

# ISIL, THE SYRIAN CONFLICT, SEXUAL VIOLENCE, AND THE WAY FORWARD: SYRIAN WOMEN'S INCLUSION IN THE PEACE PROCESSES\*

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### I. INTRODUCTION

*We do not have a sectarian agenda. We do not have a regional agenda. We do not have an international agenda. The only agenda we have is to stop the killing, stop the dividing of the country, protect our homeland and end this horrible war.*<sup>1</sup>

— Syrian Women's Rights Activist

Today we face the prospect of a Syrian peace agreement with disappointment at its delay and frustration that, yet again, negotiators embrace a framework that ignores obligations under international law to include the participation of women civil society members. While the international community has mandated women's full and equal participation in all aspects of peace and security efforts through U.N. Security Council Resolution 1325 and its subsequent resolutions,<sup>2</sup> there remain significant barriers to the comprehensive implementation of the women, peace and security agenda in policy and practice.

Superimposed onto the civil war in the Syrian Arab Republic (Syria) is a global battle for influence, with weapons pouring in from multiple countries to the Syrian military, Islamic State of Iraq and the Levant (ISIL) and other armed groups. As the international community's attention inevitably

1. Conversation with Syrian women's rights activist discussing the movement by women-led Syrian civil society calling for peace, in Beirut, Leb. (Oct. 21, 2014) (name omitted for safety reasons).

2. S.C. Res. 1325 (Oct. 31, 2000); subsequent resolutions include, S.C. Res. 1820 (Jun. 19, 2008); S.C. Res. 1888 (Sept. 30, 2009); S.C. Res. 1889 (Oct. 5, 2009); S.C. Res. 1960 (Dec. 16, 2010); S.C. Res. 2106 (Jun. 24, 2013); S.C. Res. 2122 (Oct. 18, 2013).

turns to these outside actors, what must not be lost in the geopolitical wrangling, is that the most viable solutions lie within Syrian civil society, and in particular among the organized base of Syrian women's groups. The international community, however, has marginalized the voices of Syrian women in a faltering peace process that to date shows poor chances of producing a lasting cease-fire, much less signed peace accords. In the midst of the conflict, sustainable measures for the prevention and protection against gender-based violence are at risk of being ignored and forgotten.

Barriers impeding women's participation in conflict resolution mainly stem from the prevalent perception among heads of states that the role of local women's groups is limited to being the caretakers of those left vulnerable by crisis. Some have gone as far to dismiss women as too "emotional."<sup>3</sup> As a result, these officials frequently fail to recognize the critical work of women's right groups at community-level peace building.<sup>4</sup> Consequently, and very often at critical policy moments, women's voices representing civil society's concerns are assigned a 'second-tier' status on the notion that other 'hard' security issues are a 'prerequisite' for human rights and hence take precedence.<sup>5</sup> In other words, the international community has a pattern of practice for prioritizing those with guns to be at peace talks. History teaches that the consequences are often devastating.

A very recent example of this is the exclusion of Syrian women from the Geneva II Peace Talks in 2014<sup>6</sup> and 2015,<sup>7</sup>

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3. See, e.g., Dulcie Leimbach, *Syrian Women Are Ready to Participate in UN-Led Geneva Peace Talks*, PASSBLUE (Jan. 20, 2016), <http://passblue.com/2016/01/20/syrian-women-are-ready-to-participate-in-un-led-geneva-peace-talks/>.

4. See, e.g., Human Rights Watch, "Our Rights Are Fundamental to Peace": *Slow Implementation of UN Security Council Resolution 1325 (2000) Denies the Rights of Women and Girls in Armed Conflict* (August 13, 2015), <https://www.hrw.org/news/2015/08/13/our-rights-are-fundamental-peace>. For an in-depth discussion on Iraqi women's rights violations in the context of the ISIL, see Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, 22 SW. J. INT'L L. 27 (2016).

5. Human Rights Watch, "Our Rights Are Fundamental to Peace", *supra* note 4, at 5.

6. Hibaaq Osman, *Where Are the Syrian Women at the Geneva Peace Talks?*, THE GUARDIAN (Jan. 23, 2014), <http://www.theguardian.com/commentis-free/2014/jan/23/syria-women-geneva-peace-talks>; Madeleine Rees, *Syrian*

even as women continue to mobilize critical peace-building initiatives across the country. To the north in ISIL-controlled Deir Ezzor and the government-controlled Al-Hasaka, women are working to prevent the recruitment of child soldiers and small arms proliferation.<sup>8</sup> In the contested city of Idlib women have organized discussion workshops on the links between Islamic principles and democracy.<sup>9</sup> To the south, in Dariaa women are holding consultation sessions on what implementation of Resolution 1325 in Syria would look like.<sup>10</sup> In Damascus women are advocating for peace processes to include the political solutions laid out in the Geneva I Communiqué.<sup>11</sup> They are also raising women's rights concerns through law and policy including calls to reform the Nationality Law, and organizing hearing sessions for sexual abuse survivors to memorialize violations for future transitional justice processes.<sup>12</sup> The Syrian Women's Forum for Peace laid out a "Seven-Point Roadmap to a Gender-Sensitive Peacebuilding Process"<sup>13</sup> putting forth measures that go beyond bringing an end to the conflict and demand practical reforms that would reduce the

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*Women Demand to Take Part in the Peace Talks*, OPEN DEMOCRACY (Jan. 12, 2014), <https://www.opendemocracy.net/5050/madeleine-rees/syrian-women-demand-to-take-part-in-peace-talks-in-geneva>.

7. Conversation with Syrian Women's League member & Barbro Svedberg, Women's Int'l League for Peace & Freedom (Sept. 29, 2015) (following a meeting with Staffan de Mistura, the U.N. Special Envoy for Syria) (name omitted for safety reasons); *Peace Talks to End Syria's War Need Women*, MADRE (Oct. 30, 2015), <https://www.madre.org/press-publications/statement/peace-talks-end-syria%E2%80%99s-war-need-women>.

8. Conversation with Syrian women's rights activist living and working in Der Ezzor, in Istanbul, Turk. (Oct. 16, 2015) (name omitted for safety reasons); RAZAN GHAZZAWI ET AL., BADAEL & KVINNA TILL KVINNA, "PEACE-BUILDING DEFINES OUR FUTURE NOW" A STUDY OF WOMEN'S PEACE ACTIVISM IN SYRIA 23 (2015).

9. GHAZZAWI ET AL., *supra* note 8, at 22.

10. *Id.*

11. *Id.*; Conversation with Syrian women's rights activist living and working in Damascus, in Istanbul, Turk. (Oct. 16, 2015) (name omitted for safety reasons). For more information on the Geneva I Communiqué see U.N. Action Group for Syria, Final Communiqué (Geneva Communiqué) (June 30, 2012), <http://www.un.org/News/dh/infocus/Syria/FinalCommuniqu%C3%A9>.

12. GHAZZAWI ET AL., *supra* note 8, at 23.

13. E.g., *The Exclusion of Women from Peace Negotiations*, FREEDOM HOUSE: FREEDOM AT ISSUE BLOG (Jan. 28, 2014), <https://freedomhouse.org/blog/exclusion-women-peace-negotiations#.Vd8Ya5ewtTU>.

likelihood of conflict from recurring. Nevertheless, Syrian women rights activists have been continuously sidelined from formal peace negotiations.

As gender-based violence in Syria escalates, the accruing accounts of atrocious acts of sexual violence have not gone unnoticed. The response to this and other conflict-related gender atrocities has been a growing, yet rhetorical, global commitment to ending gender-based violence in war. This was exemplified by the "Declaration on Preventing Sexual Violence in Conflict," issued by the G8 consortium in April 2013.<sup>14</sup> The declaration mandates systems for prevention, treatment, and redress of sexual violence. It is based on an understanding that when conflict resolutions and their subsequent peace agreements lack provisions or commitments towards gender equality, subsequent gender-sensitive measures proposed at the implementation stage may be rejected as outside the scope of the peace mandate. In this way, current service provisions and future peace agreements that are void of language promoting gender equality may become themselves the obstacles to overcoming nondiscrimination that persists after conflict has ended. Yet lacking is the mechanism for implementation of required gender perspectives.

The reality in Syria today is radically different from March 2011, when young women and men across Syria united in peaceful demonstrations against Bashar al-Assad's regime.<sup>15</sup> Since then, the country has fractured, with ISIL<sup>16</sup> controlling large swaths of territory across Syria and Iraq; Kurdish forces securing the north and pockets of control scattered between different militias and rebel groups. The conflict has left nearly eight million Syrians displaced,<sup>17</sup> with over a hundred thou-

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14. G8 Foreign Ministers Meeting, *Declaration on Preventing Sexual Violence in Conflict* (Apr. 11, 2013), [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/185008/G8\\_PSVI\\_Declaration\\_-\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/185008/G8_PSVI_Declaration_-_FINAL.pdf).

15. See, e.g., Elizabeth Flock, *Syria Revolution: A Revolt Brews Against Bashar al-Assad's regime*, WASH. POST (Mar. 15, 2011).

