

#أنا_ضحية_مرة_مو_مرتين

I won't be made a victim twice

Survivors Not Victims...

Sexual violence related to the conflict in
Syria and access to justice for its survivors




المركز السوري للإعلام وحرية التعبير

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· Introduction	1
· General definitions	3
· Sexual violence related to the Syrian conflict	6
· Challenges facing survivors of sexual violence	8
· The legal framework for conflict-related sexual violence	12
· Women's role in addressing sexual violence	14
· The feasibility of documenting sexual violence	15
· Means of equity and access to justice	16
· Human rights complaints procedures	17
· Universal jurisdiction	21
· Appendix of organizations concerned with survivors	24



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The program “Justice and the State of Law” works to ensure respecting human rights, combating impunity, and enabling victims to access justice through multiple paths. In 2016, The strategic litigation project began, It filed cases to national judicial authorities against rights violators and perpetrators of crimes against humanity in Syria by using the principle of universal jurisdiction in European countries now and in other countries in the near future.



Introduction

In March 2011, a wave of popular protests began in Syria, in which the protesters, both men, and women demanded, regime change and dignity, and freedom, government Rushed to accuse them of disloyalty and conspiracy, and responded with excessive violence, to destroy the uprising, which remained in its first months peaceful with wide participation of women at times, during that time, women were subjected to arbitrary arrest and various forms of violence. According to the statement presented by the Violations Documentation Center in Syria along with 12 human rights organizations during the twenty-third session of the United Nations Human Rights Council on May 27, 2013, on impunity and Syrian women, it was documented that the Syrian government arrested 5,400 women between March 2011 and April 2013, and it included 1,200 university students. Then the defections started between army personnel and officers to join the movement and protect the peaceful protests began, and the local arming began, prior to the support by the international parties that intended to impose a military settlement, then the armed conflict started in the country, followed by many waves of internal displacement and asylum which were the largest in its history with tens of thousands of dead, detained and disappeared, with no final toll of the losses that continue to this day. According to a report issued by the Violations Documentation Center in Syria; the death of 23,157 females have been documented in Syria from March 2011 until December 2020, including 15,458 women and 7,699 girls.

Women's social status and the collective consciousness that makes her carry the burden of honor of the man and the family has made her a targeted by all conflict parties and government forces in the first place, which, to suppress the popular groups of the opposition, committed various forms of sexual violence against women, within the framework of a systematic and widespread policy to put pressure on their relatives or to force detainees to confess. Threatening or committing sexual violence were also means of forcible displacement and emptying entire areas of their population. According to the IRC (International

Rescue Committee) report in 2016, fear of sexual assault was the main reason that pushed 600,000 Syrian women to flee from various regions. The EMHRN (EuroMed Rights) documented since the beginning of the conflict until November 2013, more than 6 thousand cases of rape, the vast majority of which by the government forces, during the attacks on the opposition areas and at the military and security checkpoints, and the Commission asserts that the numbers are not final, and many cases have not been reported.

With the development of the conflict, the arrival of large numbers of foreign fighters, insecurity, and the escalation of the fighting, the situation of women got worse, and they were used as pressure and bargaining cards at times, and new patterns of violence were committed against them, such as the recruitment of minors, which was committed basically by the Syrian Democratic Forces (People's Protection Units- Women Protection Units) as the report of the Secretary-General of the United Nations in 2020, although recruitment in itself is not classified as sexual or gender-based violence, and is primarily a violation of child rights, the mechanism of recruitment often happens by kidnapping process includes practices that take gender dimensions and the nature of life the military and the victim's age have doubled the likelihood of being subjected to sexual violence in all its degrees. Likewise, the crimes of sexual slavery practiced by the Islamic State (ISIS) against Syrian women from the Yazidi minority have emerged, with complete inability to implement the provisions of international humanitarian law and protect civilians, since the rules established to control using weapons and the organization of military action are merely means to alleviate human suffering, not to stop it or prevent its occurrence, and in light of the total inability to hold the perpetrators accountable, because when politics interferes with international criminal justice it will depart from the concept of justice and the law will lose its supreme purpose.

However, the foregoing does not mean admitting to helplessness and lack of initiative, but rather working accumulatively towards the goal without rushing the results, and with the insistence that accountability for those responsible for crimes of sexual violence concerns the survivors as well as the battle for women's rights

in Syria that crosses a new threshold after the years of conflict. Despite what they have suffered and still suffer, Syrian women made a positive change the way society regard them, as they worked with all their energies and abilities to keep going and resist the absence of men who were killed, arrested, or disappeared, the change occurred also on the prevailing social roles, the position of women in the society and work, and participation in planning and decision-making. Bearing in mind that there is no abandoning of the gained rights, Syrian women will walk the road to participation and equality, till they fully restore rights and status, and uproot discrimination, violence and sexual violence in particular, whose recurrence cannot be prevented unless by holding perpetrators accountable and pursuing them in all possible ways, as one of the paths to restore women's rights in which men and women in general participate, and the Survivors' are at the forefront.



