluation of such processes/activities.

Do No Harm. This key ethical principle seeks to ensure that actions, assistance, processes, or other interventions do not have unintended harmful consequences. Interventions must not cause any further damage and suffering, either physical or psychological, on victims/survivors or otherwise put them at risk.

Informed consent. Legal and ethical obligation requiring that victims/survivors, witnesses, or other persons participating in interviews, research, or any other activity provide voluntary consent based on full disclosure and comprehension on how the information provided will be used, which information will be kept confidential, how the information will be protected, and the potential risks that the use of information could have for their safety and well-being. The ability to give voluntary informed consent is based on a general requirement of having the competency to do so.

Gender-sensitive. Approach that seeks to analyse and acknowledge how acts, experiences, violence, and harms can have different meanings and impacts for individuals because of their gender or

gender identity, sexuality, or sexual orientation. This approach should be used in the mapping, design, implementation, monitoring, and evaluation of reparation processes. It should include the adoption of safeguards against gender biases, adequate training, and the development of gender-sensitive research methodologies.

Participation. The process by which affected individuals or groups of people, such as victims/survivors, take part in an activity. It can imply different modalities and levels of involvement. Regarding reparation measures, victims/survivors have a right to participation, which should be meaningful and effective throughout the whole process of mapping, design, implementation, monitoring, and evaluation.

Survivor-centred. Approach that places survivors at the centre of the process by prioritising their rights, needs, and wishes and ensures they are treated with dignity and respect. Often, the term survivor-centred refers to the actual approach of working with victims/survivors. The term survivor-centric refers to the policies, procedures, and broad responses that prioritise the rights, needs, and wishes of the victim/survivor.

Trauma-sensitive. Approach that seeks to understand and consider the impact that trauma can have on victims/survivors; acknowledges and respects that the responses to trauma are different for every victim/survivor and vary depending on a broad range of factors, including culture, gender, age, beliefs, socio-economic status, the existence of a supportive environment or education level.

Sexual and Reproductive Violence

Conflict-related sexual violence (CRSV). Acts or patterns of sexual violence against people of all genders and ages occurring during a conflict or post-conflict setting that have direct or indirect links with the conflict or that occur in other situations of concern such as in the context of political repression.⁴⁰⁸ CRSV includes all violations of a person's sexual autonomy and sexual integrity; it can be an expression of discrimination exacerbated by the conflict and is generally characterised by humiliation, domination, and destruction.

408 UN Secretary General, 'Guidance Note of the Secretary-General. Reparations for Conflict-Related Sexual Violence' (June 2014) 2 www.ohchr.org/sites/default/files/Documents/Press/GuidanceNoteReparationsJune-2014.pdf accessed 9 August 2022.

CRSV can take many forms, including but not limited to acts of rape, forced pregnancy, forced sterilisation, forced abortion, forced prostitution, sexual exploitation, trafficking for sexual purposes, sexual enslavement, forced circumcision, castration, sexual torture, forced nudity, or any other form of sexual violence of comparable gravity.

Forced marriage. Marriage in which one and/or both parties have not personally expressed their full and free consent to the union. In the context of CRSV, the term forced marriage is often mistakenly used to refer to conjugal or sexual slavery, which takes place when a person is made to serve as a *de facto* spouse, coerced to conduct acts or carry out tasks of both sexual and non-sexual nature. Child marriage, a union in which at least one of the parties is under 18 years of age, is considered forced marriage.

Sexual slavery. Situation in which a person exercises ownership over one or more persons and coerces them to engage in an act or acts of a sexual nature.

Sexual torture. Acts of a sexual nature that are intentional, cause severe physical or mental suffering to the victim, and are committed for a specific prohibited objective or purpose such as obtaining information, punishing, intimidating, or any other discriminatory reason. It can also include threats to commit those acts and the real danger of being subjected to them. For various international and domestic judicial and quasi-judicial bodies, torture also requires the involvement or acquiescence of a public official.

Sexual violence. Acts of a sexual nature or attempts to obtain a sexual act or other acts which target sexual functions against people of all gender and ages committed without consent or in a coercive context that makes genuine consent impossible. These acts violate their sexual autonomy or sexual integrity; sexual violence is an expression of discrimination that is generally characterised by humiliation, domination, and destruction. Under certain conditions, sexual violence can amount to genocide, crimes against humanity, and war crimes.



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Author: Amal Nassar
Global Reparation Study Leads: Danaé van der Straten Ponthoz and Delia Sánchez del Ángel
Project Officers: Juliana Laguna Trujillo, Berta Fernández Rosón
Design Coordination: Marie Perrault
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