16. Also known as the Islamic State of Syria and Iraq (ISIS) and the Islamic State.

17. UNHCR, SYRIA EMERGENCY, <http://www.unhcr.org/syria-emergency.html> (last visited June 1, 2016).

sand refugees pushing into Europe and thousands dying along the way.<sup>18</sup>

From the beginning, Syrian women peace advocates have made clear their intent to be included as a third party to the negotiations. In December 2015, the Security Council rushed to pass a unanimous resolution setting out a peace process.<sup>19</sup> Beyond humanitarian aid and a ceasefire, the resolution also commits to a political transition process that includes removing Assad from power. At the vote, U.N. Secretary-General Ban Ki-Moon called on all parties invested in the peace process to ensure the participation of women in the intra-Syrian talks. Several states echoed his sentiment.<sup>20</sup>

Yet moving from ceremonious speeches to concrete action isn't easy. While Staffan De Mistura, the U.N. Special Envoy of the Secretary-General for Syria,<sup>21</sup> has been public in his efforts to include women in the talks, his success is not being measured by his realization of a sustainable peace agreement to the Syrian conflict; it rests on whether he can bring two warring parties to the table. Like Lakhdar Brahimi<sup>22</sup> before him, Mistura's office has repeatedly stated that women civil society participation in peace negotiations as an independent third party actor is simply not possible. With the renewed negotiations, he created a women's Advisory Board ("AB") in Febru-

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18. Jennifer Rankin, *EU Prepares to Scale Back Resettlement of Syrian Refugees*, THE GUARDIAN, (Mar. 16, 2016), <http://www.theguardian.com/world/2016/mar/16/eu-cut-number-syrian-refugees-coming-europe>. Since 2011, over a million Syrians have applied for asylum in European countries and over 140,000 Syrians have arrived in Greece. UNHCR, Europe: Syrian Asylum Applicants, <http://data.unhcr.org/syrianrefugees/asylum.php>; See, BBC, *Migrant crisis: Migration to Europe explained in seven charts*, (Mar. 4, 2016), <http://www.bbc.com/news/world-europe-34131911>.

19. For more information, see Press Release, Security Council, Security Council Unanimously Adopts Resolution 2254 (2015), Endorsing Road Map for Peace Process in Syria, Setting Timetable for Talks, U.N. Press Release SC/12171 (Dec. 18, 2015).

20. *Id.*

21. For more information, see Press Release, Secretary-General, Secretary-General Appoints Staffan de Mistura Special Envoy for Syria, Ramzy Ezzeldin Ramzy Deputy Special Envoy for Syria, U.N. Press Release SG/A/1480 (Jul. 10, 2014).

22. For more information, see U.N. News Centre, *Syria: UN-Arab League Envoy Brahimi Resigns* (May. 13, 2014), <http://www.un.org/apps/news/story.asp?NewsID=47780#.V032CZMrKH0>.

ary 2016, consisting of twelve Syrian women whose role is to “consult” with the Special Envoy.<sup>23</sup>

Both local and international activists have raised alarming critiques about the Advisory Board model.<sup>24</sup> As a mechanism that is charged with delivering the concerns, solutions and expertise of local women peacemakers to Syria’s peace mediator’s office, the AB surprisingly lacks the capacity to inform or gather critical perspectives from Syrian peacemaker networks working on the ground.<sup>25</sup> To ensure the space for these contributions, those organizing peace talks must refrain from merely ticking the gender representation box and move instead towards real inclusion of women and larger civil society.

Confronting deep-seated, discriminatory attitudes that lead to violence—especially in areas of protracted conflict—is essential to advancing sustainable peace. Given the current armed violence and political instability in Syria, it remains critical to strengthen the voices of Syrian women advocates to lay the foundation for redress of gender-based violence and for policy change in the future. Prioritizing local leadership is foundational to building community resilience to end human rights violations. In this moment of crisis in Syria, it is this approach to social change that will help weave solutions out of uncertainty and build a more equitable foundation in the long term. The international community should keep in mind the initial grassroots base of the Syrian uprising, the particular toll of the conflict on Syrian women, and the need for women to be included in peace negotiations now, so that women’s voices are not marginalized in future reconstruction processes that will rebuild Syrian society.

This Article looks at the conflict in Syria and discusses how the inclusion of a women’s rights perspective in peace building lays a critical foundation for addressing gender-based violence and achieving sustainable peace. It begins by providing a background context to Syrian women’s role in mobilizing for peaceful change, starting with the 2011 Syrian uprising.

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23. *See, e.g.*, Haid Haid, DON’T MISREPRESENT SYRIAN WOMEN, AGAIN, NOW, (May. 29, 2016), <https://now.mmedia.me/lb/en/commentaryanalysis/566794-dont-misrepresent-syrian-women-again>.

24. Discussion with Syrian women’s rights activists and several international non-governmental organization representatives, in Beirut, Leb. (May 2, 2016) (names omitted for safety reasons).

25. *Id.*

Next, it explores why it is critical for local women peace-maker's perspectives to be included in peace and transitional processes. Peace agreements that lack a gender perspective can become the very obstacles to overcoming gendered violence and discrimination post-conflict. This Article then explores the legal and cultural underpinnings of gender-based violence in Syria prior to the conflict, and the ways in which these have exacerbated the gendered violence occurring in the context of the conflict. It does this by examining how pre-existing threats to women's rights embedded in discriminatory laws, in particular Syria's laws including the Nationality Law, endanger women and put children of refugees at risk of statelessness. Lastly, it discusses how Syrian women and their international allies are utilizing international human rights mechanisms as a platform to increase visibility and advocate for change, including their participation in the peace processes.

## II. SETTING THE STAGE FOR PEACEFUL CHANGE

As the conflict in Syria metastasizes, local women's organizations continue to advocate together across sectarian divides, calling for women's meaningful inclusion in peace negotiations and in the design of humanitarian aid policies. Understanding the relevance and significance of Syrian women's participation in peace solutions requires looking back to a pivotal moment in the movement for democratic rights in Syria: the 2011 revolution.

On March 15, 2011 Syrians, in mass, took to the streets in peaceful protests against President Bashar Al Assad, drawing inspiration from a wave of uprisings against repressive regimes throughout the Middle East and North Africa, popularly called the Arab Spring. As it began, the Syrian revolution was marked by solidarity across religion, sect, and ethnicity, and included significant participation from Syria's minority populations.<sup>26</sup> In one of many vibrant displays of this solidarity, participants at an April 2011 protest chanted "Peaceful, peaceful; let there be no sectarianism; Islam and Christian."<sup>27</sup> There was also widespread grassroots mobilization encompassing both rural

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26. MOHJA KAHF, *FRIENDS FOR A NONVIOLENT WORLD, THEN AND NOW: THE SYRIAN REVOLUTION TO DATE* 8–10 (2013).

27. *Id.* at 9.



and urban areas, and young women and men organized hundreds of local protest committees.<sup>28</sup>

From the beginning, women played an active role in protests and grassroots mobilization. They filled both leadership roles and the general ranks of the local committees, and organized demonstrations, such as the March 16, 2011 sit-in in front of the Interior Ministry in Damascus, calling for the release of prisoners.<sup>29</sup> As the uprising became militarized, however, women have been sidelined, and their voices marginalized in armed wings and in the political bodies forming outside Syria.<sup>30</sup> Women rights activists eventually found themselves shut out of initial peace negotiations.<sup>31</sup>

As demonstrations continued to be met with violent government repression, what began as peaceful protests by pro-democracy Syrians turned into a protracted war between the Assad regime and opposition forces. Then came the rise of ISIL.<sup>32</sup> Operating as a militia under the direction of Al-Qaeda, ISIL splintered off in April 2013 and became the most powerful and dangerous militia, taking over much of northern and eastern Syria.<sup>33</sup> By January 2014, ISIL had launched an offensive into northern Iraq, where they were met with little resistance. By June, militia members controlled several lucrative oil fields, multiple cities and a large swathe of territory spanning both countries.<sup>34</sup> By August, the United Nations had documented evidence of war crimes and crimes against humanity committed by the militia.<sup>35</sup> Former Chairman of the U.N. Independent International Commission of Inquiry (the "Commission") on the Syrian Arab Republic, Paulo Sérgio Pinheiro,

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28. *Id.* at 11.

29. *Id.* at 7, 11.

30. *Id.*

31. Dulcie Leimbach, *Syrian Women's Groups Push for Equal Role at Geneva II Talks*, PASS BLUE (Dec. 5, 2013), <http://passblue.com/2013/12/05/syrian-womens-groups-push-for-equal-role-at-geneva-ii-talks/>; Rees, *supra* note 6.

32. The Islamic State in Syria and the Levant (ISIL) also known as the Islamic State in Syria and Iraq (ISIS) and the Islamic State (IS).

33. Graeme Baker, *ISIL: Rising Power in Iraq and Syria*, AL JAZEERA (Jun. 11, 2014), <http://www.aljazeera.com/news/middleeast/2014/06/isil-eminent-threat-iraq-syria-20146101543970327.html>.

