

CHECK AGAINST DELIVERY

Statement by Ms. Mariana Karkoutly
UN Security Council Open Debate on Sexual Violence in Conflict
13 April 2022

Mr. President, Excellencies, civil society colleagues,

My name is Mariana Karkoutly, and I am a legal investigator and co-founder of Huquqyat, a membership-based organization of women lawyers and legal practitioners advocating for accountability in Syria. Thank you for the opportunity to deliver this statement today.

Mr. President, let me start by saying that what drove me to study law was not love of the law, but the experience of injustice. While studying law under a dictatorship did not teach me much, witnessing women in Syria fighting for their rights did.

Accountability, the theme of this open debate, is a difficult word to say in the Syrian context. We have experienced all sorts of atrocities for over a decade, with more than 350,000 people killed, tens of thousands arbitrarily detained or disappeared, nearly 13 million displaced, and another 14 million in need of humanitarian assistance. Parties to the conflict have blatantly violated international human rights and humanitarian law, used chemical weapons and committed acts that amount to war crimes and crimes against humanity. Government forces and armed groups continue to murder, torture and use sexual and gender-based violence against civilians as a matter of policy.

Yet despite discussing Syria for more than a decade, this Council has failed to take actions to hold perpetrators accountable. The Syrian government has systematically violated not only international law, but many of the Security Council's own resolutions. Meanwhile, members of this Council have blocked urgent action on Syria, shielded the Syrian regime from accountability, and vetoed resolutions on humanitarian assistance and investigating the use of chemical weapons against civilians 16 times.

My statement today will focus on three issues:

- 1) The use of sexual violence against women,
- 2) Entrenched gender discrimination in Syria, and
- 3) Next steps for the international community to ensure accountability.

Sexual violence in detention settings

As documented by the UN Commission of Inquiry on Syria, sexual and gender-based violence has been used against civilians during ground operations, at checkpoints and in detention, across the country since 2011, primarily by Government forces and associated militia, but also other armed groups. It has been called a "devastating and pervasive feature" of the Syrian conflict and part of a widespread and systematic attack against civilians, amounting to crimes against humanity. Sexual violence, which has disproportionately affected women and girls, continues as we speak.

I have worked as an independent investigator with the support of the Center for Justice and Accountability since 2020 on case-building against members of the Assad regime responsible for crimes against civilians. To date, we have documented 54 testimonies, including of survivors of sexual violence. These are just some of the hundreds that have been documented by human rights groups, out of tens of thousands of survivors.

Over the last decade, at least 150,000 people in Syria are estimated to have been arbitrarily arrested, detained or disappeared; at least 9,700 women still are. These women—lawyers, journalists, activists and others—have been detained for opposing the regime, or often, to punish or threaten male relatives who have. In places of detention, sexual violence is used to humiliate them, to punish them for rebelling, to force confessions, and to deter future opposition. Women in detention have been subject to all kinds of sexual violence, including rape, torture, sexual harassment, electric shocks directed at genital areas, intimate searches, forced abortions, and forced nudity. The violations have occurred in the course of being arrested, while en route to detention facilities, upon admission, and during detention.

Survivors of rape and sexual violence in detention, estimated to number in the thousands, have largely been unable to report these crimes for fear of marginalization or further retaliation. Discrimination and violence against women and girls who have been detained, or who have faced sexual violence, have resulted in abandonment, divorce, so-called “honor killings,” and suicide.

The Syrian regime has taken advantage of this: they knew that by targeting women in this way, they were in fact targeting their families and communities as a whole. This is why arresting and detaining women, leaving their families with no information about their fate, has been a key tool used to suppress Syrian dissent since 2011. The systematic occurrence of these crimes across the country provides reasonable grounds to assert that the regime has weaponized gender-based violence as a matter of state policy.

Pervasive gender discrimination

The Syrian regime’s actions have been possible because of a corrupt legal system and entrenched discrimination against women and girls in Syria, which impacts their access to housing, land, property rights, custody of their children, as well as their protection. For instance, laws in Syria do not criminalize sexual or gender-based violence against women or marital rape. Syria is one of just twenty-five countries in the world that prevents women from passing their nationality to their children. Until 2019, Syria’s Personal Status Law restricted freedom of movement of women with minor children unless approved by the child’s father, trapping women in dangerous situations with no means to escape. And even where laws have changed, social practice has not. To socialize change in gender norms, Syrian civil society must be able to fully and freely function and engage with their own government, something that is currently impossible under the Assad regime.

