



Sexual violence by force of arms against women in Syria

A tool of political repression, social dismantling and impoverishment of women and communities

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Numerous national and international reports have documented crimes of sexual violence against women and girls in Syria since the eruption of civil unrest in the spring of 2011, and the descent into conflict by early 2012. As the conflict spread and escalated, civilians suffered untold brutality at the hands of an ever-increasing number of belligerents. Nevertheless, those documenting crimes of sexual violence have consistently emphasised the scale of the Syrian government and its militias' use of sexual violence and rape as weapons of war to intimidate civilians at checkpoints, during detention, or in public spaces. Human Rights Watch has documented the use of sexual violence by Syrian government forces to torture detained men, women, and children, while a report by the International Rescue Committee described the use of rape as a "prominent and worrying feature of the Syrian war."

The issue of impunity for perpetrators of crimes of sexual violence is one of the most prominent aspects on which most of these reports sought to shed light. According to the International Impartial and Independent Mechanism (IIIM) in Syria, it is a key issue affecting peace and confidence-building tracks. "There is no lasting peace in Syria without holding all responsible sides accountable"¹ argues Catherine Marchi-Uhel, the head of the IIIM. As Syrians and the wider international community begin to reckon with a post-conflict Syria, and one still likely to be under the control of President Assad, the continuing impunity enjoyed by the Syrian regime is a matter of pressing concern.

In March 2018, the Independent International Commission of Inquiry on Syria issued a report titled, 'I Lost my Dignity': Sexual and Gender-Based Violence in the Syrian Arab Republic.² The report affirmed that crimes of sexual violence against women and girls (and men and boys) perpetrated by government agencies and their militias, as well as all other parties to the conflict, formed part of a widespread and systematic attack directed against the civilian population, and in the context of and associated with the armed conflict in Syria. Consequently, the report classified rape and other forms of sexual violence as both crimes against humanity and war crimes.³ This is consistent with the elements of the crimes as set out in the Rome Statute.⁴

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1. Interview with the head of the International Impartial and Independent Mechanism on Syria, <https://aawsat.com/english/home/article/1395506/iiim-president-no-peace-syria-without-accountability> Asharq Al-Awsat, 2018, last accessed on 18 February 2020.
 2. See: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>, last accessed on 30 November 2019.
 3. "Rapes and other acts of sexual violence carried out by Government forces and associated militias during ground operations, house raids, at checkpoints, and during detention formed part of a widespread and systematic attack directed against a civilian population, and amount to crimes against humanity [...] These acts also contravene fundamental international human rights norms including the right to life, liberty and security of person, the right to freedom from torture and other forms of cruel, inhumane, or degrading treatment, and the right to the highest attainable standard of physical and mental health [...] After February 2012, these acts also constitute the war crimes of rape and other forms of sexual violence, including torture and outrages upon personal dignity." – The Independent International Commission of Inquiry on the Syrian Arab Republic, Report: 'I Lost my Dignity': Sexual and Gender-Based Violence in the Syrian Arab Republic, p2.
 4. The Rome Statute of the International Criminal Court, adopted in Rome on 17 July 1998, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>, last accessed on 12 January 2020.

The findings of the Commission's report are significant in terms of repositioning⁵ gender-based violence and sexual violence cases and the means of approaching and addressing them under international criminal law. This, in turn, affects the attainment of justice for survivors including women's access to justice, reparations, and compensation. Its importance also lies in documenting the forms of sexual violence to which men and boys are subjected, which may establish a mechanism for human rights activists and decision-makers to address cases of sexual violence within the various political and legal frameworks present in Syria.⁶

The legal significance of the Commission's report (2018) and its recommendations, and those of the United Nations' Secretary-General's report⁷ that preceded it, are a major focus in addressing the issue of sexual violence in Syria in terms of women's access to justice. However, examining access to justice by women survivors of sexual violence in Syria from a feminist perspective may require additional research that takes into account a holistic feminist analysis of the conflict in Syria. It is integral, for example, that the issue of sexual violence is tackled from a structural perspective that considers the overlap of factors and the political, economic, social, and cultural cost to women and communities. This may add a further dimension to the questions surrounding culpability and accountability to include, in addition to individual and direct harm, general and collective harm to women survivors of sexual violence.

By introducing a feminist approach based on a gender analysis of sexual violence crimes in Syria, Dawlaty and the Women's International League for Peace and Freedom have sought extensive and consistent coordination with Syrian feminist organizations working inside Syria and in neighboring countries, which included the holding of planning and training sessions. The topic and scope of the policy brief arose from a set of challenges that were identified in the mapping report that was conducted by Dawlaty and WILPF in 2019.⁸ This was followed by a series of field consultations with Syrian refugee women, displaced women, or women influential at the grassroots level, probing their views and their own feminist analysis of sexual violence. More than sixty women participated in these consultative sessions in Idlib

5. C. Chinkin, M. Rees, A commentary on the Conference Room Paper on the Independent International Commission of Inquiry on the Syrian Arab Republic, May 2018.