34. *Id.*

35. *UN Accuses Islamic State Group of War Crimes*, AL JAZEERA (Aug. 27, 2014), <http://www.aljazeera.com/news/middleeast/2014/08/un-accuses-islamic-state-group-war-crimes-2014827153541710630.html>.

said the crimes were so atrocious that he had “run out of words” to describe them.<sup>36</sup>

Today, Syria endures a proxy war with various governments financially supporting numerous militias fighting the government and each other. The conflict that ensued has brought a heavy price: nearly half a million Syrians have died with the death toll still climbing.<sup>37</sup> The brutal violence within Syria has cut off millions of people from access to food, water, fuel, sanitation, health care, and other vital needs. Entire communities have been left under siege and denied life-saving humanitarian aid. While close to eight million people are displaced,<sup>38</sup> another four million have become refugees, fleeing to neighboring Jordan, Lebanon, Turkey and Iraq.<sup>39</sup> Pushing forward in search of resources for survival, refugees fleeing the conflict have made their way to Europe in unprecedented numbers. An estimated 150,000 Syrian refugees are claiming

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36. Nick Cumming-Bruce, *U.N. Investigators Cite Atrocities in Syria*, N.Y. TIMES (Sep. 16, 2014), <http://www.nytimes.com/2014/09/17/world/middleeast/un-investigators-cite-atrocities-in-syria.html>.

37. Anne Barnard, *Death Toll From War in Syria Now 470,000, Group Finds*, N.Y. TIMES (Feb. 11, 2016). For an in-depth look at findings on documented conflict-related killings in Syria from 2011-2014, see Megan Price et al., U.N. Office of the High Comm'r for Human Right [OHCHR], Human Rights Data Analysis Group, *Updated Statistical Analysis of Documentation of Killings in the Syrian Arab Republic* (Aug. 2014), <http://www.ohchr.org/Documents/Countries/SY/HRDAGUpdatedReportAug2014.pdf>. In just one year, the death toll in Syria nearly doubled. See, e.g., ‘Almost Quarter of a Million People’ Dead in Syria War, AL JAZEERA (Aug. 7, 2015), <http://www.aljazeera.com/news/2015/08/quarter-million-people-dead-syria-war-150807093941704.html>; U.N. Office of the High Comm'r of Human Rights, *Human Rights Council Holds Interactive Dialogue with the Commission of Inquiry on Syria*, (Mar. 17, 2015), <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15708>.

38. UNHCR, SYRIA EMERGENCY, <http://www.unhcr.org/syria-emergency.html> (last visited June 1, 2016); See also Karen Yourish, K.K. Rebecca Lai & Derek Watkins, *Death in Syria*, N.Y. TIMES (Sept. 14, 2015), [http://www.nytimes.com/interactive/2015/09/14/world/middleeast/syria-war-deaths.html?\\_r=1](http://www.nytimes.com/interactive/2015/09/14/world/middleeast/syria-war-deaths.html?_r=1).

39. PRESS RELEASE, U.N. HIGH COMM'R FOR REFUGEES, UNHCR: TOTAL NUMBER OF SYRIAN REFUGEES EXCEEDS FOUR MILLION FOR FIRST TIME (July 9, 2015), <http://www.unhcr.org/559d67d46.html>; U.N. HIGH COMM'R FOR REFUGEES, *Syria Regional Refugee Response: Inter-agency Information Sharing Portal*, <http://data.unhcr.org/syrianrefugees/regional.php> (last visited Oct. 3, 2015).

asylum for a mere 33,000 resettlement pledges from states—with a major majority of these committed by Germany.<sup>40</sup>

ISIL controls key terrain in northern Syria, including areas in and around Al Raqqa, Aleppo, and Idlib.<sup>41</sup> The situation has grown more volatile with the addition of a United States military intervention,<sup>42</sup> consisting of air strikes in these areas and the insertion of millions of dollars in training and weapons in an unsuccessful effort to bolster rival Syrian opposition fighters.<sup>43</sup> Russian planes followed, bombing Syrian rebel fighters under the auspices of fighting “terrorism.”<sup>44</sup> With dozens of more states wagering on Syria’s outcome, there is seemingly no end in sight to the conflict.

### III. PROTECTING WOMEN’S RIGHTS AND BUILDING LASTING PEACE: WOMEN’S VOICES MUST BE INCLUDED IN PEACE NEGOTIATIONS

Sustainable peace requires inclusivity. Research shows peace negotiations that meaningfully involve civil society greatly reduce the risk of failed peace agreements.<sup>45</sup> Women

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40. Migration Policy Centre at the European University Institute, *Home SYRIAN REFUGEES: A SNAPSHOT OF THE CRISIS – IN THE MIDDLE EAST AND EUROPE*, (last updated Oct. 2014), <http://syrianrefugees.eu/>.

41. Amnesty Int’l, *Rule of Fear: ISIS Abuses in Detention in Northern Syria*, AI Index MDE 24/063/2013 (Dec. 19, 2013), <https://www.amnesty.org/en/documents/MDE24/063/2013/en/>.

42. Press Release, U.S. Centr. Command, Sept. 23: U.S. Military, Partner Nations Conduct Airstrikes Against ISIL in Syria (Sep. 23, 2014), <http://www.centcom.mil/news/press-release/sept.-23-u.s.-military-partner-nations-conduct-airstrikes-against-isil-in-s>.

43. Karen DeYoung, *Obama Asks for Authorization to Provide Direct Military Training to Syrian Rebels*, WASH. POST (June 26, 2014), [https://www.washingtonpost.com/world/national-security/obama-backs-us-military-training-for-syrian-rebels/2014/06/26/ead59104-fd62-11e3-9332-c0a55b81f48ce\\_story.html](https://www.washingtonpost.com/world/national-security/obama-backs-us-military-training-for-syrian-rebels/2014/06/26/ead59104-fd62-11e3-9332-c0a55b81f48ce_story.html).

44. HELENE COOPER, MICHAEL R. GORDON & NEIL MACFARQUHAR, *Russians Strike Targets in Syria, but Not ISIS Areas*, N.Y. TIMES (Sept. 30, 2015), <http://www.nytimes.com/2015/10/01/world/europe/russia-airstrikes-syria.html>.

45. *Ensuring the Effective Participation and Rights of Women in the Syrian Peace and Mediation Process: A Five-Step Approach* 1 (WILPF et al., Working Paper, 2013) [hereinafter WILPF et al., Working Paper]. For an in-depth discussion on the importance of women’s participation in peace processes and the consequences on the lack of such participation, see RADHIKA COOMARASWAMY, U.N. WOMEN, PREVENTING CONFLICT, TRANSFORMING JUSTICE, SECURING THE

raise critical issues in peace processes that affect all of civil society and contribute practical solutions, from law reform and implementation to rebuilding a more just and sustainable society.<sup>46</sup> For example, in Northern Ireland, women peace builders successfully united activists across political and religious divides.<sup>47</sup> In Sudan, women led demands for the inclusion of social and economic relief into the final peace agreement.<sup>48</sup>

Despite the recognized importance of including women in peace talks, they are rarely included in either formal or informal peace processes. They are underrepresented, whether as civil society participants or as representatives of warring factions. An assessment conducted by U.N. Women of thirty-one major peace processes demonstrated that women represent a strikingly low number of participants—only four percent of signatories to the peace agreements were women and 2.4% have been appointed chief or lead mediators.<sup>49</sup>

Peace treaties without women do not work. Exclusion from negotiations—whether based on religion, ethnicity, gender, or another protected class—is not only un-democratic, it fuels instability and conflict renewal. This was true for the demilitarized zone of El Caguan, Colombia, where experts repeatedly cite the lack of women's participation as the key reason for years of failed peace talks.<sup>50</sup> The same was true for

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46. A U.N. report on women, peace, and security echoed this, finding the participation of women in peace processes is “crucial in the establishment of sustainable peace. Women cannot voice their concerns if they are not consulted by fact-finding missions or if they are not involved in peace negotiations.” U.N. SECRETARY-GENERAL, WOMEN, PEACE AND SECURITY, ¶ 164, U.N. Sales No. E.03.IV.1 (2002). For an interesting discussion and research findings on the role and impact of all actors and groups included in official peace negotiations, see THANIA PAFFENHOLZ, BEYOND THE NORMATIVE: CAN WOMEN'S INCLUSION REALLY MAKE FOR BETTER PEACE PROCESSES? (2015).

47. Bronagh Hinds, *Northern Ireland: a Transformative Strategy for Women, Peace and Security*, OPEN DEMOCRACY, (Oct. 14, 2014), <https://www.opendemocracy.net/5050/bronagh-hinds/northern-ireland-transformative-strategy-for-women-peace-and-security>.

48. U.N. WOMEN, WOMEN'S PARTICIPATION IN PEACE NEGOTIATIONS: CONNECTIONS BETWEEN PRESENCE AND INFLUENCE 7 (2d ed. 2012).

49. *Id.* at 3

50. CARL MEACHAM, DOUGLAS FARAH & ROBERT LAMB, COLOMBIA: PEACE AND SECURITY IN THE POST-CONFLICT AREA 13 (Mar. 2014), [http://csis.org/files/publication/140304\\_Meacham\\_Colombia\\_Web.pdf](http://csis.org/files/publication/140304_Meacham_Colombia_Web.pdf).

peace accords in Bosnia and Herzegovina. The cantons set up resulted from viewing stakeholders at the peace negotiation solely through the lens of religious or ethnic identity.<sup>51</sup> They failed to include local women peace activists or other representatives of civil society, resulting in a peace agreement that institutionalized a permanent state of ethnic division in an impossible constitution.<sup>52</sup> Post-conflict experience teaches that when women are excluded from peace negotiations, political solutions readily collapse. At minimum, accords without women reflect the interests of the most powerful, failing to create sustainable measures to protect those most affected.

