**Identify, document, investigate and prosecute crimes of sexual torture committed during wars and armed conflicts, and rehabilitate victims and survivors.**

**Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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**Introduction**

Partners for Transparency submits this paper to the Special Rapporteur on the issue of torture and other cruel, inhuman, or degrading treatment or punishment, to clarify the most important and main obstacles that prevent full and prompt investigations and prosecutions into allegations of sexual torture and related crimes committed during armed conflicts in the Middle East and North Africa region, with an explanation of the most important efforts and initiatives related to holding those responsible for crimes of sexual torture accountable or that recognize the rights of survivors and attempt to reintegrate them into society.

**An overview of the prevalence of sexual torture crimes in the Middle East and North Africa region**

Sexual violence and rape during armed conflicts and wars constitute a form of torture and mistreatment, especially when committed deliberately and systematically by warring parties and forces as a harsh method of warfare to achieve a number of conflict-related goals, such as forcing populations to flee their lands or controlling disputed lands and natural resources. In the Middle East and North Africa region, crimes of sexual violence during armed conflicts have spread widely since 2011, and have been used by a number of armed groups and terrorist movements, targeting women and girls to a greater extent than others. However, this does not exclude the fact that some men, boys, and children have also fallen victim to sexual violence.

According to human rights assessments conducted by Partners, sexual torture crimes are prevalent in several countries in the Middle East and North Africa region during times of armed conflicts. In Sudan, the attacks on women and girls have varied during the ongoing war since April 2023, between individual and group rape attempts, and documented reports indicate that 70% of sexual violence incidents were committed by individuals wearing military uniforms for the Rapid Support Forces[[1]](#footnote-1). In Iraq, the terrorist organization ISIS, from 2014 until its decline within Iraqi borders, committed an unlimited number of crimes of sexual torture against Iraqi women and girls, some of whom had not yet reached puberty. They forcibly made them use contraceptives before raping them[[2]](#footnote-2). In Syria, from the beginning of the armed conflict in 2011 until the end of November 2023, 11,541 people were raped[[3]](#footnote-3). In Palestine, since 7 October 2023, the Israeli occupation forces have been involved in the rape of women and girls as a method of humiliation and oppression in the context of military operations they are conducting.

In reality, criminal accountability for perpetrators of crimes of sexual violence during armed conflicts in the Middle East and North Africa is extremely rare and limited. This scarcity of reported incidents is often due to victims' fear of shame and societal stigma linked to sexual violence. It is estimated that Many women, especially in patriarchal societies, avoid seeking medical help after rape during conflicts, fearing social exclusion due to concerns about honor and dignity.

Victims also face many obstacles in terms of accessing justice and compensating for damages, including the absence of internal legal frameworks to hold perpetrators of sexual violence accountable or deficiencies in these frameworks. Likewise, the victims may still be under the control of the same entities they accuse, forcing them into silence out of fear of retaliation and future pursuit. There is also a continuous escape by the perpetrators of these crimes from accountability, deliberate obstruction of investigations, delays, and procrastination, in addition to the lack of political will by the international community in some cases and the immunity enjoyed by the criminals from prosecution, not to mention the absence of witnesses at times or the difficulty in identifying the perpetrators. All of these factors hinder the investigation of sexual violence and rape crimes, making impunity inevitable.

Despite all these circumstances, many bodies and law enforcement agencies in the Middle East region are trying to take steps towards justice to hold accountable those responsible for crimes and violations of sexual violence during armed conflicts, while rehabilitating victims and compensating them for the physical harm they suffered as a result of those crimes. At the same time, there are actively beneficial efforts undertaken by a number of parties regarding the prosecution of perpetrators in accordance with the principle of universal jurisdiction.

**Obstacles and barriers that prevent the investigating crimes of sexual torture during armed conflicts**

Criminal accountability for perpetrators of sexual violence remains extremely rare in all conflicts and armed conflicts in the Middle East. Investigations face a number of obstacles compared to other crimes, perhaps the most important of which is the social stigma surrounding sexual violence, which makes victims hesitant to come forward and report the crime, for fear of being rejected and societal persecution. Also, many women who are victims of the crime do not seek medical services for the same reason, as some rape victims are abandoned by their families and forced to leave their homes or divorce their husbands, destroying their reputations. This is in addition to the collapse of health and medical services and facilities during armed conflicts, which prevent the provision of optimal healthcare services to rape survivors.

In Sudan, UN estimates indicate that mass rapes have occurred since April 2023, leading to the suicide of a number of women for fear of shame and social stigma[[4]](#footnote-4). Estimates from Sudanese civil society organizations also indicate that the cases of sexual violence incidents related to the conflict is higher than what is being officially reported[[5]](#footnote-5).