General Definitions

Gender-based violence

An extensive-term for every harmful act committed against a person's will and depends on socially defined differences between males and females (gender). Acts of gender-based violence violate a set of human rights protected by international conventions and are considered many forms of gender-based violence, but not all of them are considered as illegal and criminal offense acts in national laws.

The concept of gender relates primarily to the social roles of male and female and how the culture of the society views them, and the differences that society imposes between the two sexes, what is acceptable and what is not for each of them, for example, the role of working women in society and her choices, the tasks of the home and linking them to women, the man does not cry, the woman is ruled by emotion, it is the man's right to hit the woman, and other differences and perceptions that society sets.

Violence against women and girls

Any act of gender-based violence that causes or is likely to lead to physical, sexual, or psychological harm or suffering for women, including threats of such acts, coercion, or arbitrary deprivation of liberty. It includes, but is not limited to, physical, sexual and psychological violence within the family or in the public space when the state is committed or condoned by the state.

Sexual violence

Any form of sexual communication, verbal or physical, that the abuser carries out, threatens to implement, or tries to implement against the victim without her consent, that is, coercion and coercion do not always refer to physical pressure. The abusers may resort to emotional, psychological, manipulation, or threats to force the victim to submit, such as threatening to harm the victim's family or cut off the source of livelihood.

Sexual abuse

Violation of a person's physical integrity and sexual independence, it includes rape and other forms of sexual abuse without penetration, can occur in compulsive circumstances.

Sexual harassment

Non-consensual contact, which is physical such as grabbing, pinching, slapping, or sexually contacting another person. It also includes non-physical forms, such as sexual comments about the body or appearance, requesting sexual favors, sexual suggestion, stalking, and exposure to sexual organs.

Rape

Rape is the act of forcing a person to have sexual contact against his/her will, using force, violence, or any other form of coercion. Rape may occur between people of different sexes or the same sex. It includes insertion of a sexual organ or any other

body or any part of the victim's body by the perpetrator, even if only slightly, and that he commits the assault by using acts of force, coercion, or threatened by.

Culture of justifying sexual violence

It is the social and cultural structure that allows justification of sexual violence and normalization it, which derives its roots from the patriarchy - a social system in which men possess the basic powers in society - and the persistence of inequality and prejudices about gender and sex, which include, for example, blaming the victim and holding her responsible for the sexual violence she was exposed to or part of it, and the constant talk about the sensitivity of the subject in the society, and avoiding bringing it to public debate, which, although it seems aimed to protect survivors, is directed to surround the crime with social restrictions that impede women's ability to access justice, and increase the area of impunity for the perpetrators of these crimes, and provide a helping and facilitating factor to repeat it in the absence of accountability.

The survivor of sexual violence

Any woman who has been subjected to sexual or gender-based violence that matches the description of "victim" and is generally preferred because it includes the ability to overcome the direct act of abuse and begin to recover from its effects.

Conflict-related sexual violence

Refers to acts or patterns of sexual violence such as rape, coercion into prostitution, forced pregnancy, or any other form of sexual violence during or after the conflict or in any political conflict situations, and the acts of violence must be related to the conflict or political conflict itself, whether it was a temporal, geographical and/or causal link, and it appears through the personality and motives of the perpetrators of the crime, the personality of the victim, the weakness of the state's capabilities, or a violation of the terms of the ceasefire agreement. These acts are classified as international crimes if war crimes or crimes against humanity standards were met, or if it is part of the act of torture or genocide.

The methods of sexual violence that related to conflicts include, but are not limited to acts of rape, electrocution of the genitals, live wires, burning of the genitals with cigarettes, lighters, and melted plastic. In the Syrian context, acts of sexual harassment forced nakedness, verbal sexual violence and rape have appeared. It is practiced by the different parties of the conflict to varying degrees, in addition to the forced marriage practiced by extremist organizations of all kinds.

In general, women are more vulnerable to conflict-related sexual violence, and there are groups more vulnerable to sexual violence than others, such as displaced, refugees, widows and female providers, and detainees who are related to armed forces or armed groups, or are of a specific ethnicity. In addition to the difficulties imposed by armed conflict, the cultural, social, and religious beliefs surrounding women compound the difficulty of reporting acts of sexual violence, investigating and gathering evidence of perpetrators.



Sexual violence in the Syrian conflict

Women and girls in Syria have been subjected to various types of violations, including killing, arbitrary arrest, enforced disappearance, torture, displacement, siege, and starvation policies that targeted them directly and indirectly. In addition to acts of sexual violence of various degrees by the various parties of the conflict, which was practiced by government forces for the most part in two different contexts, the first is related or after other violations, as in the case of sexual violence practices to extract confessions in the context of the violation of arbitrary detention, and its expansion and frequency over the ten years confirm that it was carried out with the knowledge and planning of the leadership and at its instructions, as well as the acts of sexual violence accompanying the raids, ground operations, and on checkpoints. As for the second context, it was a direct targeting by arresting women, only because they are women to exert pressure on wanted people by their families to surrender themselves or to use them in negotiation or prisoner exchange processes, or through rape, practices to spread terror in the introduction to displacement or accelerate its pace.