6. Ibid.

7. "I call on all parties to the Syrian conflict to immediately cease the use of sexual violence as a tactic of war or terrorism and urge such crimes to be taken into account in ceasefire agreements, political negotiations, peace processes and accountability initiatives. I encourage refugee-receiving countries to protect and support Syrian refugees who may have suffered sexual violence or be at risk of exploitation." United Nations Secretary-General report on conflict-related sexual violence, <https://www.un.org/en/events/elimination-of-sexual-violence-in-conflict/pdf/1494280398.pdf>, last accessed on 12 January 2020.

8. Turning the tide: Syrian women's rights organizations on the transitional justice map, Dawlaty and WILPF, 2020. <https://dawlaty.org/wp-content/uploads/2020/07/Turning-the-tide-English-complete-c.pdf>

(Syria), Bekaa – Al Marj (Lebanon), and Gaziantep and Urfa (Turkey), facilitated by partner organizations including Syrian Women Survivors, Zenobia, Start Point, Release Me, Dammeh, and NoPhotoZone. These organizations added crucial qualitative value in determining the context, substance, and course of field consultations, as well as organizing them and commenting on their outcomes. Women Now for Development also played a prominent role in providing technical consultation and support during the field work that preceded this paper and ameliorated its contents, providing the outcomes of field consultative sessions with data that greatly contributed to developing the credibility of the paper and its consistency with Syrian feminist demands.

The purpose of these consultations was to present a package of feminist demands regarding the treatment of sexual violence in Syria; one that looks at the intersecting effects of military, political, economic, cultural, and social factors and their impact not only on women as individuals, but also on their collective status and political and economic positionality in society. As such, direct demands can target these impacts and outcomes vis-à-vis women's roles during the transitional period and pertinent forms of transitional justice from a gender perspective.

This paper examines crimes of sexual violence in Syria from a feminist analytical gender-perspective, and in doing so, seeks to influence the scope of addressing sexual violence in Syria and the approaches therein, in order to move from description of the issue to analyzing its gender effects. It is therefore not limited to listing the forms of sexual violence, their occurrences and the parties involved, nor to monitoring "individual" effects on women, but rather goes further to examine structural (socio-cultural, economic, and political) dimensions, monitoring the effects of sexual violence on the political and social positionality and status of women, on the one hand, and linking it to the political economy of war and sexual violence, and its effects on the perpetuation of women's "inferior" political status, on the other.

Standing, as we may be, on the cusp of the transitional phase in Syria, it becomes particularly important to monitor and address (from a gender perspective) the root causes of sexual violence, not only on women as a group, but on the intersectional aspect of this impact on women's collective political and economic positionalities. This is particularly the case with regards to the political economy, war economy, sexual violence, and the fertile grounds that promote these forms of exclusion based on patriarchal cultural and social structures.



Sexual violence against women in Syria:

A systematic, structural, cultural, economic, and political violence

Crimes of sexual violence are acts based on uneven power which systematically⁹ and structurally¹⁰ seek to exploit the prevailing social structures in Syria. These structures are predominantly based on stereotypical gender roles and are typically patriarchal, though they differ according to disparate cultural and social specificities and value systems across Syrian regions. The structures, which generally place women in “inferior” positions, may have been further entrenched by the systematic and structural use of sexual violence crimes and the accompanying concepts of “honor” and “shame” attached to women and their bodies.

Within the context of structural violence, we find that the consequences of sexual violence have exacerbated the economic vulnerability of women survivors, undermining their political and social status, and taking away their political identity by excluding them and confining them to the category of “victims.”

Patriarchal social and cultural structures within the context of systematic and structural sexual violence

In the context of their overview of the most prominent reactions of some societal groups to sexual violence against women, the responses by some women during the consultation sessions revealed a direct relationship between the systematic and tactical nature of sexual violence and the masculine cultural and social contexts in certain Syrian regions and communities. These structures exacerbate the “inferior” status of women survivors who have already suffered inequity and unequal power. This increases their exclusion, marginalization, and isolation, with the result that the long-term effects of sexual violence are often difficult to recover from. Among the most prominent of these effects, according to the women, are the social exclusion and societal isolation experienced by women survivors of sexual violence. Additionally, there is the sense of social stigma, or what the women called a sense of “shame,” which further increases their marginalization and undermines their chances of obtaining their full rights — especially the right to live in dignity — in addition to exacerbating their exposure to societal and domestic violence.