In the same regard, some of the human rights testimonies published by civil society organizations related to the rape of women and girls by the Rapid Support Forces are under a pseudonym due to the victims’ fear of societal stigma[[6]](#footnote-6). Likewise, the fear of societal shame has contributed to delaying the treatment of rape survivors, which requires treatment within 72 hours after the rape occurred, which led to some victims attempting suicide for fear of confronting society. It is worth noting that there are cases of raped women who resulted in pregnancy, and after the completion of the pregnancy period, they gave birth to the fetus, but their families refused to receive the newborn[[7]](#footnote-7).

In Syria, due to fear of stigma, rape victims often refrained from resorting to medical services, or refused to undergo medical examinations or documentation that could reveal sexual violence. An incident in northern Syria in 2022 exemplifies this, where a woman who had experienced multiple rapes by an armed faction sought medical help but refused a secret medical examination to prevent her name from being linked to rape-related injuries in the records. She did not contact local law enforcement authorities, but instead quit her job and avoided going out to reduce the possibility of her being exposed to further risks. Reports from northern and northwest Syria highlight threats faced by medical staff from families of rape survivors, who hold these workers accountable for verifying the loss of virginity in technical terms. Health workers, therefore, fear for their safety when they encounter victims showing physical signs of rape, leading to vague documentation of medical exams to prevent being accused of falsifying rape cases[[8]](#footnote-8).

On the other hand, regulatory gaps in the laws continue to impede the trial of criminals and individuals accountable for sexual violence crimes, especially the insufficient procedures stipulating procedures for complaints, investigations, or criminal prosecutions. These laws also do not adequately guarantee protection to victims from sexually transmitted diseases resulting from rape. For example, the Sudanese Penal Code stipulates in Articles 135 and 149 penalties for rape crimes, but they do not rise to the level of a crime. Likewise, these laws do not guarantee medical protection for Sudanese women who have been raped due to the complexity of routine procedures under war conditions. The woman must have an Ornec 8 extracted to obtain medical support, which is a criminal form used by the police under the Medical Commission Law to prove the apparent harm to the injured person, provided that the internal harm is left to the doctor. this is very difficult in the current war conditions[[9]](#footnote-9).

On the other hand, many victims do not report crimes of sexual violence to which they are exposed due to fear of reprisals or intimidation to which they are exposed at the hands of those who committed these crimes. A notable illustration is the accounts of survivors of sexual assaults during the Sudanese war[[10]](#footnote-10). There is evasion by the perpetrators of these crimes from accountability, deliberate obstruction of investigations, and delay and procrastination. Despite evidence of sexual violence crimes committed by Sudan's Rapid Support Forces (RSF), the political advisor to the RSF, rejected all of these crimes and confirmed that those who commit them are People impersonating the personalities and characteristics of the RSF[[11]](#footnote-11).

The lack of political will of the international community in some cases, and the immunity that perpetrators enjoy from prosecution, represent a basic factor in continuing to obstruct investigations related to these crimes. Despite the escalating incidents of sexual violence committed by the Israeli occupation forces against women and girls in Palestine, including rape and stripping of clothes[[12]](#footnote-12), the absence of international political will and the support of a number of major countries for the Israeli occupation forces, as well as the slow response of international bodies, especially the International Criminal Court, towards the leaders of the Israeli occupation forces encourages them to continue committing such crimes.

**Attempts to hold those responsible for crimes of sexual violence accountable**

Despite the impunity of those responsible for crimes of sexual violence in the Middle East, there are international human rights attempts, as well as attempts by civil society organizations, calling for holding perpetrators accountable, in addition to compensating victims for the violations they have been exposed to, not to mention reducing the societal effects and social stigma on people victims. In January 2024, a number of civil society organizations launched the “Together Against Rape and Sexual Violence” campaign to provide urgent and effective protection for the women of Sudan, with a focus on preventing sexual violations in the current period of war, improving the social and legal conditions of those affected, and holding those responsible for these violations accountable[[13]](#footnote-13).

In March 2021, the Iraqi Parliament passed the Yazidi Women Survivors Law. The law includes Yazidi survivors and Yazidi women who were kidnapped by ISIS before 2014, in addition to women from the Christian, Turkmen, and Shabak communities who survived the mass killings and liquidations carried out by ISIS in their areas. The law establishes a specialized administration for survivors, overseen by a manager holding the rank of general director from the Yezidi community. It offers various privileges and both financial and moral compensations, aims at rehabilitating survivors, easing their societal reintegration, and ensuring accountability for the perpetrators of these crimes[[14]](#footnote-14).

On this basis, civil society organizations were able to use the principle of universal jurisdiction to accept a criminal complaint before the German court regarding sexual violence crimes and gender-based violence in detention centers affiliated with the Syrian government, submitted by seven survivors of sexual torture inside Syrian prisons in addition to the German public prosecutor, against nine of the perpetrators of these crimes from Syrian officials in the Syrian government[[15]](#footnote-15). This effective principle has been used in many related human rights cases.