Reports issued by the Independent International Commission of Inquiry on the Syrian Arab Republic have documented violations of sexual violence against men, women, and children by government forces and their paramilitary forces since February 2012 during house raids, at checkpoints, and in official and unofficial detention centers, according to the commission in February 2013. "In detention centers, acts of rape and other inhumane acts were committed, as well as while widespread attacks on the population, in the context of implementation or reinforcement of an organized policy by the government forces and their militias, with actions that may amount to crimes against humanity."

Sexual violence was also practiced by other parties of the conflict, and in May 2017 the Secretary-General of the United Nations stated that parties of the conflict had practiced sexual violence in the context of "systematic warfare tactics of war, terrorism, and torture. Women were most vulnerable (to such violations) during home searches, in checkpoints and detention centers, and after Kidnapping by forces fighting with the government and at border crossing points. He pointed out that there is a list of parties that have evidence of suspicion, which included four-armed opposition organizations in addition to fighters from the National Defense Forces.

Islamic State of Iraq and Syria ,ISIS imposed strict restrictions on women's exercise of basic rights in the context of gender-based violence, which reached the point of execution by stoning to death based on accusations issued by illegal parties without trial. Any evidence of the accusation and the stoning is done publicly in a public square in the presence of relatives, and the organization has applied also harsh corporal punishments for violating the rules imposed on those over the age of ten and did not exclude even pregnant women, including flogging and caning, and forced marriage that included minors. ISIS members also kidnapped and detained Yazidi girls, starting from the age of nine, as they were subjected to forms of sexual violence before they were sold to fighters as slaves.



Challenges facing survivors of sexual violence

Sexual violence in general and in armed conflicts, in particular, has dangerous repercussions on survivors, which exacerbate the effects of the accompanying violations in most cases, such as kidnapping, arrest, or displacement, and reinforce forms of discrimination against them in various social and economic fields and their public or private life, as well as the ongoing psychological effects of trauma. The effects of violence are not limited to the survivor, but also extend to the entire society. The main challenges can be divided into the following:

Societal challenges

Survivors suffer from the social stigma which represented by blaming the victim instead of the perpetrators, stigma is the strong disapproval of any behavior considered outside of social and cultural norms and imposed by customs, traditions, and collective awareness of women and their position in society, and it has severe psychological effects, including avoiding social relations, a state of self-blame and self-reprimand, isolation and depression...

"When I got out of prison, my husband felt ashamed after my arrest, and he started to bother me with words and acts more than security, then he divorced me." A 59-year-old survivor said.

Social stigmatization of survivors may lead to divorce, expulsion from the family, and possibly murder under the pretext of defending honor. And if they are unmarried, this means ending any possibilities of marriage, which leads some of them not to acknowledge what was committed against them and to remain in denial, preventing them from seeking support and psychological or physical care despite their great need for it, as well as preventing them from resorting to the legal path and demanding the perpetrators to be held accountable.

Some survivors reported that they were subjected to sexual harassment after their release from detention by their relatives and individuals from the surrounding area, and there are survivors whose families refused to receive them, and in cases of pregnancy resulting from rape, they were forced to have an abortion, which in itself constitutes a crime according to the Syrian Penal Code, with a prison sentence of 6 months to 3 years, and in some cases, they were subjected to divorce and others suffered from marital problems because their husbands did not accept them after they were subjected to sexual violence.

Healthiness challenges

Many survivors suffer severe health repercussions as a result of sexual violence, torture, medical neglect, or conditions of detention, that may result in genital injuries, wounds, bleeding or abortion as a result of rape during pregnancy, other effects on sexual and reproductive health and the possibility of having diseases like sexually transmitted infections, including HIV, forced pregnancy, unsafe abortions, and sporadic infections.

Dealing with health consequences and obtaining comprehensive medical care, including psychosocial support, is a major challenge in situations of armed conflict. Often, survivors are not aware of their need to obtain medical care or are unable to obtain it due to fear and insecurity, or fear of social stigmatization, or because of the lack of adequate and specialized medical facilities in general and particularly in displacement camps in.

Psychological challenges

On the psychological level, it is difficult to quantify the effects that sexual violence has on the survivor because it has many various manifestations, differing in severity and temporal extent, including, for example, unsatisfactory distress, fear, sadness, anger, self-blame, shame, guilt and anxiety disorders such as post-traumatic stress disorder. Depression and physical complaints that do not find an organic explanation for it, etc., and dealing with these effects are the biggest challenges that the survivor lives and which she is unable to deal with on her own, and if she

does not obtain adequate psychological support, she may resort to thinking about suicide and self-harm or complete isolation sometimes. Some survivors have difficulty dealing with their children, husbands, and their surroundings.

