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Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Arab Organization for Human Rights, Indian Movement "Tupaj Amaru", non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Devastating Effect of the Conflict in Syria on Women*

Background

The Syrian Arab Republic is now entering the sixth year of the deadly conflict that began in 2011. The increasing number of actors involved in the war, the complexity of the situation, overlapping and contrasting interests, and the failure of reaching permanent and comprehensive peaceful settlements have turned Syria into a bloody battlefield. All parties involved have committed heinous crimes, have breached international law, international humanitarian law and international human rights law, and have caused an unprecedented humanitarian crisis. The situation is worsened by the economic breakdown and by permanent damages to public infrastructures.

As it happens in most of the cases, the civilian population is paying the highest toll. Thousands of people have died, millions have fled the country, many more are internally displaced, and the majority of the population is suffering for the lack of basic infrastructures. Innocent men, women, and children are wounded and killed on a daily basis. Many suffer from simple injuries that often become permanent disabilities because of the lack of medical and healthcare. The population's food, housing, and education needs are not met, and the international humanitarian convoys cannot reach all areas. Since the beginning of the conflict, life expectancy has fallen by 20 years, 4 out of 5 Syrians live in poverty, and one household out of three is indebted because of the excessive cost of food supplies.

The gravity and scope of human rights violations committed by all actors involved in the conflict have reached new lows, and women have become the most vulnerable and targeted. Violence against women and gender-based discriminations are not new to Syria, but brutality and sexual violence have become weapons of war used to control and subjugate entire communities. The international community is needed to halt the horrific cycle of violence in which the most vulnerable segment of the population is caught.

The heinous tradition of “honour crimes”

The culture of honour is one of the main pillars on which the Syrian society – as well as any other patriarchal society – is based upon. Entire communities are built around the idea that death is to be preferred to the loss of honour, and interfering or altering such social order can turn those communities against themselves and destroy them from within. In 2013 the UN helped 38,000 victims of sexual violence in Syria, but such number is likely to be only a small fraction of the real one. In fact, shame and rejection of the abused or raped woman are embedded in the Syrian culture; therefore, in order to save the family's honour, women are often forced to marry their assaulters or are killed by a family member. The number of “honour crimes” has drastically increased since the outset of the conflict and between 300 and 400 such killings are reported annually¹.

In addition, the Syrian penal code facilitates impunity for rape, and the law does not recognise nor accounts for spousal rape. The Syrian legislation continues to diminish the gravity of “honour crimes”: Article 548 of the Penal Code reads, “He who catches his wife, sister, mother or daughter by surprise, engaging in an illegitimate sexual act and kills or injures them unintentionally must serve a minimum of two years in prison”². As such, a man who kills his wife, mother, daughter or sister caught in “illegitimate sex acts” may be subjected to maximum 7 years of imprisonment, whereas the normal punishment for murder amounts to 20 years of hard labour.

Sexual violence

Sexual violence and rape have become weapons of war and are perpetrated by all parties involved in the conflict. Even if the highest number of cases of sexual harassment and violence has been registered in government-run detention

¹ <https://www.madre.org/sites/default/files/PDFs/Syria%20UPR%20submission%20Final.pdf>

² <http://www.equalitynow.org/content/penal-code-1>

centres, security forces are not the only violators. In fact, six armed groups - including the Islamic State (ISIS), al-Qaeda affiliated Jabhat al-Nusra, al-Islam Brigade, Aknaf Bait al-Maqdis Brigades, Ansar Bait al-Maqdis Brigades and Ahrar Ash-Sham Islamist Movement – were identified as committing sexual violence in Syria in 2014. Armed groups engage in sexual violence and rape, they sell women and girls, they promote sexual enslavement, and abuse them in any possible way.

Sexual violence has become one of the main causes of displacement, but women who leave the country are just as vulnerable, and several women and girls are subjected to the same fate inside refugee camps. Cases of rape, forced prostitution, trafficking, forced marriage and gender based violence are not rare in the camps. Most women are afraid of being assaulted, and they often sleep in dwellings with no locks at the door. Safe spaces for women and children are necessary, but the local governments and the UNHCR have failed to provide the necessary protection to the most vulnerable segments of the population.

