

Submission to the UN Human Rights Council

*Universal Periodic Review – 26<sup>th</sup> Session*

**Syrian Arab Republic**

**A. Background on the Syrian Conflict and its Impact on Women and Girls**

1. The conflict in the Syrian Arab Republic (Syria), initially between the Syrian Government and a small number of anti-Government armed groups, has shifted into multiple conflicts involving countless actors, including the non-state actor Daesh, also known as the Islamic State in Iraq and the Levant (ISIL) and the Islamic State of Iraq and al-Sham (ISIS). Violence has bled beyond Syrian borders and extremism fuels the conflict's heightened brutality. Gross violations of human rights by all actors continue unabated.<sup>1</sup>
2. Human rights violations include: unlawful killing;<sup>2</sup> torture and ill-treatment; arbitrary arrest;<sup>3</sup> targeting of medical personnel and facilities;<sup>4</sup> enforced disappearance;<sup>5</sup> pillaging and destruction of property;<sup>6</sup> and rape and sexual violence.<sup>7</sup>
3. As the fighting has engulfed the country, the possibility of a normal life has been destroyed. The conflict's impact has been especially grave for women and children, who are particularly targeted and whose rights are systematically violated by the conduct of all parties.<sup>8</sup>
4. Women have been targeted because of their actual or assumed links with male members of forces opposing the Syrian Government. Government forces have arrested female lawyers, journalists, peace activists, and those expressing anti-Government sentiments. Female detainees are imprisoned in squalid cells and subjected to torture and inhuman treatment, often including rape and sexual violence. Medical care, if available at all, is inadequate and no care is taken to address women's distinct medical and physiological needs. Furthermore, the non-state actor Daesh not only targets women, but also operates a regime based on the subjugation of and discrimination against women. Daesh also targets and commits crimes against ethnic and religious minorities along gender lines.
5. Outside Syria, the conditions are hardly better, where the majority of refugees are women and children. Refugee camps are often places of insecurity and concern about the safety of female family members there has led to an increase in early marriages. Repeated exposure to violence, loss of family, multiple displacements, and instability continue to have a particularly devastating impact on the lives of Syrian women and children, especially girls.<sup>9</sup>

6. Even before the beginning of Syria's armed conflict, patriarchal attitudes and deep-rooted stereotypes led to pervasive gender inequality and increased the risk of instability. The absence of women and a gendered voice during the ongoing peace talks entrenches this pattern of discrimination and thus perpetuates discord and conflict.

**B. Gender-Based Violence, Particularly Sexual Violence, Has Characterized the Syrian Conflict**

7. Sexual violence has been one of the most repeated and alarming features of the Syrian conflict. Throughout the country, women and children are targeted by heinous sexual attacks by all sides of the conflict, including the Syrian Government, Daesh, al-Nusra Front, Liwa Al-Islam, Aknaf Bait al-Maqdes, Ansar Bait Al-Maqdis, and Harakat Ahrar Ash-Sham al-Islamiyya.<sup>10</sup> This report focuses on violations committed by the Syrian Government and its forces as well as those perpetrated by Daesh.
8. The Syrian Government and government-controlled militia (Shabbiha) have used sexual violence in three distinct contexts: (1) against women during house searches and at checkpoints; (2) against men and women in detention centers, where it was used to extract information during interrogations as well as to humiliate and punish; and (3) as a way to coerce male relatives fighting with anti-Government armed groups to surrender in return for the release of detainees.<sup>11</sup> In fact, numerous reports by the UN Independent International Commission of Inquiry concerning Syria have confirmed a pattern of Government and Shabbiha's use of sexual violence as a weapon of war during house searches and at checkpoints.<sup>12</sup>
9. Specifically, there are numerous reports of rape, including gang rape and sexual violence, being used as tactics of warfare against women and girls believed to be affiliated with groups opposing the Syrian Government.<sup>13</sup> Reports issued throughout the conflict have detailed military and Shabbiha entering homes and raping women and girls in front of family members, sometimes killing the victims afterwards.<sup>14</sup>
10. Cultural norms, including social stigma, alienation, and feelings of guilt and shame, inhibit victims of sexual violence from speaking out. Additionally, the trauma from sexual violence is often an obstacle to the healing of the survivor, the family, and the wider community. In fact, some female victims have been rejected or killed by their own families,<sup>15</sup> including for becoming pregnant from rape.<sup>16</sup>
11. The pattern and practice of sexual violence carried out by the Syrian Government likely constitute crimes against humanity and war crimes.<sup>17</sup>
12. The Government and its associated actors' systematized program of rape and sexual violence violates the Government's obligations under international law. These include the International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict; Geneva Conventions and their Additional Protocols; and customary international law.