The inclusion of a women's rights perspective in peace negotiations builds the foundation for addressing gender-based violence, promoting women's human rights, and countering gender-based discrimination. When peace agreements lack provisions or commitments towards gender equality, subsequent implementation measures addressing gender discrimination run the risk of being rejected as outside the scope of the peace mandate.<sup>53</sup> In this way, agreements that lack language promoting gender equality may become the very obstacles to overcoming nondiscrimination after peace is declared.

In Bosnia and Herzegovina, despite the international community's knowledge of the use of sexual violence in the conflict and despite the work of women's organizations to address sexual violence as a weapon of war, no women or civil society members were permitted in the Dayton negotiations that formally ended the conflict.<sup>54</sup> According to Madeleine Rees, who worked for the U.N. Office of the High Commissioner for Human Rights as the gender expert and Head of Office in Bosnia and Herzegovina,<sup>55</sup> "[t]he resulting peace agreement institutionalized a permanent state of ethnic divi-

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51. Madeline Rees, *Syria: Women, Peacework, and the Lesson from Bosnia*, OPEN DEMOCRACY, (Oct. 28, 2013), <https://www.opendemocracy.net/5050/madeleine-rees/syria-women-peacework-and-lesson-from-bosnia>.

52. Julian Borger, *Bosnia's Bitter, Flawed Peace Deal, 20 Years On*, THE GUARDIAN, (Nov. 10, 2015), <http://www.theguardian.com/global/2015/nov/10/bosnia-bitter-flawed-peace-deal-dayton-agreement-20-years-on>.

53. U.N. SECRETARY-GENERAL, WOMEN, PEACE AND SECURITY, *supra* note 46, ¶ 201.

54. *Id.* ¶ 198.

55. *Madeleine Rees*, WOMEN'S INT'L LEAGUE FOR PEACE & FREEDOM, <http://www.wilpf.org/madeleine-rees> (last visited Oct. 3, 2015).

sion, and utterly failed to address the needs of the civilian population that suffered innumerable war crimes.”<sup>56</sup> In its enumeration of rights, the Dayton Accords did not promote the inclusion of women in senior levels of the new government, resulting in women’s under-representation from the very beginning.<sup>57</sup> The Accords also failed to emphasize the rights of sexual violence survivors or to offset women’s ongoing political marginalization. Nearly twenty years later, survivors of war-time rape and other human rights abuses continue to struggle to obtain any form of reparations.<sup>58</sup>

These difficult lessons undergird the U.N. Security Council Resolution 1325<sup>59</sup> requirement of equal participation by women in peace negotiations and post-conflict rebuilding. While the Security Council reaffirmed the importance of including women in peace negotiations in Resolution 2122 thirteen years later,<sup>60</sup> there still remains a lack of prioritization in its mandatory implementation.<sup>61</sup>

The cautionary tale of Bosnia and Herzegovina applies forcefully to Syria. Unless mechanisms to prevent and address gender-based violence are developed now, in the framework of the peace process, women’s human rights will likely be subject to the country’s pre-conflict legal framework. Moreover, without such mechanisms, Syria could be left with a legal framework that ignores the momentum that civil society and specifically what Syrian women’s organizations have already created towards law reform—allowing gender-based violence to continue with impunity.

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56. Conversation with Madeleine Rees, Secretary General, Women’s Int’l League for Peace & Freedom (WILPF), in Sarajevo, Bosn. & Herz. (Feb. 12, 2014).

57. U.N. SECRETARY-GENERAL, WOMEN, PEACE AND SECURITY, *supra* note 50, ¶ 201.

58. See Maja Bjelajac, *Bosnia War Compensation Dispute*, INST. FOR WAR & PEACE REPORTING (Jan. 10, 2011), <http://iwpr.net/report-news/bosnia-war-compensation-dispute>; *Bosnia and Herzegovina: Time for Republika Srpska to Make Reparations for War-time Rape*, AMNESTY INT’L (Oct. 31, 2012), <https://www.amnesty.org/en/news/bosnia-and-herzegovina-time-republika-srpska-make-reparations-war-time-rape-2012-10-31>.

59. S.C. Res. 1325, *supra* note 2.

60. WILPF et al., Working Paper, *supra* note 45, at 2.

61. Unlike U.N. General Assembly resolutions, which are persuasive, U.N. Security Council resolutions are binding under international law.

If Syrian women peace builders were meaningfully included, the peace process would provide a strategic opening for advancing women's rights and addressing the widespread gender-based crimes related to the current conflict. That is the lesson learned from numerous conflicts, where women have organized to win meaningful roles in transitional justice processes, successfully broadening their societies' concept of justice to include recognition of women's rights in law.

For instance, under customary law in Apartheid South Africa, women were treated as minors.<sup>62</sup> They could not own or inherit property, nor did they have the legal right to custody of their children. They were dependent economically on their fathers or husbands.<sup>63</sup> In the early 1990's, recognizing that the specific problems women faced were being ignored or sidelined in the negotiations to end apartheid, women's groups began to organize.<sup>64</sup> South African women united across party lines and presented a plan in which each political party should be at least one-third women within the negotiating team for the constitutional process. The result was a resounding advance for gender equality. The Constitution's Bill of Rights includes, among other provisions, a prohibition on discrimination based on gender, sex, sexual orientation, marital status, or pregnancy.<sup>65</sup> It also includes the right for women to make decisions about reproduction, the right to health care, and the right to education.<sup>66</sup>

South Africa is but one example underscoring the various ways that women's participation in peace negotiations could result in better conditions for women and civil society as a whole. The inclusion of women in peace talks not only strengthens post-conflict democratic outcomes, it reflects a democratic imperative that negotiations address the needs and experiences of those most impacted by the conflict. As a deliberate tactic of warfare, Syrian women and girls have been targeted with violence, including rape and sexual assault. Women and children make up the majority of refugees spilling

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62. Sheila Meintjes, *The Women's Struggle for Equality During South Africa's Transition to Democracy*, 30 TRANSFORMATION 47, 53 (1996).

63. *Id.*

64. *Id.* at 48–49.

65. S. AFR. CONST., 1996 ch.2, § 9(3), (4).

66. *Id.* §§ 12(2)(a), 27(1)(a), 29.

over borders into neighboring countries. They comprise over half of Syrian society, and their priorities must be a central concern of peace talks. Similarly, the voices of peaceful, democratic Syrian civil society groups must be heard in the Geneva process. Preliminary results of a survey of representatives from a range of civil society groups indicate that this is indeed what Syrian civil society wants—meaningful participation.<sup>67</sup>

The Human Rights and Gender Justice Clinic has repeatedly found that “[d]espite the many reasons to include women—and the dangers of excluding them—those driving the Syrian peace negotiations have not permitted a real space for women to participate.”<sup>68</sup> Yet Syrian women are still organizing “across sectarian lines to address immediate humanitarian concerns while simultaneously organizing for representation at the negotiating tables, demonstrating Syrian unity and calling for peace” and democracy.<sup>69</sup> Furthermore “They have developed three primary demands of the armed actors and the international community: an immediate ceasefire, unfettered humanitarian aid to Syria’s besieged populations and refugee communities, and immediate release of prisoners by all sides of the conflict.”<sup>70</sup> As they call on the international community for prioritization and support of these demands, they are also implementing them.

#### IV. CHALLENGES TO ADDRESSING SEXUAL VIOLENCE AND GENDER DISCRIMINATION IN SYRIA

*The men raped [my two daughters] and my wife, forcing them onto the ground to do so. They raped them at the same time. When they began to rape my daughters, they forced me*

67. INTERNATIONAL CIVIL SOCIETY ACTION NETWORK (ICAN), INCLUSIVE SECURITY & NONVIOLENT PEACEFORCE, BUILDING MORE INCLUSIVE POLITICAL TRANSITIONS: A REVIEW OF THE SYRIAN CASE (Sept. 2013) <http://www.icanpeacework.org/wp-content/uploads/2013/09/Incl-Syr-Pol-Trans-FINAL-9-92.pdf>.

68. IWHR CLINIC, MADRE, ET AL., SEEKING ACCOUNTABILITY AND DEMANDING CHANGE: A REPORT ON WOMEN’S HUMAN RIGHTS VIOLATIONS IN SYRIA BEFORE AND DURING THE CONFLICT 16 (2014), <http://www.law.cuny.edu/academics/clinics/iwhr/publications.html>.

69. *Id.*; see also Hind Kabawat, *Meet the Women Rebuilding Syria in the Midst of War*, HUFFINGTON POST (Feb. 14, 2014, 5:51 PM), [http://www.huffingtonpost.com/hind-kabawat/meet-the-women-rebuilding\\_b\\_4784424.html](http://www.huffingtonpost.com/hind-kabawat/meet-the-women-rebuilding_b_4784424.html); Leimbach, *supra* note 31.