“The psychological torture in prison was tougher than the physical torture because of sounds of youth being tortured, the loud voices and the screaming, and all that increased my sense of fear and depression, even after I got out, this feeling doesn’t change”, said a 55-year-old arrest survivor.

Economic challenges

A large percentage of survivors suffer from poor or lack of resources for many reasons, including the deterioration of the economic situation of the Syrians in general, or the survivor’s loss of a breadwinner in the event of divorce or exclusion from the family, or the loss of her job and the inability to obtain work again as a result of an arrest or because of the psychological state in which she lives, as well as the absence of any stable support in displacement or asylum camps in neighboring countries, in addition to the decline in family income in general, which has sometimes paid large sums of money and may have accumulated debts to secure the release of the survivor or know her fate, which puts survivors in a state of destitution and the possibility of economic and sexual exploitation.

“I asked someone for help to return to my work. He was a member of the parliament, he tried to exploit me sexually. I did not accept this because I did nothing wrong, and I was asking for my right, and I did not reply his calls, so he took revenge on me and reported me to intelligence services. Here I was forced, and I can no longer return to my work. I discovered that this person is sexually extorting all women to facilitate their affairs and help them.” Said a 49-year-old prisoner survivor.

Many survivors reported that they had to work in jobs after their release from detention that they would not have accepted before the arrest, due to the loss of a partner, and in cases of debt accumulation, stigma on them, and poor economic conditions where they live.

“After I was shocked by my husband’s death, I decided to go back to my work and justified my absence from work on vacation, but after four months I received a decision of dismissal from service and deprivation of compensation until the lawsuit against me is decided. I tried to ask and inquire about this lawsuit and no one answered me, and I could not know the reason.” Said a 59-year-old prisoner survivor.

Security challenges

Recovering from the repercussions of sexual violence requires, first of all, restoring psychological balance, the survivor’s feeling of protection from retaliation and exposure to assault, her security and the security of her family members, which is not available to the majority of survivors who live in a state of constant fear of repeated arrest or exposure to their relatives, due to the impact of their harsh experience, and due to the existence of family members in Syria. These fears do not end with leaving the country, but accompanying the survivor wherever she goes, and so the survivors who have declared their exposure to violence and take the path of accountability and who chose silence are equal.

“After I got out of the prison, I stayed at home for five months, I could not get out because I was afraid of being arrested again.” Said a 55-year-old detained survivor.

Challenges of displacement and asylum

The experience of displacement or asylum leads to isolating refugees in general from the social support and protection network represented by the family and society and has more effects on survivors of sexual violence due to their severe need for any form of social support. The absence of legal protection in areas of displacement inside Syria or asylum in neighboring countries, whether in the camps or outside it, and the absence of stable legal conditions prevents survivors from obtaining the required support, or from reporting the violations they have been subjected to, while survivors in foreign countries face burdens represented by language, difficulty in communication, psychological burdens and feelings of alienation that add to the burdens they already carry.



Legal framework for Conflict-related sexual violence

The rules of international humanitarian law that bind all parties to the conflict and give the violator international responsibility stipulates general protection for women in armed conflicts within the framework of protecting civilians from the effects of military operations, and special protections, including what is stated in the Fourth Geneva Convention, which stipulates in Article 27: attack on women’s honor, and expressly mentioned rape, enforced prostitution. “The third protocol and the first protocol also included articles specific to pregnant women and Geneva third Convention”.

Responsibility for violating the rules for the protection of women or acts of sexual violence related to the conflict rests with the state or the de-facto authority, according to Rule 149 of customary international law, which states that the state is responsible for violations of international humanitarian law attributed to it, which include:

- Violations committed by its agencies, including its armed forces.
- Violations committed by persons or entities that have been delegated by governmental authority.
- Violations committed by persons or groups operating in reality on their instructions or under their supervision or control.
- Violations committed by private persons or groups, which the state recognizes and adopts as its actions.

According to its statute, the International Criminal Court classifies acts of sexual violence related to conflicts as acts of genocide when they are taken against an ethnic or religious group, and acts such as rape are classified as crimes of torture when practiced by a government official to obtain confessions from a victim, and if they are committed as part of a widespread attack or systematically directed

against any group of the civilian population, they will be classified as crimes against humanity or war crimes. The international legislator did not limit acts of sexual violence related to conflict but rather left the discretionary power of the International Criminal Court to add other acts to the categories of crimes.