13. As a state, the Syrian Government is responsible for all acts committed by its officially sanctioned agents that breach its international treaty obligations.<sup>18</sup> Thus, the Syrian Government must immediately stop violations of international law by its military or affiliated forces, and it may be liable to provide reparations to victims and their families.
14. Furthermore, the principle of individual criminal responsibility for international crimes is well established in customary international law.<sup>19</sup> As such, the Syrian Government must hold accountable all members of the Government and its military that are responsible for the rampant crimes occurring during the conflict, including rape and sexual violence.
15. In addition to sexual violence committed by the Syrian Government and its affiliated forces, civilians in and near Daesh-controlled territories live in constant fear of Daesh's brutality. Daesh commits heinous crimes against women and girls and continues to do so with impunity. In particular, Daesh has singled out the Yazidi ethno-religious minority, most notably Yazidi women and children, for especially brutal treatment.<sup>20</sup>
16. Daesh specifically and strategically targets Yazidi women and girls as part of its ideology predicated on gender inequality and male dominance over women and children.<sup>21</sup> Furthermore, its state-building strategy requires the subjugation of women and control over their reproductive capacities to guarantee future generations for its caliphate.<sup>22</sup> Daesh relies on these policies, strategies, and practices as justification for its fighters' horrendous crimes against women and girls.
17. The United States, the European Parliament, and the Office of the High Commissioner for Human Rights, among others, have recognized that Daesh is committing genocide against ethnic and religious minorities, including the Yazidi people.<sup>23</sup> It is perpetrating this genocide along gender lines and specifically targeting women and girls with certain crimes of genocide, such as rape and forcible transfer of children. Any interventions, humanitarian missions, investigations, and prosecutions, among others, must take into account Daesh's ongoing genocide, the role of gender in the genocide, and the legal obligations under the Convention on the Prevention and Punishment of Genocide (Genocide Convention) to prevent, suppress, and punish Daesh for crimes of genocide.
18. Under the Genocide Convention and customary international law, the Syrian Government is obligated to prevent, suppress, and punish genocide.<sup>24</sup> In fact, because Daesh is committing genocide within Syria's borders, Syria has heightened duties to act.<sup>25</sup> Syria is violating its legal obligations by failing to take all possible measures that are reasonably within its power to address Daesh's genocide, which includes working with the international community and third-party states to intervene and protect communities facing genocide.

**C. The Government is Impeding Humanitarian Access and Denying Necessary Medical Care, Particularly to Women and Girls**

19. During the conflict, there has also been the deliberate targeting of hospitals, medical personnel and transports; denial of access to medical care; and ill-treatment of the sick and wounded. As a matter of policy, Government forces and Shabbiha interfere with and instrumentalize medical care to further their strategic and military aims.<sup>26</sup> This

violates Syria's obligations to protect humanitarian actors and objects and to ensure humanitarian access.<sup>27</sup>

20. Furthermore, as a result of the rampant sexual violence and rape committed by all parties to the conflict, there is a need to ensure that non-discriminatory medical care, as required by their medical condition, is available to victims of such violence, including access to safe abortion and other sexual and reproductive health services in line with international humanitarian law.<sup>28</sup>
21. As detailed above in paragraph 10, there are significant medical, social, and psychosocial consequences following rape; becoming pregnant from rape only exacerbates these consequences.<sup>29</sup> Accordingly, there is a need for a variety of services and care to help women manage these consequences and prevent or end unwanted pregnancies,<sup>30</sup> including contraceptives.<sup>31</sup> In addition, Syria has highly restrictive laws on abortion and only permits an abortion to save a woman's life,<sup>32</sup> which results in the denial of access to safe abortion services. The dearth of access to health care has forced some women to carry pregnancies resulting from rape to term, either because it was too dangerous to leave the house to seek an abortion or contraceptive services or because they were denied such services.<sup>33</sup>
22. This unavailability of comprehensive and non-discriminatory medical care violates the rights of women and girls raped in war, who have specific rights as the "wounded and sick" under international humanitarian law.<sup>34</sup> Medical care and services must be provided in line with international humanitarian law, despite the existence of prohibitive national laws, such as criminal abortion laws.<sup>35</sup>