In their analysis of the most prominent societal and family effects resulting from the exposure of women and girls to sexual violence, women pointed to a set of family and societal reactions stemming from a range of traditional cultural values that are often masculine in nature. “Society equates you with the perpetrator, practicing violence on top of the violence originally inflicted,” said one of the participants during a consultation

9. In the context of the conflict in Syria, the systematic nature of sexual violence can be understood in that it prevailed in all regions, and was repeatedly carried out by all parties to the conflict against all groups of women, men, children, and the elderly, with implications for them at the individual, family and community levels.

10. In the context of this paper, structural violence refers to the effects of sexual violence on the cultural, social, economic and political structures, and on the economic and political roles and potentiality of individuals who are victims or survivors of sexual violence.

session in Idlib. These societal-patriarchal effects are combined at a fundamental level that considers women as disposable “commodities” due to their subjection to sexual violence by men. Women are excluded, ostracized, or “bartered” by being forcibly married to the perpetrator, or even murdered in the name of “honor.”

According to the women participating in the consultation sessions, the most prominent reactions by societal groups of an exclusionary nature stemming from the system of masculine values were as follows:

1. Family and community ostracization, exclusion, and marginalization of women survivors: Women indicated that society in general and its various components, including family, friends, and narrow social frameworks, seek to ostracize women and girls who have experienced sexual violence in Syria, rejecting them and excluding them from social, professional, and marital life, exacerbating the psychological and societal effects of rape and sexual violence on women.
 - “In Palmyra, a 17-year-old girl was released after her detention having lost her hair following her exposure to torture and hair-pulling in prison. Her father and mother say they wish she were dead; that that would have been better,” said one participant in a consultation session in Gaziantep.
 - “There is reputation damage, and her reputation may be distorted. It may be perceived that she consented to what happened, and she would become ostracized by the community and even friends would cut ties with her,” said a participant in a consultation session in Idlib.
2. Shame, stigma, femicide in the name of “honor” or covering up acts of sexual violence: Most women participants in the consultation sessions indicated that the injustice with which society and its components deal with victims of sexual violence limit women’s access to their rights, especially the right to live in dignity and the right to self-determination. As such, parents in some societies resort to “covering up” the victims through “marrying them off” — including to the rapist or criminal himself — or even killing them in the name of “honor” for fear of stigma.
 - “I witnessed how girls from Homs came after being assaulted in prison and released in a prisoner exchange, and how [locals] would bring them to the mosque until they were married off in the name of ‘honor’ as an attempt to ‘cover up’ the shame committed, to ensure people would not talk about them. They are so deprived of all their rights,” said a participant during a consultation session in Gaziantep.
 - “Retribution or marriage to an old man, or even to a crazy man. This is if the family is understanding, of course. They regard her as a source of stigma and scandal, and want to get rid of her,” said a participant in a consultation session in Idlib.

- “The issue of killing in the name of honor varies according to regions and customs, and these cases may be settled in a number of ways, including settlement by the rapist’s marriage to the victim, which may only be for a few days so that the issue is overlooked, after which comes divorce. If the victim refuses she is threatened with death, and this form of marriage opens the door to other types of violence,” said another participant in a consultation session in Idlib.
- 3. Victim-blaming culture: Most women indicated that the societal and family reactions to women’s exposure to sexual violence or rape by men perpetrators stem from a culture of blaming women victims.
- “Customs and traditions place responsibility on the victim, and this transcends sexual violence and includes violence between husband and wife. When women experience violence, society mostly takes a negative view of the victim rather than the aggressor” said a woman participant in a consultation session in Idlib.
- “Even if society is responsive to her and sympathetic towards her, she will remain stigmatized and the blame will most often be assigned to her,” said a participant in a consultation session in Gaziantep.

The political economy of war and sexual violence within the context of systematic and structural practices

Predominantly masculine/patriarchal cultural frameworks, such as those mentioned above, indicate that there is a collective masculine view towards women and girl survivors of sexual violence, one seeing them as “commodities” to be “consumed.” The societal response to women survivors of violence, by robbing them of their will, provides an economic approach to the systematic nature of sexual violence in Syria — in times of conflict and by force of arms. This approach essentially requires an examination of the forms and impact of sexual violence and rape, its association with the economic cost of war, and the impact of the economy of sexual violence and rape on women and their bodies from a gender perspective. The basis for this economy of sexual violence is the perpetual undermining of women’s status and the prevailing view of women’s bodies in some societies as “commodities” to be exploited and “consumed” according to a narrow social outlook. This tendency reduces women’s totality and collective status to their bodies, and entrenches an already unequal balance of power.