In addition to the criminal description, the International Criminal Court made crimes of sexual violence follow procedural rules affirming the responsibility of perpetrators and prevent repudiation of the crime contained in Rule 70 and Rule 82 of the procedural rules document and rules of evidence in sexual violence cases:

- Consent cannot be inferred because of any words or conduct of a victim where force, the threat of force, coercion, or taking advantage of a coercive environment undermined the victim's ability to give voluntary and genuine consent.
- Consent cannot be inferred because of any words or conduct of a victim where the victim is incapable of giving genuine consent
- Consent cannot be inferred because of the silence of, or lack of resistance by, a victim to the alleged sexual violence
- Credibility, character or predisposition to sexual availability of a victim or witness cannot be inferred because of the sexual nature of the prior or the subsequent conduct of a victim or witness.

The UN Security Council Resolutions 1325-1820-2467 in addition to the Convention on the Elimination of All Forms of Discrimination Against Women "known as CEDAW" that the Syrian government ratified in 2002, requires parties of the conflict to take measures to protect women from sexual and gender-based violence, hold those responsible accountable, provide support to survivors, and ensure their non-discriminatory access to medical, psychological, social and economic services, and to ensure the meaningful involvement of women in all peace-making initiatives.



Women's role in addressing sexual violence that related to conflicts

Laws and the criminalization of sexual violence alone are not sufficient to address its actions, which must go beyond the texts to address the root causes of violence inherent in the culture of society, the negative attitude towards women and their rights, its role in maintaining forms of discrimination against them, and the role of discriminatory laws and customs that justify and accept manifestations of violence.

Sexual violence in Syria was not the result of the conflict, and women who have been victims of sexual violence have always faced structural difficulties in seeking justice during the reporting stages of the crime and dealing with police, judiciary, and health institutions, in the absence of any laws, institutions and professional individuals qualified to deal with cases of violence and support its victims, and in the complete absence of any serious initiatives to stop violence against women in general.

However, after ten years in which women were equal with men in facing forms of violence, violations, consequences of war and displacement, and changing their position to take the role of the breadwinner and the responsibility of securing family resources, with a relative societal acceptance imposed by necessity sometimes, it is imperative to build on what has been accomplished and work to raise social awareness about the value of equality in women's issues. All that we have mentioned requires women to seek knowledge and awareness first, transfer it and practice it in the social environment and education, even in the narrowest frameworks available, and engage in campaigns or activities, no matter how small, to break stereotypes and fixed social roles and the culture of discrimination in favor of males that justify violence against women, whose exclusion from the culture of society is commensurate with necessarily low levels of sexual violence.

Accountability and punishment of perpetrators and fair compensation for survivors also constitute a basis for addressing sexual violence related to conflict, and sexual violence in general and a guarantee that it will not be repeated in the future. Therefore in addition to building self-awareness and contributing to the general awareness, survivors must navigate any possible path to litigation and confront the culture of complicity with the perpetrator that means promoting the futility of the judiciary or the complaint, which prevents the survivors from claiming, so that the criminal will remain unpunished.

The feasibility of sexual violence violations documentation

The challenges faced by survivors, the general state of frustration among Syrians, the absence of immediate results of human rights work in its various degrees, and the long periods needed for litigation together with the uncertainty of its results are all factors that push survivors to refrain from sharing their testimonies, which is a personal choice that is justified by all the previous reasons. This justification is valid if the documentation of violations is regarded as a method defined by a path whose results are limited to individual cases. However, the documentation process in general and in the Syrian context in particular constitutes a goal in itself, and the contribution to it does not mean that justice is done towards the survivor or the testifier herself as much as its results extend to society and future generations.

The process of documenting violations is a composite human rights effort that aims to protect and advocate for human rights and raise awareness of them, and to ensure holding perpetrators accountable and redress for victims by documenting facts, monitoring violations and following up on their recurrence, to monitor specific patterns of practices that indicate that they are in a systematic context based on a decision that requires accountability. This means that documentation is

the basis on which various accountability and liability processes are built, together with legislative and administrative reform policies to protect society and ensure that violations do not recur in the future.

Although it is currently difficult to conceive of holding all perpetrators of grave human rights violations in Syria accountable due to international alignments and the fact that they are being preferred over justice, historical experience has shown that the process of prosecuting and putting the perpetrators of this type of violations on trial is a continuous process that continues to pursue perpetrators even after their death and is based entirely on professional and continuous violation documentation efforts.

Documentation is also linked to the right to know the truth, which is a right for societies and individuals. As international law clearly recognizes the right of victims and survivors to know the circumstances of serious human rights violations against them, and the identity of those responsible. It is also the right of all members of society to know the truth that forms part of the national collective memory. For the documentation process prevents tampering with or any kind of manipulation in the narration of historical events, which guarantees public recognition of the occurrence of violations and informing survivors and subsequent generations of the events during which they have suffered as a prelude to reconciliation and transitional justice, which is one of the ways to move on and reconcile with the past without erasing it or trying to forget it.