#### **D. Women's Voices are Excluded from Syrian Peace Processes**

23. Women's voices are currently missing from the Syrian peace negotiations. Unless mechanisms to prevent and address gender-based violence are developed and incorporated into peace processes, the conditions that led to the conflict in the first place, including gender inequality, will continue. In other words, the distinctly female experience of a war must be included in every part of the discussions and plans to achieve peace and justice in Syria.<sup>36</sup>
24. UN Security Council Resolution 1325 and its progeny obligate states to include women's active and meaningful participation in peace-building and in post-conflict reconstruction in order to ensure that initiatives to address human rights violations, including gender-based violence, are fully incorporated into post-conflict states' governing structures.<sup>37</sup> Furthermore, CEDAW requires women's full and equal participation in such processes,<sup>38</sup> and the CEDAW Committee has called for the "inclusion of a critical mass of women in international negotiations, peacekeeping activities and all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation and peace negotiations at the national, regional and international levels."<sup>39</sup> Women's inclusion is not only an absolute requirement under international law, but also a necessary precursor to sustainable peace.<sup>40</sup> In order for women's voices and concerns to be heard, women must be consulted by fact-finding missions and meaningfully involved in peace negotiations.<sup>41</sup>

25. The absence of women and women's groups from the ongoing ceasefire negotiations and peace processes violates Syria's obligations under Security Council resolutions and CEDAW. The Syrian Government must take steps to ensure women's full, equal and meaningful inclusion in all peace, post-conflict and transitional processes as a matter of law and in the interest of sustainable peace.

#### **E. Recommendations to the Syrian Government**

26. Cease the use of illegal weapons and tactics of war, including rape and other forms of sexual violence.
27. Acknowledge its role in perpetuating gender-based violence and other atrocities in the conflict, immediately end patterns and practices of such violence, and provide redress to victims of violence, including immediate access to legal remedies to hold perpetrators accountable and access to appropriate, non-discriminatory medical care.
28. Take measures to prevent gender-based violence and impunity for such violations, monitor and document instances of gender-based violence, and investigate and punish violence committed by both state and non-state actors.
29. Cease acts of torture or other cruel, inhuman or degrading treatment, including sexual violence.
30. Take reasonable measures and work cooperatively with the international community to fulfill the legal obligations to prevent, suppress, and punish Daesh's genocide against ethnic and religious minorities, such as the Yazidi, Christian, and Shia Muslim.
31. Allow full and unhindered access for humanitarian assistance, in compliance with international humanitarian law and Security Council resolutions 2139 and 2165.
32. End violations of international humanitarian law, protect humanitarian personnel and objects, and ensure peoples' rights to access humanitarian assistance, including all necessary medical care for victims of sexual violence.
33. Uphold its obligation under international law to implement Security Council Resolutions on women, peace and security, in particular by guaranteeing the effective and equal participation of women on all negotiating teams and committees, including through the use of gender quotas.

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<sup>1</sup> Commission of Inquiry on the Syrian Arab Republic, Periodic Update (May 24, 2012), <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/PeriodicUpdate24May2012.pdf>; U.S. Dep't of State, Bureau of Democracy, H.R. and Lab., Syria Human Rights Report 3 (2014), <http://www.state.gov/documents/organization/236834.pdf>.

<sup>2</sup> U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶¶ 45–52, U.N. Doc. A/HRC/22/59 (Feb. 5, 2013), [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.22.59_en.pdf) [hereinafter U.N. Doc. A/HRC/22/59]; U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶¶ 20–24, U.N. Doc. A/HRC/25/65 (Feb. 12, 2014), [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a\\_hrc\\_25\\_65.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/a_hrc_25_65.pdf) [hereinafter U.N. Doc. A/HRC/25/65].