To understand the systematic practice of sexual violence in times of conflict, the act must be placed within a socio-cultural context, and linked to women’s traditional gender roles as caregivers. It also requires an analysis of the contexts in which it takes place, its effects and economic cost to women victims and to society as a whole. Through such an analysis,

systematic sexual violence can be seen to exploit traditional and gendered care roles long associated with women in Syria, culminating in the degrading use of women's bodies by deliberately forcing pregnancy onto them to socially dismantle "enemy communities." Sexual violence has also affected women's current and future economic roles, and restricted their current and future ability to be productive due to factors such as denial of education, forced marriage, and restrictions on freedom of movement, all of which further perpetuate the cycle of gender-based economic violence against women and society as a whole. It also requires research on the continuation of the cycle of sexual violence in its various forms due to the economic and social fragility in which it leaves women and girls in most of their communities, rendering them vulnerable to further sexual violence including exploitation and harassment.

Vulnerability and the economic cost of sexual violence — productive economic activity

In their analysis of the effects of sexual violence, the women participants indicated a set of factors relating to productive economic activity. These factors contribute to the position of sexual violence within the context of the political economy of war and violence, and its gender effects on women and societies as a whole. As such, to consider women in general, and victims of sexual violence in particular, to be "property," with the consequent restrictions within the private sphere and deprivation of social mobility, would limit their access to education and work resources. This is a key aspect of the political economy and consequently the economic cost of sexual violence in Syria.

■ WOMEN AS "PROPERTY"

Many women cited societal attitudes in certain communities that regard women as property, a perception that has often exacerbated the forms of sexual violence perpetrated against women and girls by men.

- "We heard stories about a father who 'sold' his daughter to a much older man. He married off his 14-year-old daughter to a fifty-year-old Saudi man who visits once a month, and in exchange he paid her family's expenses throughout the year, all because of poverty and need," said one participant in a consultation session in Idlib.

Forced marriage may be one of the clearest manifestations of women as property. Families resort to it as a "negative coping mechanism" to confront the scale and prevalence of sexual violence and rape against women and girls. Consequently, marrying them off becomes a matter of "safeguarding" them. Accordingly, an approach to forced marriage must take place from the perspective of the political economy of sexual violence, in terms of the immediate and future political impacts it will have on girls in particular and on society in general.

- “Early marriage is one of the most prominent forms of violence. Parents are forced to marry girls off even before the age of twelve in cases of displacement, fearing that the girl may be molested,” said one participant in a consultation session in Idlib.
- “Women are afraid of ISIS and the army in the war and resort to marrying off their daughters as a result,” said one participant in a consultation session in Gaziantep.
- “The loss of the breadwinner pushes families to marry off their daughters early due to economic factors,” said a participant in a consultation session in Lebanon.
- “In countries of asylum such as Lebanon and Jordan, there was trafficking in women, and girls were married off to much older men. Some girls were forced to work despite their young age, and sexually exploited and assaulted,” said a woman participant in a consultation session in Urfa.

■ DENIAL OF EDUCATION

The educational sector has been broadly and severely affected, especially in areas held by opponents of the regime, as a result of war, violence — including, notably, constant shelling and bombardment — which have affected access to the right to education by girls and boys at all educational levels. However, this limited access to education by girls was entrenched as a result of sexual violence (as an act of violence), as well as the accompanying phenomena such as early or forced marriage, as a discriminatory measure by families to protect girls.

During the consultative sessions, the women shared many examples from multiple Syrian regions, especially those under the control of the regime, about the inability of girls and young women of university age to access educational opportunities due to fear of sexual violence. Others cited the difficulty of access and mobility, as well as administrative–political and security reasons (arbitrary arrests). Another reason appeared to be the prevalence of many forms of sexual violence in schools and universities, such as sexual harassment or the imposition of certain clothing — especially in areas outside regime control.

- “A majority of girls have lost education opportunities due to lack of recognition of certificates [issued] in liberated areas, discouraging parents from making them complete [their education] without a purpose. In return, young women are prevented from traveling to regime-controlled areas for fear that they would be subjected to arrest or sexual violence,” said a woman participant in a consultation session in Idlib.
- “Some families would marry off their daughters at a very early age and deny them education to reduce paternal responsibility, placing that responsibility instead on a

man who would protect her or keep her in the liberated areas and impose sharia-compatible clothing on her, such as the niqab,” said a woman participant in a consultation session in Lebanon.

- “Many girls had to stop their education because of arrest and due to fears of passing through checkpoints [...] After my arrest, I had to cease my university education because of the many regime checkpoints and my fear of being arrested again,” said a woman participant in a consultation session in Urfa.

■ RESTRICTIONS ON MOVEMENT AND LIMITED JOB OPPORTUNITIES

Women in Syria in general, and victims of sexual violence in particular, face significant limitations in terms of access to employment opportunities, and this is largely related to the aforementioned patriarchal cultural context, in terms of the exclusionary views regarding women and the many women survivors–victims who lose their employment.