**Rehabilitation of victims and survivors of sexual violence crimes**

There are many limited attempts made by government agencies, UN bodies, and civil society organizations to support victims and survivors of sexual violence. In the context of the Sudanese war, the United Nations Population Fund is trying to provide many medical, psychological, and social services to those affected by crimes of social violence that occurred as a result of the war. It also attempts to provide Clinical Management of Rape Survivors[[16]](#footnote-16).

In Iraq, the Yazidi Female Survivors Law, which was approved in March 2021, represents a major institutional framework to address the consequences of the genocidal crimes committed by ISIS against the Yazidis, Shabak, Turkmen, and Christians, especially in crimes related to sexual violence during the conflict in that period. Under the law, the General Directorate for Survivor Affairs was established, which signed an agreement in March 2023 with several civil society organizations to cooperate in providing psychological health services and psychosocial support to those affected by the sexual violence crimes committed by ISIS in their places of residence[[17]](#footnote-17).

**Recommendations**

In general, it can be said that the various parties to the conflict in the Middle East have increasingly used acts of sexual violence during armed conflicts, while recognizing the existence of obstacles and impediments to the investigation of such crimes. **Partners for Transparency recommends the following:**

* Preventing and responding to conflict-related sexual violence in the Middle East, holding its perpetrators accountable for their crimes, and addressing the legal gaps that protect perpetrators of violations.
* Promoting unhindered humanitarian access to conflict areas so that service providers can assist victims of sexual violence
* Recognizing people who have experienced sexual violence committed by all parties to the conflict as victims deserving of reparation and remedy, while reducing the societal stigma they are subjected to
* Working to integrate concerns related to conflict-related sexual violence into national emergency response plans.
* Classifying sexual and reproductive health care as an essential service to avoid stopping its funding and not giving it priority in the context of conflict.
1. Sudan: Alarming reports of women and girls being kidnapped, forced into marriage and held for ransom, United Nations, <https://2h.ae/CXHd> [↑](#footnote-ref-1)
2. Report on sexual violence against women and girls committed by ISIS in Iraq, UNITAD, <https://2h.ae/Wknk> [↑](#footnote-ref-2)
3. Report: Nearly 30,000 women were killed in Syria and the arrest of women is a tool to subjugate the regions <https://2u.pw/X0cm8VJ5> [↑](#footnote-ref-3)
4. Sudan: Increasing cases of sexual violence against women and the United Nations is sounding the alarm, <https://2h.ae/JTFG> [↑](#footnote-ref-4)
5. Sudan War: Is sexual violence against women used as a weapon?, BBC, <https://2u.pw/5102udkl> [↑](#footnote-ref-5)
6. Horrific sexual assaults and violations. Testimonies of RSF victims in Sudan <https://2u.pw/0ZSntP27> [↑](#footnote-ref-6)
7. A feminist campaign against sexual violence and official reports of RSF committing rape crimes on the island <https://2u.pw/uapn0bCD> [↑](#footnote-ref-7)
8. The gender impact of the conflict in the Syrian Arab Republic on women and girls, a conference room paper for the Independent International Commission of Inquiry on the Syrian Arab Republic A/HRC/53/CRP.4 [↑](#footnote-ref-8)
9. The crime of rape in Sudan’s wars between Sudanese and international law, <https://2u.pw/zN71nHn3> [↑](#footnote-ref-9)
10. A feminist campaign against sexual violence and official reports of RSF committing rape crimes on the island. <https://2u.pw/uapn0bCD> [↑](#footnote-ref-10)
11. The Sudan War: Is sexual violence against women used as a weapon? previously mentioned reference [↑](#footnote-ref-11)
12. International dismay at the exposure of female invaders to assault and execution by Israeli officers <https://2u.pw/124NqhjV> [↑](#footnote-ref-12)
13. Link to the campaign on Twitter, <https://2u.pw/Sbt0oi8A> [↑](#footnote-ref-13)
14. Despite the new law, danger continues to haunt Yazidi survivors, DW News, <https://bit.ly/35sr4jy> [↑](#footnote-ref-14)
15. Germany, Justice pursues perpetrators of “sexual crimes” in Syria, Enab Baladi, <https://bit.ly/3xEwZyj> [↑](#footnote-ref-15)
16. Sexual violence haunts women and girls fleeing Sudan to South Sudan, <https://2u.pw/3G1AH4nw> [↑](#footnote-ref-16)
17. Towards comprehensive rehabilitation: launching a referral system for mental health services for male and female survivors of genocide in Iraq, <https://2u.pw/gyI3x9GX> [↑](#footnote-ref-17)