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- <sup>3</sup> U.N. Doc. A/HRC/22/59, ¶¶ 65–66, 88–99; U.N. Doc. A/HRC/25/65, ¶¶ 51–52; U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶¶ 52–60, U.N. Doc. A/HRC/27/60 (Aug. 13, 2014), [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.27.60\\_Eng.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A.HRC.27.60_Eng.pdf) [hereinafter U.N. Doc. A/HRC/27/60]; U.S. Dep’t of State, Bureau of Democracy, H.R. and Lab., *Syria Human Rights Report 26* (2014), <http://www.state.gov/documents/organization/236834.pdf>.
- <sup>4</sup> U.N. Doc. A/HRC/25/65, ¶¶ 107, 111, 113, Annex VII ¶¶ 1, 32; U.N. Doc. A/HRC/27/60, ¶¶ 109–11, Annex V ¶¶ 1–10; U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶ 59, U.N. Doc. A/HRC/31/68 (Feb. 11, 2016), <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-31-68.pdf>; MADRE, *Seeking Accountability and Demanding Change: A Report on Women’s Human Rights Violations in Syria Before and During the Conflict*, Shadow Report to the Committee to End All Forms of Discrimination against Women (CEDAW), 58th Sess. 28 (July 2014).
- <sup>5</sup> U.N. Doc. A/HRC/22/59, ¶¶ 80–83.
- <sup>6</sup> U.N. Doc. A/HRC/22/59, ¶¶ 153–55.
- <sup>7</sup> U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶¶ 98–99, Annex II ¶¶ 5, 59–61, U.N. Doc. A/HRC/21/50 (Aug. 16, 2012), [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf); U.N. Doc. A/HRC/22/59 ¶¶ 106–11, Annex IX ¶ 5; U.N. Doc. A/HRC/25/65, ¶ 69; U.N. Secretary-General, *Sexual Violence in Conflict*, ¶¶ 84–87, U.N. Doc. A/67/792-S/2013/149 (Mar. 14, 2013) [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2013/149](http://www.un.org/ga/search/view_doc.asp?symbol=S/2013/149); Security Council, *Report of the Secretary-General on Children and Armed Conflict in the Syrian Arab Republic*, ¶ 36, U.N. Doc. S/2014/31 (Jan. 27, 2014), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/627/07/PDF/N1362707.pdf?OpenElement>; U.S. Dep’t of State, Bureau of Democracy, H.R. and Lab., *Syria Human Rights Report 23* (2014), <http://www.state.gov/documents/organization/236834.pdf>.
- <sup>8</sup> U.N. Doc. A/HRC/27/60, ¶ 137.
- <sup>9</sup> U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶¶ 83–86, U.N. Doc. A/HRC/30/48 (Aug. 13, 2015), [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.48\\_AEV.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.48_AEV.pdf).
- <sup>10</sup> Security Council, *Report of the Secretary General on Conflict Related Sexual Violence*, 33, U.N. Doc. S/2015/203 (Mar. 23, 2015), [http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2015\\_203.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf).
- <sup>11</sup> U.N. Doc. A/HRC/22/59, ¶ 106, Annex IX ¶ 5; U.N. Doc. A/HRC/27/60, ¶¶ 76–78; U.S. Dep’t of State, Bureau of Democracy, H.R. and Lab., *Syria Human Rights Report 9* (2014), <http://www.state.gov/documents/organization/236834.pdf>; U.N. News Centre, *Displacement in Syria giving way for serious gender-based crimes, warns UN official* (Feb. 26, 2013), [http://www.un.org/apps/news/story.asp?NewsID=44230#Uxc\\_HuddVr0](http://www.un.org/apps/news/story.asp?NewsID=44230#Uxc_HuddVr0).
- <sup>12</sup> U.N. Doc. A/HRC/22/59 ¶¶ 106–11.
- <sup>13</sup> U.N. Doc. A/HRC/22/59 ¶¶ 106–11; *see also* Security Council, *Report of the Secretary-General on Children and Armed Conflict in the Syrian Arab Republic*, ¶ 36, U.N. Doc. S/2014/31 (Jan. 27, 2014), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/627/07/PDF/N1362707.pdf?OpenElement>.
- <sup>14</sup> U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶ 28, U.N. Doc. A/HRC/21/50 (Aug. 16, 2012), [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf); U.N. Human Rights Council, *Written statement submitted by the Cairo Institute for Human Rights Studies (CIHRS), a non-governmental organization in special consultative status*, 3, U.N. Doc. A/HRC/23/NGO/73 (May 23, 2013), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/138/94/PDF/G1313894.pdf?OpenElement>.
- <sup>15</sup> U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶ 101, U.N. Doc. A/HRC/31/68 (Feb. 11, 2016), <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-31-68.pdf>.
- <sup>16</sup> Annick Cojean, *Syria’s Silent Crime: Systematic Mass Rape*, LE MONDE (Mar. 11, 2014).
- <sup>17</sup> *See* U.N. Docs. A/HRC/22/59, A/HRC/25/65, A/HRC/27/60, A/HRC/31/68, A/HRC/21/50, A/67/792-S/2013/149, S/2014/31, A/HRC/30/48, S/2015/203, S/2014/31, A/HRC/23/NGO/73.
- <sup>18</sup> General Assembly, *Report of the International Law Commission*, Chap. IV, Sec. E, Art. 1., U.N. Doc. A/56/10 (2001), <http://www.un.org/documents/ga/docs/56/a5610.pdf>; U.N. Doc. A/HRC/25/65, ¶ 151.
- <sup>19</sup> *Prosecutor v. Tharcisse Muvunyi*, Case No. ICTR-00-55-T, Judgment, ¶ 459 (Sept. 12, 2006).
- <sup>20</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, *Rule of Terror: Living under ISIS in Syria*, ¶ 53–55 (Nov. 14, 2014), <http://www.refworld.org/pdfid/5469b2e14.pdf>; *see also* U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, U.N. Doc. A/HRC/30/48 (Aug. 13, 2015), [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.48\\_AEV.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.48_AEV.pdf); U.N. Human