70. IWHR CLINIC, MADRE, ET AL., *supra* note 68, at 16.



*to raise my head and watch. They raped each of them three times. Then they forced me out of the chair and ordered me onto the ground. They raped me as well and ordered my wife and children to watch. The men were jeering and said, "Look at your Father." They destroyed me.*<sup>71</sup>

Sexual violence is one of the worst forms of gender-based violence. In conflict it should be understood as part of a continuum of violence and discrimination in which gender rights suffer before, during, and post-conflict. Comprehensively addressing the rights and humanitarian needs of survivors of sexual violence in conflict, including women, men, girls, and boys, necessitates addressing pre-existing threats to these survivors—threats that are embedded in discriminatory laws and patriarchal social norms. This includes tailoring preventive measures to not only tackle immediate violations committed during conflict, but also to address the conditions that perpetuate survivors' vulnerability and undermine their capacity to recover.<sup>72</sup>

As a multitude of studies and reports have demonstrated, discrimination and inequality systematized in rigid gender power relations and codified in hetero-normative, patriarchal structures, foster discriminatory social, cultural, and economic norms. This gender inequality lies at the core of all forms of violence against women and girls in both conflict and non-conflict settings.<sup>73</sup> The impact of this deep-rooted discrimination becomes more devastating at key intersections including race, ethnicity, religious affiliation, sexual orientation and gender identity, and economic status, rendering individuals even more vulnerable to sexual violence and abuse, particularly in

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71. Rep. of the Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, Human Rights Council, Annex IX, ¶ 7, U.N. Doc. A/HRC/21/50 (Aug. 16, 2012) [hereinafter U.N. Doc. A/HRC/21/50].

72. See, e.g., Radhika Coomaraswamy (Special Rapporteur on Violence Against Women), *Preliminary Rep. on Violence Against Women*, ¶¶ 49–57, U.N. Doc. E/CN.4/1995/42 (Nov. 22, 1994) [hereinafter U.N. Doc. E/CN.4/1995/42]; U.N. OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, *BROKEN BODIES, BROKEN DREAMS: VIOLENCE AGAINST WOMEN EXPOSED*, U.N. Sales No. 06.III.M.1 (2006); see also Lisa Davis, *Still Trembling: State Obligation Under International Law to End Post Earthquake Rape in Haiti*, 65 U. MIAMI L. REV. 867, 868 (2011) (noting that gender discrimination compounded by conflict increases women's vulnerability to sexual violence).

73. See, e.g., U.N. Doc. E/CN.4/1995/42, *supra* note 72, ¶¶ 49–57; U.N. OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS, *supra* note 72.

times of conflict.<sup>74</sup> In conflict settings, discriminatory laws and legal norms that existed prior to conflict compound women and other marginalized persons—including lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons'—vulnerability to gender-based violence, increasing the harm to survivors, and hindering their ability to obtain redress.<sup>75</sup>

### A. Sexual Violence in Syria's Conflict

Over recent years, shocking patterns of sexual violence perpetrated by ISIL as well as the Syrian regime and other militias have emerged. In accounts from refugees who have escaped conflict-affected cities, women and girls cite rape, or the fear of rape, as one of the main reasons they fled. Such fear of sexual violence committed by armed actors in Syria has unfortunately proven well founded. The conflict in Syria has been increasingly marked by torture and sexual violence used "as a weapon of war to intimidate parties to the conflict destroying identity, dignity and the social fabrics of families and communities."<sup>76</sup> Cases of gender-based violence committed with complete impunity by all combatants are stacking up as the conflict progresses.

With the emergence of ISIL's stronghold, the international community's attention has turned to the steady flow of reports documenting the armed group's flagrant and public acts of egregious crimes including execution, dismemberment, rape, sexual slavery, and flogging. Women and other marginalized persons have suffered the brunt of these viola-

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74. Radhika Coomaraswamy (Special Rapporteur on Violence Against Women), *Review of Rep., Studies and Other Documentation for the Preparatory Comm. and the World Conference*, ¶¶ 10–34, U.N. Doc. A/CONF.189/PC.3/5 (July 27, 2001); see also *A Fact Sheet on Lesbians, Gender and Human Rights Violation: Violence and Abuse of Women*, AMNESTY INT'L USA (July 20, 2005), <http://www.amnestyusa.org/sites/default/files/pdfs/lesbianfactsheet.pdf>.

75. See COOMARASWAMY, *supra* note 45. For a discussion on LGBT rights violations in the context of the ISIL conflict in Iraq, see Lisa Davis, *Iraqi Women Confronting ISIL: Protecting Women's Rights in the Context of Conflict*, 22 Sw. J. INT'L L. 27, 58–63 (2016). For an interesting discussion on the use of the term gender-based violence instead of the term violence against women, see Julie Goldscheid, *Gender, Neutrality, the "Violence against Women" Frame, and Transformative Reform*, 82 UMKC L. REV. 623 (2014).

76. *Displacement in Syria Giving Way for Serious Gender-based Crimes, Warns UN Official*, U.N. NEWS CTR. (Feb. 26, 2013), <http://www.un.org/apps/news/story.asp?NewsID=44230#.VYmkQxNVikp>.

tions. Under the militia's enforcement of a strict and misguided interpretation of *sharia* law, ISIL has subjected women to stoning, lashings, and beatings with sticks for having their hair or faces uncovered, or for not otherwise adhering to a strict interpretation of Islamic dress code.<sup>77</sup> If ISIL's mission succeeds, parts of Iraq and Syria would be ruled by a brutal militia that uses murder and torture against those it judges as disobeying its unique brand of religious extremism.<sup>78</sup>

As the international spotlight remains focused on the egregious violations committed by ISIL, attention has waned from the equally egregious government-committed abuses. In October 2012, for example, government armed forces entered a private family residence near Aleppo, threatening to kill a woman's children if she did not reveal where her husband was hiding.<sup>79</sup> When she refused to say where he had gone, she was sexually assaulted and then killed in front of her six children.<sup>80</sup> In Karm Al Zeitoun women were forced to walk naked in the streets.<sup>81</sup> Additional reports note that women family members of activists and opposition fighters are specifically targeted for sexual violence.<sup>82</sup> U.N. Experts have also documented sexual abuse committed against children perceived to be pro-opposition by members of the Syrian intelligence services and the Syrian Armed Forces. Rape has been used as a tactic of war to "humiliate, harm, force confessions or pressure a relative to surrender."<sup>83</sup> While in detention, both boys and

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77. Oral Update of the Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, Human Rights Council, ¶ 40, U.N. Doc. A/HRC/26/CRP.2 (June 16, 2014); Rep. of the Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, Human Rights Council, ¶ 68, U.N. Doc. A/HRC/27/60 (Aug. 13, 2014).

78. *Id.*

79. Interview with Syrian women rights activists, in Antakya, Turk. (Dec. 5, 2013) (names omitted for safety reasons) (on file with City University of New York (CUNY) School of Law Human Rights and Gender Justice (HRGJ) Clinic).

80. *Id.*

81. U.N. Doc. A/HRC/21/50, *supra* note 71, ¶¶ 98–99.

82. U.N. Secretary-General, *Sexual Violence in Conflict*, ¶ 85, U.N. Doc. A/67/792-S/2013/149 (Mar. 14, 2013) [hereinafter U.N. Doc. A/67/792-S/2013/149].

83. U.N. Secretary-General, *Report of the Secretary-General on Children and Armed Conflict in the Syrian Arab Republic*, ¶ 35, U.N. Doc. S/2014/31 (Jan. 27, 2014) [hereinafter U.N. Doc S/2014/31].

girls have been subjected to electric shocks, or burning of, the genitals.<sup>84</sup>

After determining that the Syrian military's operations in Homs in February and March of 2012, and in Al Haffe in June of that year were "part of a widespread or systematic attack against a civilian population," the Independent International Commission of Inquiry on Syrian Arab Republic in August 2012 concluded that "rapes committed during these attacks, made with knowledge of the attacks, could be prosecuted as crimes against humanity."<sup>85</sup>

The widespread pattern of sexual violence has not been limited to those who fall in the crossfire. Since the beginning of the conflict in 2011, the number of refugees has grown from about 600,000 to more than four million<sup>86</sup>—many intentionally forced into displacement through the use or threat of sexual violence.<sup>87</sup> As the Commission has repeatedly reaffirmed that the pattern and practice of sexual violence carried out by ISIL and the Government of Syria meets the evidentiary standard of abuses amounting to crimes against humanity and war crimes,<sup>88</sup> there is little doubt left that if given the chance,

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84. See, e.g., Rep. of the Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, Human Rights Council, ¶¶ 97–98, U.N. Doc. A/HRC/24/46 (Aug. 16, 2013) [hereinafter U.N. Doc. A/HRC/24/46]; U.N. Doc. S/2014/31, *supra* note 83, ¶ 35–37 ("Allegations of sexual violence by armed opposition groups were also received, but the United Nations was unable to further investigate them at the time of writing owing to lack of access.").

85. U.N. Doc. A/HRC/21/50, *supra* note 71, ¶ 102.

86. PRESS RELEASE, U.N. HIGH COMM'R FOR REFUGEES, *supra* note 39; UNHCR, SYRIA EMERGENCY, <http://www.unhcr.org/syria-emergency.html> (last visited June 1, 2016). U.N. High Comm'r for Refugees, *Syria Regional Refugee Response: Inter-agency Information Sharing Portal*, *supra* note 39.