How to achieve equity and access to justice

The United Nations Commission of Inquiry on Syria concluded that the International Criminal Court is the most appropriate judicial mechanism to address the phenomenon of impunity in Syria, which did not actually happen due to the objection of Russia and China, the two permanent members of the Security Council, to referring the file to the court. However, given the size and breadth of

the gross violations of human rights, including acts of sexual violence, and their accumulation in the light of impunity and the absence of accountability for decades, the International Criminal Court alone was not sufficient to put the violations that occurred in trial, which must also be addressed by the national judiciary as it is its main jurisdiction and it is closest to the victims, perpetrators, and crime scenes. This should be in parallel with the work of non-judicial mechanisms, including truth seeking commissions and institutional reform programs.

However, due to the lack of ability to recourse to the national judiciary, which is currently completely affiliated with the executive authority responsible for violations, the judicial and quasi-judicial bodies that follow the de facto authorities in areas outside the control of the government; and because of the absence of a political solution, the basic condition to start reforming institutions and transitional justice programs, there remains no option for survivors except for heading to the national judiciary in countries that adopt the principle of universal jurisdiction, while submitting individual complaints to human rights procedures at the United Nations remains an option for a limited number of them because of the caveats surrounding it and the conditions it requires.

Human rights complaints procedures

They are mechanisms for submitting allegations of human rights violations to the United Nations individually and directly through three types of mechanisms:

- Individual complaints under international human rights convention “petitions”
- Individual communications and reporting under special procedures set by the Human Rights Council
- Complaints to the Human Rights Council

Although the submission of complaints to the United Nations is available and facilitated for all survivors or those who suffer from gross human rights violations, the requirements of these mechanisms do not match the complexities of the Syrian reality. In theory, complaints can be submitted by survivors directly or

through the delegation of a third party such as civil society organizations and human rights bodies that connect survivors to the UN mechanisms and prepare the complaint and file it or register it on the survivor’s behalf after obtaining the consent of the survivor who is fully aware of the procedures, results, risks and advantages surrounding each mechanism.

Individual complaints under international human rights treaties

Any state’s accession to a human rights treaty entails the obligation to provide effective remedies for violations of its provisions. In each treaty, bodies that monitor the commitment of member states are formed that are called committees, which would receive complaints from individuals and investigate them to issue recommendations to the concerned state specifying ways to address the subject of the complaint, usually extending beyond the case presented, issuing recommendations in the form of guidelines to prevent similar violations in the future. Five international human rights convention allow individual complaints to be submitted, including the International Covenant on Civil and Political Rights, the Convention Against Torture, and the Convention on the Elimination of All Forms of Discrimination Against Women. Despite the availability of ready forms for the complaints that could be filled and submitted electronically. this is not possible for the case of the violations occurring in Syria for several reasons, the most important of which are:

- It is not sufficient for the complaint to be accepted that the concerned state to be a party to the treaty. Rather, it must acknowledge the competence of the human rights treaty body established to consider complaints, which is something that the Syrian government has not accepted in the human rights conventions it has ratified.

- The role of the committees, assuming that the complaint is accepted, and that the violation has occurred, is to determine the means of delivering justice to the complainant that should be provided by the Syrian government and follow up on its implementation within six months without any serious consequences for non-compliance or a mechanism to enforce implementation.

Individual communications under the special procedures of the Human Rights Council

Each procedure / mechanism of the Special Procedures of the Human Rights Council consists of independent experts mandated to provide reports and advice on human rights on specific topics or in a specific country, and it is an essential component of the United Nations mechanisms that amounted to “44” thematic mandates “specific to a specific issue” and 12 country mandates “A specific state”. An individual complaint about human rights violations can be submitted, provided that there is a special procedure that covers the subject and the violated right or covers the specific country. Regarding survivors, it is theoretically possible to submit individual reports to each of:

- The mechanism of the Special Rapporteur on the situation of human Rights in the Syrian Arab Republic
- The mechanism of the Special Rapporteur on violence against women, its causes and consequences: whose mandate includes monitoring cases of violence against women and recommending measures, ways and means at the local, national and international levels to prevent such cases and hold perpetrators accountable, whether these acts are committed by the state, private individuals, armed groups or warring factions; providing means of just and effective redress; and providing assistance and support to victims. Its tasks also include:
 - Urgent appeals and correspondence to states regarding alleged cases of violence against women.
 - Considering individual complaints from victims.
 - Conducting country facts-seeking visits.
 - Submitting annual thematic reports to the Human Rights Council.

The procedures are distinguished by the ease of submitting a complaint and making it available through ready-made forms that can be filled out by the complainant, and can be submitted electronically, but its recommendations are not legally binding,

and each country shall, at its discretion, comply with the recommendations of the rapporteurs and with the special procedures’ mechanisms.

Because of its modus operandi, most survivors exclude this option, because when a complaint is submitted to one of the special procedures, it sends a report to the Syrian government regarding this case, explaining the case’s merits and the names of the plaintiffs and asks the government to comment. Also, for the general nature of the work of the special procedures, they publish public reports on their work that include case details and initials of the victims’ names.