Furthermore, sexual and gender-based violence against women does not end inside Syria, but continues in the camps, settlements and cities throughout the region where millions of Syrian refugees face discrimination, poverty and lack of access to healthcare and education, all while experiencing pressure to return to a country that is not yet safe. For example, in Al-Hol camp in northeast Syria, 80% of the 60,000 people living there are women and children who face persistent violence, restrictions on their movement, and limited access to services. Today, rates of forced child and early marriage of girls living in refugee camps are four times higher than before the war, with families marrying off their young daughters in order to meet financial needs and cope with precarious living conditions. These marriages often result in girls as young as 13 being abandoned, dropping out of school, and living in situations of isolation and poverty. They are unable to exercise their rights to health or bodily autonomy, which can lead to situations of forced labor.

Steps toward accountability and ending impunity

Accountability efforts are critical for Syrians, who are desperate for justice after more than a decade of war. Domestic accountability is impossible as long as the Assad regime remains in power. While today, multiple European countries are pursuing universal jurisdiction cases against suspects allegedly involved in crimes committed in Syria, we are also learning the limitations of such efforts, including the need to take into account the realities of the local context in Syria, such as fear of retaliation for reporting to local authorities, and the trauma and stigmatization of survivors of sexual violence, both of which affect the ability and willingness of victims to come forward.

Mr. President, Syrians can no longer wait for justice. We encourage all UN Member States to continue to pursue accountability under universal jurisdiction. But we are also looking to you, the Security Council, for help, by referring the situation in Syria to the International Criminal Court.

Despite 14 years of this Council's condemnation of the use of sexual violence in conflict, impunity prevails, not only in Syria but in many other conflicts on this Council's agenda. This is often not because sexual violence has been inadequately criminalized, or because perpetrators are unknown, but due to a lack of political courage.

The Security Council must call on the Syrian government to:

- Respect international law, end attacks on civilians and civilian infrastructure, and ensure an immediate, permanent nationwide ceasefire to allow the country to address its ongoing health and humanitarian crises, including growing food insecurity.
- Immediately end torture, inhumane treatment and sexual violence, including in places of arrest and detention.
- Release all arbitrarily detained persons. Allow unconditional access to all places of detention by international humanitarian and medical organizations so that they may immediately deliver food and medical aid. Release the names, statuses and locations of all detainees, and a timetable for their release.

To you, the Security Council, Member States and the UN, I urge you to:

- Refer the situation in Syria to the International Criminal Court.
- Adopt a resolution on the situation of detainees and missing persons that underlines the Syrian government's obligations under international law, and reflects the priorities outlined by associations representing victims, survivors and their families, such as the Truth and Justice Charter, including support for the creation of a mechanism to clarify the fate of missing persons and support their families.
- Investigate and prosecute all perpetrators of sexual violence. Ensure that any efforts to secure accountability, including the International, Impartial and Independent Mechanism (IIIM), place women's rights and gender equality at their core.
- Ensure women's full, equal and meaningful participation in all ongoing and future political, peace or reconciliation processes, including a new constitution.
- Prioritize prevention and mitigation of gender-based violence, and ensure women and girls in Syria have access to survivor-centered, non-discriminatory and comprehensive services, including by providing access to national social and healthcare systems, safe accommodation and economic opportunities by ensuring the legal right to work and equal pay, protection of all human rights, and access to justice.
- Ensure that the Special Representative of the Secretary-General on Sexual Violence in Conflict reports regularly to the Security Council on use of conflict-related sexual violence against women and girls in Syria, including in places of detention, and that any efforts to address these issues are developed in consultation with women's groups in Syria.
- Ensure that the Special Envoy for Syria prioritizes human rights and international humanitarian law, including arbitrary detention, enforced disappearances, torture and gender-based violence, in political discussions that he convenes Syrian civil society on how to address these issues, and regularly briefs the Security Council on these efforts.
- Renew the cross-border mechanism for at least twelve months and reauthorize access via all original crossing points so that the humanitarian response is able to meet the rapidly growing needs across northeast and northwest Syria. Cross-border access is an indispensable lifeline for millions of people in Syria, the majority of whom are women and children.
- Pressure arms-exporting countries to stop arms proliferation, and prevent the use of weapons against all civilians.

When people in Syria watch conflicts rage in Ukraine and other parts of the world today, we are reminded of our own suffering, and the abject failure of this body to stop the violence. I join my voice with those of the millions of girls and women from Syria who are not here with me today, and call on you to take action. There can be no peace without justice.

Thank you.