87. U.N. Doc. A/67/792-S/2013/149, *supra* note 82, ¶ 8.

88. U.N. Doc. A/HRC/21/50, *supra* note 71, ¶¶ 27, 28, 45, 102, 131; U.N. Doc. A/HRC/24/46, *supra* note 84, ¶ 88; Rep. of the Indep. Int'l Comm'n of Inquiry on the Syrian Arab Republic, Human Rights Council, ¶ 164, U.N. Doc. A/HRC/22/59 (Feb. 5, 2013). It should also be noted that the U.N. Secretary General has confirmed the Commission's finding that acts of sexual violence are part of a widespread and systematic attack by the government. U.N. Doc. A/67/792-S/2013/149, *supra* note 82, ¶¶ 84–87. ("In all instances [of sexual violence], the women were accused of supporting the anti-Government armed groups, being involved in protests or being related to those involved with the armed groups or in protests. The commission found that such acts were perpetrated as part of a widespread attack directed against a civilian population, pursuant to or in furtherance of an organizational policy.")

tribunals against war criminals in Syria are inevitable. However when potential future tribunals end, and international attention wanes, relentlessness of sexual violence will likely persist unless the root causes of sexual violence are embraced in the solutions for peace.

### B. *Rape in Syria Before the Conflict*

A major obstacle to addressing gender-based violence in Syria identified by Syrian women activists is the lack of effective laws and implementation.<sup>89</sup> While statistics on rape and other forms of sexual violence in Syria pre-conflict are rare, local activists state that rape was a serious problem in the country, with at least 1,300 known cases of rape documented in 2009.<sup>90</sup> A 2010 U.N. study found that as many as one in four Syrian women may be victims of gender-based violence by their spouses.<sup>91</sup>

Under the Syrian Penal Code, the definition of rape intentionally excludes marital rape; additionally, a perpetrator of rape may mitigate punishment by marrying his victim.<sup>92</sup> In an attempt to justify the lack of legislative measures to address marital rape in the Constitution, the Government of Syria argued to the U.N. Committee on the Elimination of Discrimination against Women (CEDAW Committee) in 2014 that an amendment to the Penal Code providing a reduced term of two years imprisonment for a rapist who marries the victim “is

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89. Conversation with Syrian women's rights activist living and working in Damascus, *supra* note 11.

90. See U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, 2010 HUMAN RIGHTS REPORT: SYRIA 32 (Apr. 8, 2011), <http://www.state.gov/documents/organization/160478.pdf>.

91. Rhonda Roumani, *Study Reveals Domestic Abuse is Widespread in Syria*, CHRISTIAN SCI. MONITOR (Apr. 25, 2006), <http://www.csmonitor.com/2006/0425/p04s01-wome.html>. Similar to the crime of marital rape, current Syrian law does not specifically prohibit domestic violence. The Government of Syria contends, however, that domestic violence is criminalized under various penal code laws, stating, “any woman who is subjected to violence is entitled to resort to the judiciary and to file for a separation [from her spouse] for the reasons specified by law, while retaining all her rights.” Second and Third Periodic Rep. of Syria Addressed to the Comm. on the Elimination of Discrimination Against Women, ¶¶ 48 U.N. Doc. CEDAW/C/SYR/2 (Oct. 25, 2012).

92. U.N. Doc. CEDAW/C/SYR/2, *supra* note 91, at ¶¶ 48, 49.

a step along the road.”<sup>93</sup> Prior to that in 2012, the government stated, “Marital rape is a hypothetical, uncommon case . . . it is an individual, uneducated behaviour or act stemming from the narrow personal characteristics of some husbands, who are unable to determine the psychological or physical state of their wives. Such husbands are few and do not constitute a phenomenon.”<sup>94</sup> Government representatives further reason that measures aimed at providing victims of gender-based violence access to justice and immediate care, such as shelters to ensure sexual violence survivors receive proper health care and psychosocial support, are “unnecessary” since most women will turn to their families, community organizations, or clerics to resolve their issues.<sup>95</sup>

Advocacy by women’s organizations has made a difference. In 2009, for example, and only after pressure from local and international organizations, the Syrian government amended the portion of its Penal Code that allowed for perpetrators found guilty of “honor” killings to have their sentences reduced or waived if the killing was based on a “suspicious state” concerning a female member of the family.<sup>96</sup> The law

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93. Replies of the Syrian Arab Republic to List of Issues and Questions in Relation to the Second Periodic Report of the Syrian Arab Republic, Comm. on the Elimination of Discrimination Against Women, Addendum, at 12, U.N. Doc CEDAW/C/SYR/Q/2/Add.1 (Jan. 22, 2014) [hereinafter U.N. Doc CEDAW/C/SYR/Q/2/Add.1].

94. U.N. Doc. CEDAW/C/SYR/2, *supra* note 91, at ¶ 48.

95. Stating:

It is vital to provide shelter to women and girls who are subjected to domestic violence and abuse and have no one to take them in and to see that justice is done for them. The overwhelming majority of women subjected to violence resort to the family environment to resolve problems; kinship relationships remain important and useful in this regard. In addition, non-governmental organizations and clerics provide advice and guidance to women and girls and foster means of protection and problem-solving. Our culture continues to seek solutions that do not tear a woman away from her family. According to our society’s values, tradition and identity, it is more advantageous for a woman not to go to a shelter unless her problems elude our society’s means of resolution and justice. The need for shelters in Syria is limited, compared to other societies.

*Id.* at ¶ 50.

96. Legislative Decree No. 37 abolishes Article No. 548 of the Penal Law and substitutes it for another that states: “He who catches his wife, sister, daughter or mother by surprise in the act of committing adultery or having unlawful sex with another and then unintentionally kills or hurts either of

now provides a punishment for "honor" killings of five to seven years, a sentence that is still drastically less than the sentence imposed for other forms of murder.<sup>97</sup>

The absence of sufficient programs and laws to protect women and girls from physical and sexual violence prior to the current conflict, now reverberates in the overwhelming scope and impacts of gender-based violence occurring during the war. The Syrian government's permissive approach to "honor" killing places victims of sexual violence at even greater risk. Not only do survivors of sexual violence in the context of the conflict face an absence of resources and support, they also face the potential prospect of being killed by family members acting under an extreme notion of preserving family "honor."

### C. Addressing Statelessness Among Syrian Refugees

*I married a Turkish man when I first arrived to Antakya. Since then, neither the Syrian government nor the Turkish government is willing to grant my son legal status. Syria won't grant my son citizenship because I married a non-Syrian man, and Turkey bars my son from any legal status because we are refugees. Now I feel like I am in jail because I am even afraid to take my son out of this town because he does not have a passport or any legal status.*<sup>98</sup>

According to the United Nations High Commissioner for Refugees (UNHCR), one of multiple hardships impacting some of the over 4.5 million Syrian refugees who have fled to neighboring countries since the start of the conflict is the problem of statelessness.<sup>99</sup> This is not only an issue for Syrians

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them can benefit from the attenuating circumstances, provided that he serves a prison term of no less than two years in the case of killing." Legislative Decree No. 37 of 2009 (Modification of the Overall Sanctions on the Amendment of Article No. 548), *al-Jaridah al-Rasmiyah*, July 1, 2009, <http://parliament.gov.sy/arabic/index.php?node=200&Service=-1&RID=-1&Vld=-1> (Syria).

97. U.N. Doc CEDAW/C/SYR/Q/2/Add.1, *supra* note 93, at 9.

98. Interview with a Syrian women's rights activist, in Antakya, Turk. (Dec. 2013) (name omitted for safety reasons) (on file with City University of New York School of Law Human Rights and Gender Justice (HRGJ) Clinic).

99. AMNESTY INTERNATIONAL, SYRIA'S REFUGEES CRISIS IN NUMBERS, (Feb. 3, 2016), <https://www.amnesty.org/en/latest/news/2016/02/syrias-refugee->

whose personal documents were lost or destroyed in Syria. Among the most vulnerable are children of single mothers with no present fathers. The consequences for mothers denied the ability to register their children's nationality are grave. Many children will be unable to return to Syria and in the meantime denied access to basic services such as education and health care.

Why are so many Syrian children being left stateless? Syria openly embraces the principle of *jus sanguinis*, which confers the right of nationality by law to be determined by having one or both parents who are citizens of the state. However, Article 3 of the Syrian Nationality Act deems persons born outside of the country to be entitled to citizenship only if they are born to a Syrian father. The Legislative Decree explains that the children of a Syrian woman and a non-Syrian father cannot be granted citizenship because a Syrian woman's marriage to a "foreigner" is likely to weaken the "inclination" for "national patriotism" in children, since such mothers "do not feel that tendency."<sup>100</sup> Instead, the Decree explains, they are likely to "instill in their children's minds the love for their [father's] countries and ethnicity, instead of teaching them to love their nation and homeland [Syria]."<sup>101</sup> In practice, the law has been interpreted to bar citizenship to children who cannot *prove* their father is Syrian.<sup>102</sup>

Syria has a history of passing laws that lead to statelessness and adversely impact the everyday affairs of minorities. When Legislative Decree No. 93<sup>103</sup> was passed in 1962, close to

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crisis-in-numbers/; see UNHCR, SYRIAN REGIONAL REFUGEE RESPONSE, <http://data.unhcr.org/syrianrefugees/regional.php> (last visited June 3, 2016); John Davison, *A Generation of Syrian Children Who Don't Count*, REUTERS (May. 3, 2016), <http://www.reuters.com/investigates/special-report/syria-refugees-stateless/> (it should be further noted that about 50,000 children are currently at risk of being stateless).

100. Legislative Decree No. 276 of 1969 (Syrian Arab Nationality and Operational Instructions), *al-Jaridah al-Rasmiyah*, no. 55, Nov. 24, 1969, p. 903 (Syria).

