

REPARATIONS FOR SURVIVORS OF CONFLICT-RELATED SEXUAL VIOLENCE



COUNTRY BRIEFING SYRIA

Official Register of Survivors of conflict-related sexual violence (CRSV): None.

Official number of CRSV Survivors: No formal estimates exist.

Estimated Real Number of CRSV Survivors: Likely to be tens of thousands based on documentation from various international bodies.

Domestic Legal Framework for Administrative Reparations Programme: None.

Mechanism to implement Administrative Reparations Framework: Not applicable.

Domestic Avenues for Reparations through Courts: None in Syria. A very small number of survivors are participating in cases initiated under the principle of universal jurisdiction, mostly in European countries, and some may receive reparations depending on applicable laws in each country.

Approximate Number of Survivors having received any formal Reparations for CRSV: 0

Survivor Perception regarding state of Implementation of Reparations: Survivors do not expect reparations from the Syrian government in any near future in view of its failure to acknowledge conflict-related crimes, in particular sexual violence committed on a large scale by the Syrian regime itself. There is however an expectation that the international community will intervene with urgency to fill the gap through interim measures to acknowledge the harm suffered, restore dignity, and prevent irreparable harm including stigmatisation and secondary victimisation.

Ongoing CRSV: Yes.



Nature and Scope of CRSV

Sexual violence has been committed on a large scale by the Syrian regime, several non-state armed groups and terrorist organisations. As [documented](#) by the Syria Commission of Inquiry, the Syrian regime has resorted to widespread and systematic sexual violence against civilians from as early as 2011, particularly in house-raids, at checkpoints and in the context of detention. In detention, women, men, and girls and boys as young as nine have been subjected to forced nudity, intimate searches, rape, including gang rape and rape with objects, the forced witnessing of rape and other forms of sexual violence, mutilation and sexual torture, especially violence directed at the genitalia including through beatings and electrocution, sexualised insults and degrading comments. Women and girls were particularly vulnerable to rape, threats of rape and sexualised verbal insults at checkpoints and during house raids and were subjected to sexual violence and exploitation when seeking to find or visit detainees, or to establish the fate of disappeared or missing persons.

Non-State armed groups including the Free Syrian Army and affiliate groups, the Syrian Democratic Forces and related entities, and the Syrian National Army have also committed sexual violence, but there is no evidence of it being committed systematically or pursuant to a policy. Instead, [documentation](#) shows it has often been committed with elements of exploitation, sectarianism and revenge. Several armed groups have also [operated detention facilities](#) where sexual violence against men, women and children was committed, including rape, threats of rape, the forced witnessing of rape and sexual torture. Outside of detention, some non-state armed groups have forced marriages upon predominantly underage girls. Terrorist organisations such as the Islamic State in Iraq and the Levant (ISIL, also known as ISIS or Da'esh) and Hay'at Tahrir al-Sham have also been found to be responsible for forced marriages, sexual slavery and sexual violence including in detention to impose their ideology, particularly against religious minorities. These acts, among others, were [found](#) to be a constituting element of genocide.

FACTS & FIGURES

Most segments of Syrian society have been impacted by CRSV. Survivors are women, men, girls and boys, including members of the LGBTQ community of all ages and nearly all geographic locations in Syria. Some are survivors of CRSV committed by the Syrian regime or state-affiliated actors, others by non-state armed groups and terrorist organisations. Women and girls have been disproportionately impacted by CRSV, but men and boys too have suffered sexual violence, particularly in the context of detention.



Harm caused to Survivors, Families and Communities

Typically patriarchal cultural norms and gender stereotypes have underpinned sexual violence against both women and men in Syria, speaking to deeply anchored concepts of 'honour' and 'chastity' attached to women, and 'masculinity' associated with men. Such norms and stereotypes have not only contributed to acts of sexual violence, but have also amplified the harm experienced by survivors, particularly women and girls. Female survivors are often ostracised and rejected by their families and communities and at times, subjected to further physical violence, threats to life or even killed in the name of 'honour'. While men are not ostracised in the same way, they too are often pressured not to disclose their experiences to maintain that their masculinity is intact. This includes pressure to get married, or immediately resume their role as breadwinner within the family, and to not show any signs of harm suffered or subsequent need.

Sexual violence has been committed with the intent to destroy the social fabric of Syrian society and, in part, it has. As a result of CRSV, some family structures have been completely disrupted or broken, including through divorce, deprivation of child custody or visitation, or the forced departure of survivors from their communities and from Syria altogether. In other families, sexual violence has created unease, where at best the topic is not to be discussed. Fearing this impact, and to avoid "bringing shame" to the family, entire communities have left their homes and chosen displacement over the risk of their women and girls being subjected to sexual violence.