- “Women [victims of sexual violence] were fired from work, especially if they were a teacher or a doctor, for fear over their daily contact with children,” said a participant in a consultation session in Lebanon.
- “Women who are exposed to sexual violence have little opportunity for work, and society views them as inferior,” said a participant in a consultation session in Idlib.

As with limited access to education, restrictions on freedom of movement and mobility are another impediment to accessing opportunities and resources for work and economically productive activity. This structurally and institutionally prevents women victims of sexual violence from access as a result of sexual violence and its intertwined impacts, especially in areas under regime control.

- “Some women workers and employees lost their jobs after their parents decided to prevent them from going to regime-controlled areas for fear of sexual assault and other [forms of sexual violence] [...] We don’t want the salary, the job, or your employment if you are exposed to danger,” said a participant in a consultation session in Idlib.

The economic cost of sexual violence for women: The caregiving economy

The intersection of impacts of sexual violence with traditional gender caregiving roles is most clearly demonstrated by the systematic violence practiced against women in Syria by the force of arms as “baby factories” that can be used to dismantle or punish communities by changing their “ethnic or sectarian” composition.

- “Women are exposed to sexual harassment in the camps, especially widows who may be raped by a military commander, or sometimes forced to have children to increase male offspring in order to use them militarily in the future,” said a participant in a consultation session in Idlib.
- “Women were forced into pregnancy in areas controlled by ISIS, or by the [pro-regime] shabbiha or a military commander,” said a participant in a consultation session in Idlib.
- “[Some women have] been raped by multiple men and therefore lack the ability to identify their children’s fathers or register newborns in civil records,” said a participant in a consultation session in Lebanon.

Sexual exploitation of women: A perpetual cycle of sexual violence resulting from economic fragility outside of conflict zones

- “The economic situation and the loss of breadwinners has made women more vulnerable to exploitation, and sexual violence can initially appear as sympathy and offers of help, and then turn into conditional aid, whereby women are forced to give something in exchange for the service,” said a participant in a consultation session in Idlib.

In analyzing the systematic use of sexual violence against women in Syria and its impact on their economic vulnerability (with both caregiving and productive dimensions), one must consider the perpetual cycle of gender-based economic violence against women in places of displacement and asylum. The economic vulnerability that results from sexual violence is deliberately exploited, in order to further exploit, harass or even molest women, and has been perpetuated by civilians in displacement locations and camps. In this context, women were subjected to many forms of sexual violence, including exploitation, assault, and harassment of women from many groups: poor women; widows; divorced women; female heads of households; and elderly women as a result of their economic vulnerability.

- “There is a camp for widows, and the head of the camp supplies the needs of the women in order to sexually exploit them. Women are forced to accept this because there are no breadwinners for them in displacement,” a participant said during a consultation session in Idlib.
- “It wasn’t only the shabbiha, but civilians who acted similarly and exploitatively, especially in cases of displacement where they would take advantage of women’s need to access services or goods, amid the absence of supervision and accountability,” a participant said in a consultation session in Idlib.

- “People with special needs and the elderly, and children without providers or support, are also subjected to sexual violence,” a participant in a consultation session in Idlib said.
- “In the labor market, I was subjected to a lot of harassment from the employer, even though I had another job. I was also subjected to molestation. They exploited my situation and my weakness, and did not even give me my due wage,” said a woman in a consultation session in Gaziantep. She concluded by adding, “Men have treachery and exploited my situation because I am divorced.”
- A participant in a consultation session in Lebanon said, “Older women were pressured and threatened with their daughters in exile, and used as a pressure card for girls’ employment in matters that violate law and custom. Cases were documented in which girls were forced to promote contraband in schools, increasing the burden on the families and the risk of deviant behavior and involvement in sexual acts under pressure and threats.”

The position of women in politics within the systematic and structural practice of sexual violence

Sexual violence in Syria is structural, and its crimes are closely linked to patriarchal cultural and social contexts that have long placed women in an inferior position, whether by socializing them into traditional roles or imposing upon them the burden of the cultural system. Acts of sexual violence committed by all parties perpetuate women’s inferiority by negatively affecting their social, cultural, and economic statuses in the private sphere (the home) as well as the public spheres (society and the labor market). This severe inferiority in the status of women survivor of sexual violence directly and significantly affects their political position as primary actors in influencing current and future political prospects in Syria. This structural and systematic violence on women survivors of sexual violence thus strips them of political status, confirming and stigmatizing them as “non-political entities”, without political agency or influence.

Consequently, the impact of sexual violence against women goes beyond simply placing them in the category of “victim,” perpetuating the “victim-aggressor” binary, which limits any approaches to the consolidation of feminist or sustainable peace in Syria to addressing the issue from a narrow individual perspective.