Conditions in detention

Whether prisoners are held in government detention centres or makeshift prisons set up by terrorist groups, their conditions are just as desperate. International independent monitoring mechanisms are not allowed in the Syrian detention centres; therefore, it is impossible to obtain accurate statistics on the number of deaths occurring in such places. However, thanks to the smuggled pictures and the information provided by former detainees, local activists and nongovernmental organizations, it has been possible to identify the patterns of violations as well as the main causes of death in detention.

Prisoners are subjected to physical and psychological tortures that reach their peak during interrogations, but the conditions of detention are so degrading that they can easily be considered as torture as well. Detainees are locked into cells that can measure up to 70 square meters; sometimes they are left alone in the cell, other times the room is so crowded that the prisoners can only stand. In the cells, the hygienic conditions are appalling, the prisoners are not provided with adequate portions of food and water, and whoever attempts to complain or protest is immediately beaten, tortured or killed.

Women and girls are often raped and harassed while in detention centres, during interrogations, at checkpoints or when the security forces search their houses. Detainees are often threatened with sexual violence or are forced to cooperate for fear that their children and relatives will be raped or killed. Local nongovernmental organizations and activists have revealed the anguishing reality of the conditions of detention in government-controlled facilities, but victims often do not report cases of abuse for fear of being stigmatised or rejected by their husbands and families. Female activists are subjected to the worst kind of punishment: they are tortured and harassed in inhuman ways, and are physically and psychologically abused by security officers in order to obtain information on opposition movements.

Lack of health care, including reproductive care

Well-functioning medical facilities and trained medical personnel are fundamental in peace times and become vital during a conflict. In Syria, aerial bombings, gunshots, and barrel bombs kill and injure people almost daily; war diseases such as cholera, meningitis and poliomyelitis spread quickly when civilians live in precarious conditions and have limited access to basic health care services, and simple diseases or mild injuries often become deadly or provoke permanent mutilations and disabilities. All parties involved in the conflict have deliberately attacked health facilities, and often, in besieged areas there is no functioning hospital. Humanitarian convoys are regularly denied access in certain areas, and the lack of basic medical supplies has caused a dramatic increase in the number of deaths.

To date, more than half of health care facilities are closed or only partially functioning, 770 healthcare workers and 147 humanitarian workers have been killed since the beginning of the conflict, and 300.000 people suffer conflict-related injuries every month, 30% of whom are left with permanent disabilities. In addition, almost 300.000 pregnant women are not receiving adequate care, and the criminalisation of abortion in Syria has increased the already high rate of

maternal mortality³. Moreover, health care supplies are not available in many opposition-controlled areas, and many neighbouring countries (especially Turkey) deny access to Syrian refugees, even to those affected by chronic conditions or to pregnant women.

Recommendations:

We, NGOs Signatories to this statement recommend to the United Nations and its relevant bodies to exert the necessary pressure on the government and all parties involved in the conflict to:

- take immediate measures to prevent security and opposition forces as well as militias from committing gender-based violence and other atrocities
- provide immediate redress to victims of sexual and gender-based violence, including immediate access to legal remedies to hold perpetrators accountable and provision of access to appropriate, gender-sensitive medical care
- amend laws mitigating punishment for “honour killings”, for rapists who marry their victims, and for domestic violence
- ensure that all women, including those living in rural areas, in besieged or hard-to-reach areas, and in refugee camps can access appropriate health care, including reproductive care
- allow independent international monitoring mechanisms to enter detention facilities, and cease immediately all forms of torture, sexual violence and any other inhuman or degrading treatment perpetrated in such facilities

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), Alliance to Renew Co-operation among Humankind, The Iraqi Centre for Human Rights, The Perdana Global Peace Foundation, The International League of Iraqi Academics (ILIA), Women Solidarity for an Independent and Unified Iraq, Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, NGOs without consultative status, also share the views expressed in this statement.

³ https://www.humanitarianresponse.info/system/files/documents/files/2017_syria_hno_2.pdf