

**Series of Online Roundtables - Dealing with Sexual and Gender-Based Violations in Iraq: A Gender-transformative Approach to Justice**

**Roundtable 3: Dealing with Structural Causes and Gender Hierarchies Underlying SGBV: A Comparative Approach**

**OVERVIEW**

Marking the 20th anniversary of the United Nations Security Council Resolution 1325 on Women, Peace and Security, Impunity Watch, Iraqi Al-Amal Association and PAX organised a series of three virtual roundtables on sexual and gender-based violence (SGBV) in Iraq. The third roundtable was held on Wednesday, 4th of November, 2020 to discuss how hegemonic or violent masculinities contribute to the spread of SGBV, and why security sector and judicial reforms are essential in the struggle for justice and the prevention of SGBV.

This session brought together gender experts from Guatemala, Iraq, and Syria to share their experiences of dealing with structural and root causes of SGBV. Participants analyzed the state of SGBV in their communities, in conflict and post-conflict contexts, and explored historical, cultural, and political factors that contributed to sexual violence in these contexts. The roundtable also explored the effect of power struggles and conflict dynamics in emphasizing hegemonic and violent masculinities, leading to the use of SGBV as a tool of war against women and girls. Throughout the session, participants looked at ways to enhance access to judicial systems, and identified opportunities in ongoing judicial processes to provide a fair and just recovery for survivors of SGBV and sexual violence.

**HEGEMONIC AND VIOLENT MASCULINITIES AND SGBV IN IRAQ, SYRIA AND GUATEMALA**

Participants in the discussion identified commonalities in Iraq, Syria and Guatemala as to the ways in which violent norms of masculinity sustain and normalize SGBV. Coordinator of the Iraqi Women Network, Ms. Amal Kabashi, pointed out that in Iraq, the legal framework includes discriminatory legislation that reinforces the patriarchy and the perception that the role of women is to satisfy men’s sexual desires. For example, Art. 398 of the Iraqi Penal Code provides mitigating excuses to the offender if a valid marriage is concluded between the perpetrator of a crime and the victim. Additionally, Art. 141 of the penal code allows husbands and guardians to ‘discipline’ their wives and those under their guardianship. Ms. Roza Qaidi, a Yazidi activist and researcher, likewise emphasized the need to understand

**Panelists**

**Ms. Brisna Caxaj**, Gender Programme Coordinator – Guatemala, Impunity Watch

**Ms. Amal Kabashi**, Coordinator of the Iraqi Women Network, Iraq

**Ms. Roza Qaidi**, Yazidi Activist and Researcher, Iraq

**Ms. Mona Zeineddine**, Programmes Manager, Women now For Development, Syria

**Moderator:** Ms. Florence Bateson from PAX

ISIS' perceptions of Yazidi women in order to understand the ideological underpinnings of the planned and coordinated attack on the Yazidi community. ISIS attacked Yazidi women and girls because they considered them infidels, and referred to them as devil worshippers. They considered girls 9 years old and above as Sabayas, or spoils of war, meaning that they had the right to own them and treat them as slaves. In Syria, parties to the conflict resort to sexual violence as a tool to instill fear, and to humiliate and punish, specifically targeting women and girls. Ms. Mona Zeineddine, who is the Programmes Manager at Women Now for Development, noted that SGBV is a strategy of political domination, and that the Syrian authorities and their armed militias perpetrated rape and sexual abuse during ground

## **CONFLICTS ENTRENCH SGBV IN IRAQ, GUATEMALA AND SYRIA**

In all three countries, conflict dynamics have contributed to the entrenchment and normalisation of SGBV.

In Iraq, public space is considered unsafe for women as a result of past and ongoing conflicts and patriarchal norms, and the violations committed by ISIS are only the latest manifestation of gendered crimes dating back to the Ba'ath dictatorship.

In Guatemala, Ms. Brisna Caxaj noted that since the peace agreement was signed, SGBV continues to affect the lives of women and girls, even twenty years later. There is a continued practice to use sexual violence as a tool of conflict, particularly towards indigenous women, and especially in cases related to land rights.