101. *Id.*

102. Conversation with Syrian women's rights activist living and working in Damascus, *supra* note 11.

103. The Arab Republic Of Syria: Parliament, *Legislative Decree 93 of 1962* [*al-Marsoom al-Tashri'ie 93*], (Aug. 23, 1962), <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=9736&RID=-1&Last=9895&First=50&CurrentPage=97&Vld=-1&Mode=&Service=-1&Locl=&Keyl=&SDate=&EDate=&>



120,000 Syrian Kurds were stripped of their nationality when they couldn't prove they had been living in Syria since 1945.<sup>104</sup> They lost all rights to claim Syrian citizenship and were effectively left stateless. Syrian-born Kurds whose fathers were stripped of their Syrian nationality face tremendous difficulties in their everyday lives. They are not permitted to own land, housing or businesses; they cannot be employed at government agencies or state-owned enterprises; and they cannot practice as doctors or engineers. They are also ineligible for food subsidies or admission to public hospitals. They may not legally marry Syrian citizens as their marriages are not legally recognized for either the citizen or the "foreigner," and both spouses are described as unmarried on their identity cards. Additionally, the state will not issue passports or other travel documents to Kurds with "foreigner" status, thereby barring them from legally leaving or returning to Syria. This issue heavily impacts Syrian Kurdish refugees fleeing the conflict who have sought refuge in the Kurdistan region of Iraq. According to a 2013 survey, about 10 percent of these refugees are currently stateless.<sup>105</sup>

Over the last ten years, the women's rights movement in Syria has worked to amend the Nationality Law.<sup>106</sup> In 2004, the Syrian Women's League presented a memorandum to Parliament that called on the government to remove the discriminatory provision barring women from passing on their nationality to their children.<sup>107</sup> A year later, the League presented a petition signed by thousands calling for the law to be amended.<sup>108</sup> The Presidential Palace forwarded the memorandum to the Ministry of Justice and formed a committee to dis-

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Year=&Country=&Num=&Dep=-1&; Sawsan Zakzak, *Kurds of Syria 1962-2011: The Long Road from Census to Citizenship*, THE LEGAL AGENDA, (Jan. 12, 2016), <http://www.legal-agenda.com/article.php?id=743&folder=articles&lang=en>.

104. HUMAN RIGHTS WATCH, VOL. 8, NO. 4 (E), SYRIA: THE SILENCED KURDS 12 (1996).

105. *Lacking a Nationality, Some Refugees from Syria Face Acute Risks* U.N. HIGH COMM'R FOR REFUGEES (Dec. 20, 2013), <http://www.unhcr.org/52b45bbf6.html>.

106. Email correspondence with Syrian Women's League leadership member (Mar. 6, 2014) (name omitted for safety reasons) (on file with author).

107. *Id.*

108. *Id.*

cuss the amendment, resulting in the Ministry's support for changing the law. In 2006, the League called on the head of Parliament and the Prime Minister to support the law amendment and bring Syrian law into regional compliance. However, Parliament voted against this amendment in 2008, arguing that such an amendment would be contrary to Sharia law, based on the interpretation that a child's identity originates from the father's name and nationality.<sup>109</sup>

The campaign did succeed in turning the right of Syrian women to grant citizenship to their children into an issue of public opinion. In 2011, joining in a larger coalition of civil society organizations, the Syrian Women's League presented a new bill to the new Parliament. Again, a committee was formed to discuss amending the law.<sup>110</sup> League members met with representatives from the Ministry of Justice and the Ministry of External and Internal Affairs to discuss the proposed amendment, but the bill was not presented to Parliament for vote before the current conflict began. The protracted conflict, which caused the Syrian refugee crisis, effectively placed on hold any progress on the legal changes the League has fought for so tirelessly.

As with the Kurds, the nationality law has devastating impacts on the civil and economic rights of Syrian women and their children. Children of marriages between Syrian women and foreign spouses cannot inherit property. They lack access to free education and have limited access to health care, social security and other benefits available to nationals, leading to instability and marginalization. It is difficult for them to obtain employment and they are often barred from starting a private business because non-Syrians are ineligible to buy or lease property.

Statelessness is a critical issue for Syrian refugees whose children are born from rape or from religious ceremonial marriages where the couple never completed the process of legal marriage or birth registration. For those who divorce or become single mothers under these conditions, it is extraordi-

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109. Zahra Albarazi, *The Stateless Syrians* 9 (Tilburg Law Sch., Research Paper No. 011/2013, 2013), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2269700](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2269700).

110. Email correspondence with Syrian Women's League leadership member, *supra* note 106.

narily difficult to register their children's nationality. Statelessness also exacerbates refugees' vulnerability to a wide range of gender-based violence including trafficking, forced labor, and forced or early marriage.

Particularly under these harsh circumstances, control over one's fertility and legal status become paramount. Dozens of Syrian women activists have underscored the immediate need for contraception as a safety and survival issue. Additionally, single and expecting mothers need information in an accessible form on marriage and birth registration. Among the most urgent needs Syrian women refugees have identified are reproductive health services and psychosocial and legal support to access rights. A needs assessment conducted by MADRE, an international women's rights organization, in Zata'ari refugee camp in Jordan, found that reproductive health needs, including pre- and post-natal care, support during delivery, newborn care, and family planning were major concerns for women in the camp.<sup>111</sup>

Syrian women advocates recognize the connections between statelessness and the need for access to reproductive health care. They understand that in the long term, to ensure that legal reforms and protection mechanisms are provided for the safe return of refugees, women must be involved in current peace and reconstruction processes.

#### V. GRASSROOTS WOMEN'S MOVEMENT FOR HUMAN RIGHTS AND PARTICIPATION IN PEACE-BUILDING

*You cannot agree to a peace agreement that aims to end the war but does not include justice, because women will pay the price.*<sup>112</sup>

A key to preventing sexual violence in conflict is to "de-weaponize" it as a systematic, predictable tactic of war through initiatives rooted in a human rights framework.<sup>113</sup> Creating

111. Yifat Susskind, *Voices of Syrian Mothers in Za'atari Camp*, MADRE (Apr. 11, 2013), <https://www.madre.org/press-publications/blog-post/voices-syrian-mothers-za'atari-camp>.

112. Conversation with Syrian women's rights activist from Aleppo, in Istanbul, Turk. (Jan. 27, 2015) (name omitted for safety reasons).

113. Yifat Susskind, *What Will it Take to Stop Isis Using Rape as a Weapon of War?*, THE GUARDIAN (Feb. 17, 2015), <http://www.theguardian.com/global-development/2015/feb/17/disarm-isis-rape-weapon-war>.

policies and programs that counter negative social norms including stigma attached to sexual violence, help diffuse their ability to fragment communities.

In order to galvanize the proper response to gender-based violence in the conflict and ensure women's place at any peace negotiations table, Syrian women are utilizing international human rights and humanitarian mechanisms as a widely visible platform from which to advocate for change. They are also organizing together and with other regional and international allies to build on a united platform of strategies for change.

A. *Building a Human Rights Advocacy Platform  
Through CEDAW*

Nearly thirty-five years ago, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) went into effect.<sup>114</sup> This treaty set out a standard of human rights protections for women and obligations for the countries, including Syria, that have ratified it. As a party to CEDAW, Syria must regularly present its record on women's human rights for review before the CEDAW Committee.

In July 2014, the Government of Syria faced that scrutiny. Syrian women's rights advocates and their international allies took the opportunity to help shape discourse at the global level, influencing the questioning to which the regime was compelled to respond. The Human Rights and Gender Justice (HRGJ) Clinic (formerly known as the International Women's Human Rights (IWHR) Clinic) at the City University of New York (CUNY) School of Law,<sup>115</sup> MADRE,<sup>116</sup> the Women's League for International Peace and Freedom (WILPF),<sup>117</sup> and a coalition of Syrian women's organizations submitted two re-

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114. Convention on the Elimination of All Forms of Discrimination Against Women, *opened for signature* Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981).

115. See generally *Human Rights & Gender Justice*, CUNY SCH. OF L., <http://www.law.cuny.edu/academics/clinics/iwhr.html> (last visited Oct. 3, 2015).

116. MADRE is an international women's human rights organization that uses human rights to advance social justice. MADRE, <http://www.madre.org> (last visited Oct. 3, 2015).

117. The International League for Peace and Freedom (WILPF) works to achieve world disarmament, full rights for women, racial and economic justice, and an end to all forms of violence. WOMEN'S INT'L LEAGUE FOR PEACE & FREEDOM, <http://wilpf.org> (last visited Oct. 3, 2015).

ports containing shared concerns and demands to the CEDAW Committee for its review of Syria.<sup>118</sup> These reports serve two critical purposes. In the short-term, they call attention to the need for Syrian women to be equal and meaningful participants in peace negotiations and transitional justice processes. In the long-term, they create a historical record of abuse committed against Syrian women, including gender-based violence by perpetrators on all sides of the conflict. Such treaty body submissions also memorialize the long-standing demands of the Syrian women's movement. Preserving these demands helps safeguard against derailment by the conflict and pressures reconstruction processes in Syria to meaningfully include women's protection measures, thereby generating genuine and sustainable peace.

In addition to providing critical information, they enhance the organizing efforts of Syrian women's organizations that have come together in an unprecedented coalition of groups to create an advocacy platform under a unified voice. As a process driven by local activists that reflects inputs from communities experiencing rights violations, this reporting to CEDAW creates and bolsters that platform. Through community-based documentation, the voices of people previously excluded are amplified at the international level.