The taboo around sexual violence discourages CRSV survivors from disclosing their experiences and seeking support or care for their needs, including urgent ones. Additionally, the ongoing conflict and resulting insecurity create an environment of fear of reprisals and punishment from the conflict's parties, should survivors decide to speak out. Abroad, services may be more available to survivors, but remain insufficient, unsustainable or difficult to access. Moreover, the impact of hardships resulting from displacement or adapting in new countries should not be underestimated.



Survivors' Perspectives

Needs and Expectations

In view of the blatant impunity and the ongoing conflict in Syria, survivors have little expectations of reparations from the Syrian government. Reparations could only materialise in the longer term, under a different political climate, alongside accountability, reform, restoration of rights and guarantees of non-repetition. However, survivors make clear that they have urgent needs that cannot wait and must in the meantime be addressed by other actors and the international community.

For instance, most survivors need medical care, in particular for genital trauma resulting from sexual torture, reproductive health complications, hormonal imbalances, and sexually transmitted diseases and infections. Most survivors also emphasise the importance of psychosocial support, to be provided as soon as possible following the CRSV incident(s) and for the long term. Also important to survivors are financial assistance and protection, particularly in the months following the violence. The physical and psychological impacts of sexual violence and other intersecting experiences such as being detained, abducted, forced into marriage or sexually enslaved, means that the life project of most survivors has been entirely shattered. For this reason, many survivors identify support to resume education, the identification of work opportunities or the provision of grants for 'small projects' as further essential needs. For survivors relocating, especially to a different country where language differs, assistance in housing, livelihood and legal support are also essential.



Women meet for a Focus Group Discussion in Gaziantep, Turkey, 2021
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"Reparations are important to me to be able to go on, without psychological burdens. To keep going in this life and increase my skills. This life is ever changing, and we must keep up with this change".

Finally, survivors underscored the need for awareness-raising initiatives to mitigate the social stigmatisation of CRSV survivors and associated secondary victimisation. This includes support to solidarity networks and groups, including associations of victims, survivors and their families and their initiatives. Survivors demand that their right to truth is respected and promoted, including being heard wherever their interests are affected. As described by survivors, being heard can in some instances have symbolic and collective reparative value.



Survivors' Initiatives

Survivors and their families strongly request a central position in discussions about their rights and any decisions affecting them, including discussions relating to the conflict resolution. To have a voice of their own, multiple associations for survivors and families of the missing and the disappeared have emerged. These associations strive to shape the narrative on the Syrian conflict including by highlighting the importance of survivor-centric perspectives on accountability, political processes and reparations.

On 10 February 2021, five associations for victims (including missing persons and those still in detention), survivors and families of the missing launched a [Charter](#) for Truth and Justice that represents their common vision on questions of enforced disappearance, arbitrary detention and related crimes, including sexual violence. Key demands set out in the Charter include the halting of arbitrary detention and violations against detainees, including sexual violence, and the immediate release of those arbitrarily detained or disappeared; as well as reparations by the State (Syria) and international entities, including restitution of rights, rehabilitation, and compensation for material and moral damages. Emphasis is placed on co-creating any reparation programmes with victims and survivors.

"[...] Our victims' voices and narrative are at the centre-stage in [our vision](#), and we believe that no solution or approach can be legitimate without taking into account and integrating the principles of this Charter."

Associations of victims, survivors and their families are also key in highlighting the needs of survivors and, at times, responding to them. For instance, the [Family Center](#) of the survivor-led [Association of the Detainees and the Missing in Sednaya Prison](#) provides individual and group counselling to victims of the conflict. [Ta'afi](#), another survivor-led initiative involving a network of 120 Syrian survivors around the world, supports survivors by responding to their needs, as guided by the [Maslow hierarchy of needs](#) beginning with physiological needs, including food, shelter, or medicine, then safety, belonging, esteem and self-actualisation.



Reparations

IN THEORY

Pursuant to its obligations under [international human rights](#) and [humanitarian law](#) treaties and those under [customary international law](#), the Syrian government shall prohibit and address CRSV and is responsible for providing full and adequate reparations to all victims and survivors of the conflict.

Outside of Syria, some survivors connected to cases brought against perpetrators in various EU countries through extra-territorial or universal jurisdiction may be able to access reparations, subject to the applicable legal framework in the relevant country. Whilst a potential reparation award may carry important symbolic value for survivors more broadly, victims participating in these cases represent an infinitesimal proportion of CRSV victims of the Syrian conflict.

IN PRACTICE

The Syrian government lacks willingness to fulfil its obligations or acknowledge the crimes for which it is responsible. This has meant that the overwhelming majority of survivors have no access to a remedy or reparations at the domestic level.