Procedure to submit complaints to the Human Rights Council

Complaints can also be submitted to the Human Rights Council through the Office of the High Commissioner for Human Rights, with communications from any individual or group claiming to be a victim of violations, as well as any person or group with direct and reliable knowledge of their occurrence, provided that they constitute a pattern of grave human rights violations that are supported by documented evidence, not individual violations. The Working Group on Communications considers it before referring it to the Working Group on Situations, which in turn refers it to the Council with recommendations from experts.

A complaint to the Council is the only procedure that covers the violation of any of the basic human rights and in any country in the world. Despite the ease of the complaint and the complete confidentiality of its procedures, it also ends with non-binding recommendations that do not seek to redress individual cases, hold perpetrators accountable, nor compensate survivors. The role of the Council is limited to issuing recommendations and forwarding them to the Secretary-General to direct the attention of the Security Council to take appropriate action.

Universal jurisdiction

Currently, litigation based on the principle of universal jurisdiction is the only way available in Syria to hold the perpetrators responsible for crimes of sexual violence and other violations accountable. It is the legal principle that permits or requires a state to initiate criminal procedures in relation to some crimes, regardless of the location of the crime and the nationality of the perpetrator or victim. Many countries have guaranteed this principle in their legislation, including most Western European countries, in which it is possible, when sufficient evidence is available about a suspect, to submit a request to start their trial, and the procedures. Conditions for adopting this principle differ in different countries.

A specialized team at the “Syrian Center for Media and Freedom of Expression” collects evidence and testimonies about the committed violations to prepare files that are then held along with the victims in front of the courts according to the basis of universal jurisdiction. During the various stages, the privacy of the complainant (the survivor) is preserved in the process of documenting testimonies and preserving information while preserving the safety and psychological health of the victims. The team attaches utmost importance to the security of the victims and to avoiding further attacks on them. It complies in its work with the principles of secrecy, safety, preservation, respect, and indiscriminate. The members constantly receive periodic vocational and skill development training regarding the framework of how to deal with victims of violations and, within a more specialized framework, survivors of sexual violence.

The Center stresses that victims are given a comprehensive understanding of the stages of litigation and witness protection procedures provided by the written laws of the country in which the allegation is submitted. Some of them allow testimony to be submitted anonymously if providing the name may endanger their lives or physical health or put the life of one of their relatives at risk, or they may allow conducting the testimony from outside the courtroom by providing an audiovisual transmission of testimony simultaneously with the hearing, in addition to many other procedures.

Since 2017, the center has been working on numerous judicial cases to put the violations committed in Syria on trial in several European countries, such as Germany, France, Sweden, Norway and the Netherlands. International arrest warrants were issued in some of them against senior Syrian security officials on the background of their accusations of war crimes and crimes against humanity. The center also works with offices specialized in war crimes and public prosecution on other cases, including ones related to crimes of sexual violence committed in Syria.

Questions and Answers

I gave my testimony, and now, a year later, I haven't gotten any updates on what happened next?

The aim of the documentation process is to fight against the phenomenon of impunity, and this requires preserving and archiving the largest possible number of testimonies and evidence to preserve the right of survivors, whether to build lawsuits or any number of possible justice mechanisms that may appear in the future.

Documenting the testimony does not mean, per se, the prosecution or the automatic launch of the litigation process, as it is necessary to wait for the completion of the elements of the case according to the laws of European countries, some of which require the presence of the suspect or the accused on their territory when the investigation is begun, while in other countries the presence of the perpetrator / suspect is not required upon starting the investigation, but requires his/her presence to start the trial.

Also, the testimony - which the Center alleges to keep under the highest degree of confidentiality - is an indispensable step towards fairness, preserving the right from loss, and documenting details or events that may constitute an essential element in the prosecution process, and towards preserving the right to claim or join any future mechanisms of transitional justice, reparation, and compensation, in addition to being the concrete basis for the prosecution and litigation process.

Does the center provide any financial aid in exchange for providing testimonies?

The center does not provide any monetary amounts to the survivors, victims, or their families in exchange for the testimony and the information they provide. This is due to the need to preserve the legal value of the testimony and its strength before the courts, and that it was issued voluntarily and without any financial or moral compensation. However, in some cases, the center bears the costs of transportation, travel and accommodation for a short period for the purpose of conducting the testimony.

How do I protect myself and my family from the reprisals that may affect them because of my involvement in the litigation process?

The safety of victims and the security of their information is a priority in the work of the center and in the documentation process as the strategic litigation project team studies the case of the survivor who intends to testify and conducts the process of assessing the personal safety of the survivor and the risks that she or her family may be exposed to, and accordingly provides her with advice about the possible circumstances and possibilities, including, for example, the possibility of keeping the testimony confidential without disclosing the name of the witness.

How can you volunteer with the center's team?

The center welcomes female survivors who wish to volunteer and join the team, exchange experiences and knowledge, and provide support. The center also periodically announces its need for volunteers to work with. Those wishing can submit their requests according to the steps mentioned in the advertisements, and our team would determine the appropriate tasks for them and the number of hours appropriate for volunteering.