The impact of both of these interventions is immediate. Women who must navigate stigma to access crucial care, can tell their stories to Syrian grassroots women's human rights groups, and be heard. For women refugees who are often isolated and lost in the chaos of displacement, to be heard is empowering. However, that impact can dissipate quickly. If activists who share their testimonies are left without recourse, they can lose faith in an international advocacy process that did little to change the material conditions of their lives. As Syrian women activists and their allies continue to present solutions to this danger, the international community should rally behind them.

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118. The report submitted by Syrian women's rights groups was not disclosed to the public for safety reasons. Instead Syrian activists worked with the HRGJ Clinic, MADRE and WILPF to release a second public report that omitted their names but carried forward their recommendations. See IWHR CLINIC, MADRE, ET AL., *supra* note 68.

### B. *Convening Syrian and Iraqi Women's Rights Activists*

WILPF, MADRE, and the HRGJ Clinic in partnership with Sorensen Center for International Peace and Justice at CUNY Law School<sup>119</sup> held a three-day convening of Iraqi and Syrian women activists in Istanbul during February and again in October of 2015, called *Strategies for Change*. Representatives from civil society groups working in eight governorates in Iraq (Baghdad, Basrah, Erbil, Kirkuk, Salah al-Din, Samarra, Sulaymaniyah, and Qadissiya), and a representative from the Iraqi government's Committee of Labor and Social Affairs, joined eight representatives from Syrian grassroots women's group working in six areas across Syria (Aleppo, Al-Hasakah, Al-Reqqah, rural Damascus, Deir al-Zour, and Idlib) in attending the conference. Members of the Yezedi community also attended the October convening.

The *Strategies for Change* convenings provide an open and safe forum for Syrian and Iraqi women's rights advocates to come together and share strategies, stories, and concerns as organized gatherings in country become impossible for many groups to attend. In these convenings, activists highlight challenges as well as best practices in their work, illustrating where international policy has worked, or more importantly, where it has failed. To this end, activists also work together to share their solutions for change.

Participants discussed the root causes of violence against women and identified patterns of violence perpetrated by government forces, and by militias, including ISIL. The convening ended with participants identifying gaps in policy measures and humanitarian aid responses and articulating practical recommendations to the international community for addressing human rights violations in the context of the ISIL conflict. On the last day of the February convening, women's groups presented their strategies for change to representatives from key donor states, who followed up with practical questions on implementation and expressed interest in continuing

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119. The Sorensen Center for International Peace and Justice at CUNY Law School trains social justice lawyers to work from the local to the global levels, protecting rights of those affected by instability, conflict, and repression. *Sorensen Center for International Peace and Justice*, CUNY SCH. OF L., <http://www.law.cuny.edu/academics/social-justice/sorensen.html> (last visited Oct. 3, 2015).

the conversation with their U.N. Mission offices in New York and Geneva.

Challenging the media and the international community's focus on crimes committed by ISIL, participants at the *Strategies for Change* conferences urged international community members to not limit their attention solely to ISIL and ignore the broader realities of the ongoing conflicts. They pointed to the systematic violations of women's rights taking place across both Syria and Iraq in state-controlled regions and ISIL-controlled or contested areas, as well as areas controlled by other militias.

The focus on ISIL has affirmed other obstacles to local groups providing direct assistance and advocacy. For example, the framework that governs the prevention of terrorism financing through the non-profit sector, has impaired the flow of funding to civil society organizations operating in areas controlled or contested by other militias classified as terrorist groups. Despite this, grassroots women's groups throughout both countries continue working to address women's human rights abuses. Their strategies and best practices for addressing sexual and gender-based violence in the ongoing conflicts continue to serve as best practices and models for delivering direct services and humanitarian aid.

Throughout discussions, both Iraqi and Syrian participants repeatedly stressed the importance of continuing the gatherings as a means for women's rights activists to communicate with each other. Many of the strategies for change that Syrian and Iraqi participants identified are tested practices developed amidst severe challenges and active threats to the physical security of activists. The peace building activities they described derive from the expertise of a diverse group of women's rights activists working in the context of ongoing conflicts in Syria and Iraq. Their input for peace negotiations is based on their direct engagement in the interplay between armed conflict and longstanding cultural and political gender-based repression in their country. Their experience is a critical source to the international community for how best to strengthen women's rights and respond to human rights violations in these contexts.

To carry the strategies developed in Istanbul forward, MADRE, WILPF, and CUNY Law School organized a symposium

in March of 2015, entitled *Women Confronting ISIS: Local Strategies and States' Responsibilities* in New York.<sup>120</sup> Attendees heard directly from Iraqi and Syrian women activists working on the front lines in their countries. They engaged with international experts on the themes of protecting civilians and preventing and prosecuting sexual violence in the context of crisis. Over 150 advocates, funders, government representatives, U.N. agency representatives, students, and scholars either watched or attended the event and engaged with panelists in meaningful issues. That same week, Syrian and Iraqi local activists briefed key states and U.N. agencies in briefings hosted by the United Kingdom and the European Union Mission offices in New York.

#### VI. THE WAY FORWARD: INCLUDING SYRIAN WOMEN'S VOICES IN THE PEACE PROCESSES

With the cycle of failing peace talks in Syria propelled by uncompromising parties and state self-interest, there is nothing to lose and much to gain from the potent addition of women to negotiations. Local groups that carry weighty trust and credibility from their communities have unparalleled experience addressing sexual violence and protecting those at risk. Not surprisingly, statistics indicate that peace agreements created without the participation of the local women's groups, more often than not collapse within the first five years of signature, and fail to adequately address a myriad of critical issues including sexual violence, women's human rights, and accountability in the period after the conflict.<sup>121</sup>

Full participation of women-led Syrian civil society initiatives at both the national and international levels and with equal rights and responsibilities to participate, negotiate, and determine the agreements<sup>122</sup> not only makes sense, it is mandated under international law. Advancing women's rights and

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120. For more information or to watch the Women Confronting ISIS: Local Strategies and States' Responsibilities Symposium, see *Women Confronting ISIS: Local Strategies and States' Responsibilities*, YouTube (July 2, 2015), [https://www.youtube.com/playlist?list=PLT4-4QC1WZOsDRb\\_e0DZJPBR0TthwsIAV](https://www.youtube.com/playlist?list=PLT4-4QC1WZOsDRb_e0DZJPBR0TthwsIAV).

121. ACAD. FOR INT'L CONFLICT MGMT. & PEACEBUILDING & U.S. INST. OF PEACE, GENDER, WAR & PEACEBUILDING 4 (2012).

122. WILPF et al., Working Paper, *supra* note 45, at 2.



ensuring women's involvement in peace and security processes cannot be done without recognizing the experiences and insight of these women. Recommendations that Syrian women's rights activists have distilled are clear proposals for sustainable change. Their strategies reflect both the challenges women's rights activists are facing and the actions required for both meeting immediate needs and achieving lasting peace. In the short term, the U.N. Special Representative for Syria should utilize information from women's groups and networks to inform strategies for securing local ceasefires, delivering humanitarian aid, and documenting human rights violations. In the longterm, the international community should ensure that formal peace negotiations include strategies for change from a wide range of women peacemakers.

While potential grounds to address sexual violence for post-war tribunals are being established, rape does not end with peace, nor does it end after international tribunals are concluded. The Syrian government's failure to take seriously the prevention and prosecution of gender-based violence pre-conflict should be a warning to the international community that sexual violence post-conflict will not end with a long-lasting peace agreement, unless Syria's women peacemakers are allowed the opportunity to meaningfully engage in current peace processes.

In post-conflict contexts, strengthening rape laws is a key step towards gender equality. Laws that comply with international standards not only criminalize sexual violence post conflict, but also serve as deterrence for future sexual violence crimes. However, revising criminal penal code provisions is only half the equation for reducing sexual violence in countries recovering from conflict. Laws must then be implemented, requiring broad acceptance among various social sectors, judges, health care workers, prosecutors, and other key actors. In this process, cultural norms that uphold women's rights need to be emphasized, while historical practices or views that mediate against reform of rape laws must be challenged. To ensure that both the necessary legal framework and the enforcement mechanisms to prevent and address gender-based violence are a priority in post-conflict Syria, women must be involved now in the processes that will lead to peace and rebuilding. There is no other party that will carry these

issues forward and act on behalf of women and all of civil society in establishing new governance priorities in Syria.

Peace agreements should not only be about an end to fighting but also about creating conditions where people can thrive and societies can flourish. At the very least, such accords should ensure conditions in which actors aren't driven to take up arms again. Where women have been included in peace building, they have built bridges across parties and issues while meaningfully involving civil society in solutions that promote social change.

As we wait for negotiations, the violence will continue and with it thousands of more civilian deaths. Those dying will be the most vulnerable, those involuntarily trapped between fighting factions, and those whom humanitarian aid fails to reach. Yet, local peace organizers are not invited to the anticipated talks, as if to signal that their stake in their own future and the future of their country is somehow less important than men with guns.

Despite this dismissive treatment, Syrian women continue to organize to make their voices heard and to convey the message that there are ways to peace. As the international community takes tentative steps towards Syrian peace talks, why not try something that is time-tested and has been consistently proven to work? It's time to bring women to the table. And international leaders should take note; Syrian women are not just waiting to be included—they are demanding it.