Sexual violence by force of arms in Syria: Unequal power balance and impunity

■ CONTROL OVER POWER BALANCES

In patriarchal societies, manhood is synonymous with control and domination. The proliferation of arms is one of the most prominent factors that have shifted the power balance between individuals and communities in patriarchal and male-dominated communities. In Syria, weapons were used to kill, destroy, and displace people, but also to spread terror and fear amongst them, thus establishing control of power balances and perpetuating sexual violence. Sexual violence in Syria is practiced by the force of arms and in a tactical-systematic manner by regime agencies and affiliated militias. According to the women participating in the consultation sessions, sexual violence took various forms, most notably harassment, exploitation, kidnapping, torture, intimidation, rape including to the point of death, and being forced to witness acts of sexual violence which affected girls, women, boys and men, with the aim of extortion, intimidation, or reprisal against political activists, or to coerce confessions.

- “I heard about many assaults against women in the Syrian regime’s detention centers and prisons, and threats of force [to elicit] confessions. The assaults varied according to [the women’s] affiliation and were carried out by more than one soldier, and sometimes by a group of soldiers,” said a participant in a consultation session organized in Urfa.
- “I was subjected to verbal violence, harassment, and exploitation for three years in prison. I was blackmailed [with threats of] kidnapping my children and raping my daughters, or kidnapping my husband. I saw many rapes by the jailer and the interrogators. I am talking about three years in prison, and I saw it with my own eyes, and sometimes there were group rapes, or a warden would take the girl he wants and have her released in exchange for sex,” said a participant in a consultation session in Idlib.
- “There may be forms of assault and rape within the security branches because of a desire for retaliation against the relatives of activists or those from whom they need to obtain information [...] All with the aim of stripping their agencies,” said a participant in a consultation session in Idlib.
- “Children may be raped in prisons as a form of torture [...] Or male detainees are forced to have sex with each other as a means of sexual and psychological torture, or as a way to subjugate the detainee and obtain information from him,” said a participant in a consultation session in Idlib.

- “I received direct threats of rape to make a certain confession, and the gravity of the threat was more than the act itself. [They would say] ‘Go rape her until she talks!’” said a woman formerly detained by the regime in Idlib.
- “During the raids of homes there was sexual violence in front of parents and children, whether verbally or while searching,” a participant said in a consultation session in Gaziantep.

The proliferation of arms in all regions of Syria is not only limited to the military parties but also includes civilians, thereby undermining women’s status and exacerbating their vulnerability, as well as their societal, economic, cultural, and educational fragility. As a consequence, this perpetuates the impunity of perpetrators, undermining the rule of law, and causing a lack of sustainable peace. The women indicated that the proliferation of arms in Syria has undermined the rule of law and institutions:

- “The reason is that there is no state to confront them,” said a participant in a consultation session in Gaziantep.

This generally manifested in the spread of public disorder, as everyone resorted to armament and “counter-violence” as a “protective” measure. In the women’s view, the cost of arms proliferation exceeds the direct military spending pertaining to the purchase of weapons, and economically impacts social relations and the upbringing of future generations.

- “People have become bloody. Murder is normal, and children love violence even in cartoons, and now dress in military clothes,” said a participant in a consultation session in Gaziantep.
- “The problem is that with war comes chaos, and everything becomes permissible because there is no state or [public] order,” said a participant in a consultation session in Gaziantep.

The participants also emphasized that women and children are more likely to bear the brunt of the proliferation of arms in terms of mental distress, and the normalization of armed violence, as well as inability to report incidents and a total collapse of law and the state’s role in protection, control, accountability, and social organization.

- “The proliferation of arms in all regions has had a very negative impact on women and children, and carrying weapons has become commonplace regardless of age, in the absence of a legal authority controlling this matter,” said one of the participants in a consultation session in Idlib.
- “We are psychologically drained. I’m afraid of weapons and anything violent,” said a woman participant in a consultative session in Gaziantep.

The women also indicated that sexual violence by the force of arms took place during raids, in security branches, prisons, detention centers, and at checkpoints. Women were used as human shields by the security and military agencies affiliated with both the regime and other armed groups, according to testimonies collected during field consultations on the forms of sexual violence to which women and girls were subjected.

- “In times of fighting, many girls were raped by the regime, in prisons and during detention,” one of the participants said in a consultation session in Gaziantep.
- “ISIS legitimized the rape of women [by normalizing sexual slavery] especially with regard to their captive women,” said a participant in a consultation session in Idlib.
- “The regime committed sexual and non-sexual methods of torture, which were premeditated and executed as though by official orders from the higher levels of command,” one of the participants said in a consultation session in Idlib.
- “Checkpoints are a strange story. The soldier at the checkpoint may order people around or speak with a sense of superiority, or intimidate people. I was displaced from Afrin, and at every checkpoint you have to pay financially or sexually. Checkpoints controlled us to a large degree,” said a participant in a consultation session in Idlib.
- “Women were used as human shields to storm Baba Amr to pressure men. There were incidents of mass rape and subsequent killing of victims,” one of the participants said in a consultation session in Lebanon.