Ms. Mona Zeineddine referred to the report published by the Human Rights Council on the state of SGBV in Syria entitled "I lost my dignity:

operations, house raids, and checkpoints, during official and unofficial detention. These violations likely reach the level of international crimes. This suggests that forms of political violence are informed by discriminatory societal norms about gender, including family codes that solidify patriarchal domination over women and sexual minorities.

According to Ms. Brisna Caxaj, gender Programme Coordinator at Impunity Watch, SGBV in Guatemala is highly affected by militarized masculinities within the security forces and the police. People's understandings of the concept of security continues to be a highly militarized conception, directly linked to the use of weapons, even decades after the formal end of the internal conflict there.

Sexual and gender-based violence in the Syrian Arab Republic" which states that SGBV has been a persistent issue in Syria, since the civil uprising in 2011. Parties to the conflict resort to sexual violence as a tool to instill fear, and to humiliate and punish, even for some groups, these practices are part of the social order. While the suffering induced by these practices impact Syrians from all backgrounds, women and girls are particularly targeted, across all geographic areas. The Syrian authorities and their armed militias perpetrated rape and sexual abuse of girls, women and occasionally men, during ground operations, house raids, and at checkpoints, during official and unofficial detention, amounting to international crimes. Incidents of female rape by members of armed groups were also documented, although considerably less than those committed by state authorities.

## **INSUFFICIENT JUDICIAL MEASURES TO ADDRESS SGBV**

In all three contexts, legal means to address SGBV are insufficient, failing to give due attention to the underlying power structures that allow SGBV to flourish. For example, Yazidi survivors seeking justice for the crimes committed against them by ISIS find that ISIS combatants are being tried under the anti-terrorism law #13 of 2005. Ms Kaidy noted that if survivors of sexual enslavement want to report ISIS' sexual crimes in Iraq, it must be reported as domestic violence. Such a classification means that the systematic nature of ISIS' crimes against Yazidis is not captured or acknowledged.

Ms. Mona Zeineddine noted that there are efforts to utilize the principle of universal jurisdiction to bring forward cases of sexual violence that happened in Syria. In June 2020,

the first criminal complaint was brought forward in Germany and pertained to SGBV in government led detention centers. Syrian feminist organizations considered this a critical step toward achieving justice for SGBV survivors.

In Guatemala, a draft law was put forward to protect girls and victims of sexual violence and provide them with rehabilitation services such as education and health. However, the draft law did not pass because of objection to an article that allowed the option of interrupting pregnancy because of rape. It was considered an abortion law while in reality it was a law to help and protect girls, after rape. Ms. Brisna Caxaj concluded that the opposition to abortion is used to shut down any reforms that might challenge patriarchal norms that prioritise childrearing as women's primary function.

## **RECOMMENDATIONS**

- I. Participants recommended that survivors of SGBV's immediate needs must be addressed via healthcare, psychosocial support, and financial support.
- II. Participants emphasized the importance of legislating, ratifying and implementing laws that protect SGBV victims, and prevent sexual violence both within the household and during conflict.
- III. In Iraq, Ms. Roza Qaidi highlighted the need to enact the law for Yazidi survivors. Ms. Amal Kabashi added that the law should be an inclusive and

national document, benefiting all survivors of SGBV that occurred during the ISIS conflict, including women and girls all ethnicities and geographical areas. She noted that Yazidi women have suffered the most, but that other groups that should also be included in the law.

- IV. Participants recognized the importance of survivor-led processes in enacting and implementing SGBV-related legislation. In Guatemala, the Sepur Zarco case was presented as a success story, where women survivors won the case and became leaders within their own communities. In Iraq, participants emphasized the need to consult with

women Yazidi survivors to ensure that laws respond to the priorities and needs of victims. Additionally, Iraqi activists highlighted the need to address conflict related violence in the National Action Plan launched under the WPS agenda based on UNSCR 1325, based on consultations with survivors regarding their needs.

- V. Participants highlighted the need to reform the security apparatus to make these bodies more responsive and sensitive to survivors of SGBV. Additionally, panelists highlighted the need to redefine the concept of security, beyond hegemonic and violent masculinities.

**To know more about SGBV in Iraq:**

**[Sexual and Gender Based Violence in Iraq 2013-2018: A Mapping report](#)**

**[Stories of Iraqi women survivors of SGBV: I Fought Back and Survived](#)**