I have many questions about what I have been through and the possibility of filing a complaint and documenting the testimony!

You can contact us at our email info@scm.bz our specialized team will help you and guide you step by step.



Appendix of Organizations that Support Survivors

- **The Syrian American Medical Society (SAMS) Foundation** is a global medical relief organization that is working on the front lines of crisis relief in Syria, in neighboring countries, and beyond to save lives and alleviate suffering. SAMS proudly provides medical care and treatment to every patient in need.

It operates primarily in Jordan, Lebanon, Turkey, and inside Syria.

Address in Lebanon: Beirut, Badaro St., Khaton Bldg., 3rd Floor
Phone: +961 813-29528

Address in Turkey:

Mücahitler Mah. 10031 Nolu Sok.YASEM is Merkezi.

NO:42/203 Gaziantep, Turkey

Phone : +90 342 502 08 38 , +90 342 502 08 39

E-mail : turkey@sams-usa.net

Location	Facility Type	Type of Services	Team	Contact	Contact Position	Contact No.
Idlib, Qah	Maternity Hospital	Case mngmt. for gender based violence cases	GBV	Noura al-Subeih	Case Manager	905314538920
Idlib, Batbo	Healthcare Center			Lamiaa Gharraa		963969735567
Idlib	Central Hospital			Ghaithaa al-Ibrahim		963958205960
Aleppo, Atareb	Healthcare Center			Nadia Halib		963967418058
Idlib, al-Dana	Maternity Hospital			Reem al-Dany		963936181804
Aleppo, Ibzemo	Healthcare Center			Tahany al-Halabi		352681501172
Sejo Hospital	Hospital			Maysaa al-Mohammed		963934648499

- **Syrian Expatriate Medical Association (SEMA):** is a humanitarian, medical relief, non-profit, national organization that provides healthcare and psychological support and psychological first aid for beneficiaries, in addition to supporting other centers within Syria.

Head Office in Gazintep:

Mücahitler Mahallesi 52043 Nolu Sokak
Karagülle is Merkezi Kat: 11 No: 97, 27090
Sehitkamil/Gaziantep

Phone: +905318868046

Email: info@sema-sy.org

Location	Provided Service	Contact	E-mail
A'zaz - Afrin - Sharran - al-Bab	Managing Gender Based Violence cases	Fatimah al-Saeed	f.alsaheed@sema-sy.org
Atme - Ariha - Salqeen - Idlib		Manar Asfar	m.asfar@sema-sy.org

- **Release me:** a civil organization that aims to rehabilitate women violence survivors and reincorporating them within society, making them service providers after being receivers of it. The rehabilitation program includes: Political empowerment to educate women and raise their political awareness. Economic empowerment through teaching professions and creating some small enterprises that profit the concerned women themselves.

Psychological support groups to analyze the contexts and reasons of violence and ways to overcome them.

To contact the organization through their **Facebook page "Release Me"** currently for a short period of time while the work to launch the organization's website is complete soon. Currently operating in Afrin.

- **Recovery initiatives (Taafi):** Concerned with men and women who survived detention, torture and enforced disappearance through many forms of support like habitat, psychological and physical health, and legal consultations.

Address in Gazintep:

Gazi Muhtar Pasa Bulv, Incilipınar Mahallesi, Kepkepzade Park is Merkezi, A Blok, K:5 N:19, 27090,Sehitkamil/Gaziantep

E-mail: Info@taafi-sy.org

Twitter Account: https://twitter.com/taafi_SY

You can contact the initiative via the **Facebook page of Kesh Malek** (Arabic for Checkmate) organization:<https://www.facebook.com/KeshMalekOrg>

- **Women Now for Development:** a feminist Syrian organization with over 80% female staff, that has programs of protection, empowerment. Sharing, advocacy, and research. The organization provides safe zones for women and girls through their centers in both Syria and Lebanon where they conduct the activities of the programs they are working on.

Protection department: provides psychological support, case management, women deferrals services, including women who have been through sexual violence incidents.

Numbers for psychological support:

Marea, Syria : 00352681521766

Killi, Syria: 00352681120

Chtaura, Lebanon: 961510 76 794

Majdal Anjar, Lebanon: 81714106

Website: <http://www.women-now.org>

Facebook page: <https://www.facebook.com/WomenNowforDev>

E-mail: info@women-now.org

Sources

<https://scm.bz/studies>

A report issued by the Violations Documentation Center on the occasion of International Women's Day 2021

"I lost my dignity" report issued in 2018 by the Independent International Commission of Inquiry on the Syrian Arab Republic

dungeons of torture issued by Human Rights Watch July 2012

International Committee of the Red Cross, Sexual violence in detention facilities, Geneva-Switzerland, 2017

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Mental Health And Psychosocial Support For Conflict-Related Sexual Violence: Principles And Interventions". (2012). p 2. World Health Organization

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