**■ ACCESS TO JUSTICE IN LIGHT OF THE SPREAD OF CHAOS AND ARMS,
THE IMPUNITY OF THE PERPETRATORS, JUDICIAL BIAS,
AND THE ABSENCE OF THE RULE OF LAW**

Regarding access to justice, many women agreed during the consultation sessions that criminals who perpetrated crimes of sexual violence escaped punishment and accountability because they were “the ruling regime” and power lay in their hands, and because arms proliferation granted them a form of impunity.

- “The young men believe that if they have weapons, they have impunity and power; that by having firearms they have authority,” said a participant in a consultation session in Gaziantep.
- “There are regime-controlled areas where cases of sexual violence are widespread, and it is difficult to hold the perpetrator accountable. [A survivor] would not be able to claim her rights,” one participant said in a consultation session in Idlib.

- “The authorities are above accountability, and the rapist is generally a military man with orders to perpetrate violence, so there is no prospect of accountability,” according to a participant in a consultation session in Idlib.

Women’s access to judicial redress remains limited, or even non-existent, due to bias within the judiciary, the spread of bribery, forgery and tampering, the lack of specialized law enforcement agencies, and intimidation and constant threats of death for reporting incidents.

- “Any armed soldier can take any girl and assault her, and no one can say anything. Ultimately, he controls her personal freedom,” a participant said in a consultation session in Idlib.
- “[The survivor] is under pressure from the community if she reports,” according to another participant in the consultation sessions in Idlib.
- “If she has a brother and a father, they would usually tell her to shut up. The family does not encourage women to demand their rights,” according to a participant in the consultation sessions in Gaziantep.
- “The judiciary is neither fair nor impartial; even if women access justice, bribery persists and can erase everything,” said a participant in a consultation session in Gaziantep.
- “There is no specific body or authority concerned with receiving complaints,” a participant said in a consultation session in Idlib.
- “There are limited courts and they do not work properly. If a complaint is made against an aggressor linked to a dominant party or faction, for example, he may, because of his authority, be able to change and falsify facts, summon false witnesses, or turn [the victim] into the guilty party,” a participant said in a consultation session in Idlib.

The access of women survivors of sexual violence to gender (and transitional) justice must therefore take into account several overlapping factors, most notably:

1. Monitoring all direct, indirect, individual, and collective impacts and consequences of crimes of sexual violence against women from a gender perspective. International and national reports issued in this regard have saved no efforts to monitor the impacts on individual health, and the psychological, legal, social and economic levels faced by women survivors. However, and in order to ensure sustainable feminist peace is achieved, efforts must be made to give women survivors consistent and sustained access to gender-sensitive transitional justice

mechanisms — which are not limited to legal mechanisms even if they are one of the most visible frameworks. The structural, invisible, and indirect effects of sexual violence against women must be considered, especially in terms of their political, economic, and social statuses. As such, they should be monitored in the context of public and private policies, which requires a more holistic structural approach from a gender perspective when raising issues of transitional justice in Syria.

2. Linking any approaches or policies addressing proliferation of arms in Syria with the issue of accountability (or lack thereof) and the impunity of aggressors, perpetrators, and criminals due to a sense of superiority and authority, and the unequal power balances that result from arms proliferation which make it more difficult to report crimes of sexual violence.
3. Linking the legal and judicial mechanisms that could enshrine women's access to justice with holistic, multi-sectoral approaches, so that the medical, health, social/communal and legal sectors can be integrated with the judicial mechanisms, thereby enhancing survivors' access to justice overall, especially to compensatory and reparative measures. However, these sectoral mechanisms should be sensitive to the prevailing gender and cultural context in Syria, so that the compensatory and reparative frameworks provided to women do not revive the same conditions prevalent before the conflict, but rather rebuild social structures analytically in a manner that supports and perpetuates equality and gender justice.



1. Crimes of sexual violence against women survivors have exacerbated their already inferior social, economic, and political statuses. These crimes have stripped women of their political agency as active participants in society capable of influencing political prospects. As a result, society tends to view them as mere victims rather than individuals with an active political and social role.
2. The systematic and structural nature of crimes of sexual violence against women and girls, has exacerbated their economic and social vulnerability, perpetuating a continuing cycle of sexual violence.
3. Arms proliferation in various regions of Syria, not only among military parties but also amongst civilians, has entrenched gender and community vulnerability in a structural way — economically, culturally, and in terms of education. It has also perpetuated the impunity of perpetrators and contributed to undermining the rule of law and the failure to achieve sustainable peace.
4. Women survivors of sexual violence face significant structural, procedural, sociocultural, and institutional obstacles in accessing justice
5. The patriarchal social/cultural view of women in general, and of survivors of sexual violence and rape in particular, as inferior leads to further exclusion, ostracization, and even reprisals against women and girls.