- Rights Council, *Report of the Office of the United Nations Commissioner for Human Rights on the Human Rights Situation in Iraq in the Light of the Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups*, U.N. Doc. A/HRC/28/18 (Mar. 13, 2015), [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A\\_HRC\\_28\\_18\\_AUV.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_18_AUV.doc); U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, U.N. Doc. A/HRC/28/69 (Feb. 5, 2015).
- <sup>21</sup> See Independent International Commission of Inquiry on the Syrian Arab Republic, *Rule of Terror: Living under ISIS in Syria*, ¶¶ 47–49 (Nov. 14, 2014); Quilliam Found., *Women of the Islamic State: A Manifesto on Women by the Al-Khansaa Brigade* (Feb. 2015), <https://www.quilliamfoundation.org/wp/wp-content/uploads/publications/free/women-of-the-islamic-state3.pdf>; see also Mah-Rukh Ali, *ISIS and Propaganda: How ISIS Exploits Women*, REUTERS INST. FOR THE STUDY OF JOURNALISM (2015), <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Isis%20and%20Propaganda-%20How%20Isis%20Exploits%20Women.pdf>.
- <sup>22</sup> Erin Marie Saltman & Melanie Smith, “*Till Martyrdom Do Us Part*”: *Gender and ISIS Phenomenon*, INST. FOR STRATEGIC DIALOGUE 18 (2015), [http://www.strategicdialogue.org/Till\\_Martyrdom\\_Do\\_Us\\_Part\\_Gender\\_and\\_the\\_ISIS\\_Phenomenon.pdf](http://www.strategicdialogue.org/Till_Martyrdom_Do_Us_Part_Gender_and_the_ISIS_Phenomenon.pdf).
- <sup>23</sup> See European Parliament resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so-called ‘ISIS/Daesh’ (2016/2529(RSP)); Statement of Sec. of State John Kerry (Mar. 17, 2016).
- <sup>24</sup> Convention on the Prevention and Punishment of the Crime of Genocide art. II, Dec. 9 1948, 78 U.N.T.S. 277.
- <sup>25</sup> Application of the Convention on the Prevention and Punishment of the Crime of Genocide Case (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), Judgment, 2007 I.C.J. Rep. 43, ¶¶ 162, 165, 427, 430, 461 (Feb. 26), <http://www.icj-cij.org/docket/files/91/13685.pdf>.
- <sup>26</sup> U.N. Doc. A/HRC/25/65, Annex VII ¶ 1; U.N. Doc. A/HRC/27/60, Annex V ¶¶ 1–10.
- <sup>27</sup> Protection of medical personnel, humanitarian personnel, and humanitarian access is a rule of customary international law. Int’l Committee of the Red Cross (ICRC), *Customary International Law Database*, Rule 25 (Medical Personnel), Rule 31 (Humanitarian Relief Personnel), Rule 32 (Humanitarian Relief Objects).
- <sup>28</sup> U.N. Secretary-General, *Report of the Secretary-General on women peace and security* ¶ 72(a), U.N. Doc. S/2013/525 (Sept. 4, 2013); Preventing Conflict, Transforming Justice, Securing the Peace: Global Study on the Implementation of United Nations Security Council Resolution 1325, 77 (Oct. 2015), <http://wps.unwomen.org/~media/files/un%20women/wps/highlights/unw-global-study-1325-2015.pdf>.