Given the ongoing conflict, and the Syrian regime's position, it is unlikely that survivors will be able to access any remedy and reparations from the Syrian government in any near future.

Interim reparative measures by non-duty bearers are currently the only avenue to respond to the urgent needs of survivors and their families. Survivors should be directly involved in developing any such initiative to ensure that the process has a restorative value, and the projects address the specific needs of survivors in a context-specific manner.



Opportunities

Mobilisation of survivors and their families: The creation of victim and survivor associations and ensuring their participation in advocacy, policy-making and response is crucial for survivor-centric and survivor-led interventions. Technical assistance and funding to these platforms also constitutes direct support to survivors and their communities.

Establishment of the International, Impartial and Independent Mechanism for Syria (IIIM): The IIIM is mandated to "[collect, consolidate, preserve and analyse evidence](#) of violations of international humanitarian law and human rights violations and abuses", including sexual violence, and to "[prepare files in order to facilitate and expedite fair and independent criminal proceedings.](#)" The IIIM has [reiterated](#) its deep commitment to documenting and analysing gender-based crimes, including sexual violence, on multiple occasions. While sexual violence remains under prosecuted, preservation of evidence and preparation of cases is an important step to ensuring that sexual violence crimes can be prosecuted in the future.

Universal and extra-territorial jurisdiction cases in Europe: Although such cases only tackle a small portion of the sexual violence committed in Syria, cases against perpetrators in European countries are significant. These cases are particularly important to the survivors participating in them, for whom the case itself may constitute a form of satisfaction, and who may also receive compensation as a result. Provided the cases are accessible to the wider public, they also have the potential of providing a symbolic form of reparation to the wider survivor communities.

International and third-country responses: The international community and various individual countries have mobilised to respond to the needs of Syrians impacted by the conflict, particularly related to humanitarian assistance, litigation, inquiries and investigations into violations and crimes, and sanctions against the Syrian regime, other conflict parties, individuals and other liable actors. If these actions are further coordinated, they have the potential to provide survivors with some form of interim reparative measures.



Key Challenges

- **Ongoing conflict and impunity:** The Syrian conflict is far from over and the Syrian regime and other conflict parties continue to commit sexual violence among other violations and crimes. Survivors have no real access to a remedy or reparations in this context.
- **Stigmatisation of survivors:** Stigmatisation of women and girls in particular subjects them to a secondary cycle of victimisation and abuse by their families and communities. Men and boys remain reluctant to speak of the sexual violence they endured because of perceptions of their 'manhood' being violated. These societal reactions are harmful and are a barrier to disclosure and healing process.
- **Disruption of life projects:** Most of Syria's population is now displaced, either internally or abroad. Most survivors have lost or been separated from other family members, and have also lost their housing, education, and work. Against a harsh economic situation, many turn to irregular work that is not sustainable and puts them at risk of further exploitation and abuse. Women and children are particularly vulnerable, and livelihood and education grants are not widely available.



Preliminary Recommendations

To all parties to the conflict:

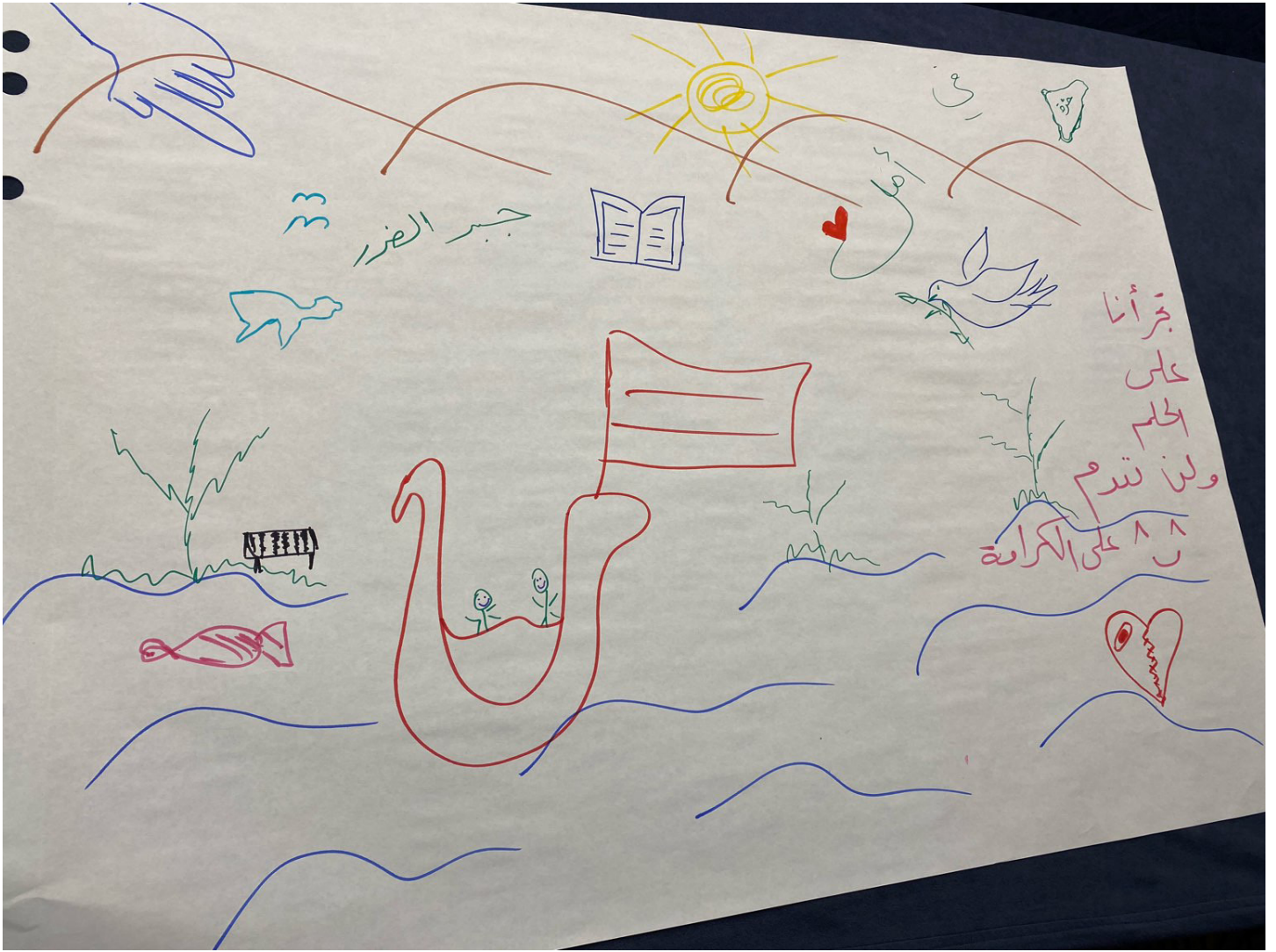
- Immediately halt the perpetration of all forms of sexual violence, through prevention and response measures in line with international standards.
- Immediately cease all arbitrary and unlawful detention and release those subjected to sexual violence of any form.

To the Syrian government:

- Commit to treaty obligations to prevent and respond to CRSV and provide victims and survivors with access to a remedy, including reparations.
- Implement recommendations from the UN-mandated [Commission of Inquiry](#) on Syria and other UN entities, including recommendations from the UN Secretary General in the [annual report on CRSV](#).
- Cooperate with international entities to allow humanitarian access throughout the country to ensure provision of services, and cease sieges on civilians.

To the international community:

- Recognise the war crimes, as well as crimes against humanity including rape and other forms of sexual violence, that have been committed by all parties to the conflict.
- Address the lack of reparations for CRSV survivors by funding, supporting and promoting interim reparative measures by non-duty bearers that respond to survivors' urgent needs and expectations for reparations, as defined by them. Such measures should be co-created with survivors, gender-sensitive and aimed at mitigating the stigma and social rejection experienced by CRSV survivors.
- Continue to support and provide funding to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.
- Where jurisdiction exists, investigate, and prosecute perpetrators of sexual violence within the Syrian conflict as war crimes, crimes against humanity, genocide or torture. Make trials open to the Syrian public, including survivors not participating in the case, and provide attendees with interpretation where needed. Publicise key case documents, including in Arabic and consider allowing verdicts to be live streamed, translated into Arabic and made available online.
- Proactively facilitate the meaningful participation of sexual violence survivors in all relevant peace processes and peace negotiations. Take steps to implement the Truth and Justice Charter drawn by five Syrian associations for survivors, victims, and their families.



Drawings from survivors during a Focus Group Discussion, 2021
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Next Steps

Urgent action by the international community and Syrian civil society organisations is needed to assist, support and sustain survivors' efforts to obtain implementation of the above recommendations and achieve recognition and effective reparation. These include:

- Conduct and support awareness-raising and outreach initiatives to strengthen the skills of survivor groups so that they can claim and exercise their right to reparations, and support mechanisms that give due weight to CRSV.
- Identify and assess opportunities for implementing urgent interim reparative measures co-created by CRSV survivors, and liaise with other actors to ensure long-term support and funding for such programmes.
- Promote measures that provide survivors and victims' families with satisfaction, including measures for acknowledgment, memorialisation and commemoration.