Recommendations

Recommendations to the international community and United Nations mechanisms

1. Address sexual violence in a holistic way by broadening the scope of international discourse on the effects and consequences of sexual violence against women and girls in times of conflict, so it considers the indirect consequences on women's identities and statuses. It should take into account the structural and economic implications that undermines women's active economic and political participation.
2. Expand the scope of culpability and accountability from the individual to include general responsibility and accountability of the Syrian regime and other military forces for the systematic, structural, and tactical use of sexual violence to subjugate women and entire communities and neutralize them as political entities.
3. Pressure the conflicting parties, and arms-exporting countries, to disarm and limit arms proliferation, and to prevent the use of weapons against civilians and women in particular.
4. Require all member states to pressure the regime and armed groups to lift impunity from perpetrators of sexual violence; apply strict measures of accountability; exclude perpetrators of sexual violence from amnesty provisions; and recognize sexual violence as a war crime and a crime against humanity.
5. Create specialized child-sensitive approaches and gender-sensitive judicial bodies based on the applicable Standard Operational Procedures to facilitate procedures for reporting of sexual violence against women and girls, and provide protection and complete confidentiality of testimonies and reports, which should also be free of charge. The courts' current rules of civil procedures, which require a prompt and consistent complaint to be filed, ought to be modified. Therefore, these measures must take into account women's historical and oppressive gender context, the systematic nature of violence against women, and relax the rules concerning the burden of proof placed on women.
6. Provide sustainable and flexible financial and technical support to civil society organizations to secure free and high-quality legal aid for women who report crimes of sexual violence.
7. Offer full compensation as part of reparation efforts, through specialized and independent bodies, to women survivors of sexual violence and detention, by providing preferential services and reparations, including efforts with a child-sensitive approach giving consideration to various age-groups, and by monitoring individual and structural impacts on women and society, "So that appropriate compensation for women does not ultimately return them to [the conditions prevalent] before the breakout of armed violence. Instead, it should involve efforts to bring about societal and cultural change. Compensation processes should aspire, as far as possible, to end the existing structural disparity rather than reinforce it, which may be one of the root causes of violence that women experienced before, during and after the breakout of conflict."¹¹

8. Secure sustainable and flexible financial resources for Syrian civil society to promote its role in monitoring the performance of the regime during and after the extension of gender-sensitive transitional justice mechanisms, and the involvement of survivors and local communities in these efforts.
9. Many sexual violence crimes have had effects and consequences that must be dealt with legally and institutionally, such as childbearing as a result of rape, dismissal from work, expulsion from school or university, etc. Accordingly, we consider these ramifications to be results of the crime itself, which must be dealt with and resolved justly — as a form of justice.

Recommendations to civil society and the international community

1. Raise awareness about the structural gendered impacts and consequences of sexual violence (both direct and indirect), and ensuring women survivors' efforts are amplified so they are empowered to influence peace-building prospects as means of promoting their active political role.
2. Approach economic empowerment programs for women from a holistic gender approach with political and social dimensions, rather than limiting it to a narrow conventional scope. The relevant authorities should be urged to focus restructuring programs to move away from neo-liberal approaches and, in turn, to focus on investments in human capital by undermining and eradicating poverty, promoting gender equality, and providing job opportunities.
3. The international community, relevant civil society organizations or other mechanisms must document the violations suffered by women survivors of crimes of sexual violence, and the impact from a gender analysis perspective.
4. Work to change the prevailing societal culture and prevailing attitudes by spreading awareness within the context of women's social, economic and political empowerment including by involving men in these efforts. Implement initial prevention programs to reduce violence and initiate gradual and slow change in general societal attitudes, towards the recognition of the victims of sexual violence as victims of war crimes.
5. Emphasize and support girl survivors' access to education, and implement programs and campaigns to prevent early marriages, including through education and work opportunities.

Recommendations to the Syrian regime and all parties to the conflict

1. Recognize and disclose the crimes committed by force of weapons, especially crimes of sexual violence, and lift impunity from the perpetrators of these crimes.

11. Mango, Rachida, Report of the Special Rapporteur on violence against women, its causes and consequences, 2009, last accessed on 13 January 2020.



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



WOMEN'S INTERNATIONAL LEAGUE FOR
PEACE & FREEDOM