- <sup>29</sup> Prosecutor v. Zejnir Delalic, Zdravko Mucic, Hazim Delic and Esad Landzo (“Čelebići” Judgment), Case No. IT-96-21-10, Judgment, ¶¶ 495–96 (Int’l Crim. Trib. For the Former Yugoslavia Nov. 16, 1998), <http://www.icty.org/x/cases/mucic/acjug/en/cel-aj010220.pdf>; Committee Against Torture, *Concluding Observations: Nicaragua*, ¶ 16, U.N. Doc. CAT/C/NIC/CO/1 (June 10, 2009), [http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.NIC.CO.1\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.NIC.CO.1_en.pdf).
- <sup>30</sup> IWHR Clinic Interview with Syrian women, Sarajevo, Bosnia-Herzegovina (2014).
- <sup>31</sup> IWHR Clinic Interview with Syrian women, Sarajevo, Bosnia-Herzegovina (2014).
- <sup>32</sup> Center for Reproductive Rights, *The World’s Abortion Laws Map 2013 Update 2* (Jun. 2013), [http://reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap\\_Factsheet\\_2013.pdf](http://reproductiverights.org/sites/crr.civicactions.net/files/documents/AbortionMap_Factsheet_2013.pdf).
- <sup>33</sup> MADRE, *Seeking Accountability and Demanding Change: A Report on Women’s Human Rights Violations in Syria Before and During the Conflict*, Shadow Report to the Committee to End All Forms of Discrimination against Women (CEDAW), 58th Sess. 9 (July 2014).
- <sup>34</sup> Common Art. 3 to the Geneva Conventions of 1949; Additional Protocol (I) to the Geneva Conventions of Aug. 12, 1949, and relating to the Protection of Victims of International Armed Conflicts, (1979) 1125 U.N.T.S. 3, art. 10; Additional Protocol (II) to the Geneva Conventions of Aug. 12 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, (1979) 1125 U.N.T.S. 609, art. 7; see also International Committee of the Red Cross (ICRC), *Customary International Law Database*, Rule 26.
- <sup>35</sup> See Jean-Marie Henckaerts, *The Grave Breaches Regime as Customary International Law*, 7 J. INT’L CRIM. JUST. 683, 686–89 (2009); Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, ¶ 158, (July 9), <http://www.icj-cij.org/docket/files/131/1671.pdf>; see also Jelena Pejic, *Non-discrimination and armed conflict*, INT’L REV. OF THE RED CROSS No. 841 (Mar. 21, 2001), <https://www.icrc.org/eng/resources/documents/misc/57jqzq.htm>.
- <sup>36</sup> U.N. Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic* ¶¶ 50–67, U.N. Doc. A/HRC/30/48 (Aug. 13, 2015), [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.48\\_AEV.pdf](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.48_AEV.pdf).
- <sup>37</sup> See e.g. S.C. Res. 1325, ¶¶ 1, 2, 5, 8, U.N. Doc. S/RES/1325 (Oct. 31, 2000).
- <sup>38</sup> Convention on the Elimination of All Forms of Discrimination Against Women art. 7, Dec. 18, 1979, 1249 U.N.T.S. 13.
- <sup>39</sup> Convention on the Elimination of All Forms of Discrimination Against Women GR. 30 ¶ 42, Dec. 18, 1979, 1249 U.N.T.S. 13.

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<sup>40</sup> WILPF, ICAN, Human Rights Watch, Kvinna Til Kvinna, OXFAM, and Democrashe, *Ensuring the Effective Participation and Rights of Women in the Syrian Peace and Mediation Process*, 1, 2 (2013); S.C. Res. 1325, U.N. Doc. S/RES/1325 (Oct. 31, 2000); U.S.C. Res. 2122, U.N. Doc. S/RES/2122 (Sept. 4, 2000).

<sup>41</sup> U.N. Secretary General, Resolution on Women, Peace and Security ¶ 33 (2002).