

SYRIAN ARAB REPUBLIC
SUBMISSION TO THE UNITED NATIONS COMMITTEE
ON THE RIGHTS OF THE CHILD
80th PRE-SESSIONAL WORKING GROUP, 04 – 08 JUNE 2018
ALL SURVIVORS PROJECT

All Survivors Project provides research to improve the global response to every survivor of sexual violence in situations of conflict and displacement. We document cases of abuse against men and boys to supplement work on girls and women to support a global response that includes all survivors of violence. All Survivors Project is an independent, international research organization working with individuals and organizations to strengthen communities by upholding the dignity of each individual.

Summary

All Survivors Project makes this submission to the United Nations (UN) Committee on the Rights of the Child (the Committee) in advance of the 80th Pre-Sessional Working Group's review of the Syrian Arab Republic. This submission focuses on sexual violence against boys in the context of the armed conflict in Syria. It relates to Articles 19, 24, 32, 34, 36, 37, 38 and 39 of the Convention on the Rights of the Child (the Convention) and to Articles 1, 2, 4 and 6 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

Between September 2017 and April 2018 All Survivors Project (ASP) carried out research on conflict-related sexual violence against men and boys in Syria¹, and the factors that contribute to their vulnerability. Although not conclusive, our preliminary findings based on a review of existing data and interviews with key informants in Turkey and Syria, point to the extreme vulnerability of boys in the custody of Syrian state security forces and to the risk of sexual violence in other contexts including by non-state armed groups.

Sexual violence causes serious physical and mental harm to its victims, and if left unaddressed can continue to cause suffering to survivors, destroy families, and damage the fabric of communities. Strong protection measures combined with effective programs of medical and psychosocial support are necessary to assist survivors to rebuild their lives. Research by ASP highlights the importance of factoring in multi-sectoral and inclusive measures, actions and funds to address sexual violence against men and boys and the needs of survivors as a component of broader international and national efforts to prevent and respond to violations of international human rights and international humanitarian law in situations of armed conflict.

¹ Research for this submission was carried out by All Survivors Project between September 2017 and April 2018 in Turkey and remotely in Syria. Research comprised a review of publicly available literature and interviews with key informants in Syria and Turkey. Key informants included representatives of UN agencies, medical, mental health and protection experts working with national and international humanitarian NGOs in Syria and Turkey, and human rights experts and researchers. All research was conducted in accordance with Institutional Review Board (IRB) approvals obtained through the University of California, Los Angeles (UCLA), School of Law and in line with IRB ethical guidelines. Key informants quoted in this submission are given generic professional titles to protect their identity and ASP has also respected requests by some key informants to remain anonymous.

This submission sets out ASP's concerns in relation to sexual violence against boys in the context of the armed conflict in Syria, but notes that there remains a dearth of reliable data on the scale of the problem. This knowledge gap must be addressed to ensure an effective response by national and international actors. The submission includes points for consideration drawn from ASP's previous work aimed at improving international recognition of and response to the issue of sexual violence against men and boys in conflict and displacement.

I. Violations of the Rights of Children in Situations of Armed Conflict

Both boys and girls in Syria have been subjected to grave violations of their rights in the context of the armed conflict, with violence affecting every aspect of their lives.² Syria is also experiencing a profound humanitarian crisis.³ Civilians suffer daily threats to life, dignity and well-being. Systems of protection have broken down and civilian vulnerabilities have been multiplied by violence, prolonged, repeated and sometimes forced displacement, separation from family and other protective structures of society, lack of humanitarian aid and resulting poverty.

Parties to the conflict have systematically flouted international norms and standards designed to limit the effects of hostilities on the civilian population. Repeated calls for accountability have been ignored. After seven years of fighting, and obstruction of humanitarian aid by parties to the conflict, millions of Syrians are left with little or no access to basic services.

Most allegations ASP encountered into sexual violence against boys in Syria involved state torture of boys in their mid-to-late teens detained as suspected or actual opponents. But there were also allegations of sexual violence against much younger children:

- A mental health expert recalled the case of an eight-year-old boy he had treated in Lebanon who had had his finger nails pulled out one by one and his genitals electrocuted to force him to tell his captors where his father was hiding.⁴

Both state and non-state forces recruit and use children in combat and support positions and detain them for their alleged association with opposing parties to the armed conflict.⁵ Human rights and humanitarian workers familiar with conditions in Syria told ASP that they believed children associated with armed forces and armed groups could be at risk of sexual violence in Syria, and that the threat came from both state forces and non-state groups. Besides accounts of sexual violence as torture in government custody, some informants related information about rapes by ISIL members to force recruitment, as well as sexual violence against children while serving in armed groups.

² Children and armed conflict, Report of the Secretary-General, 24 August 2017, A/72/361-S/2017/821, paras 170-186.

³ Children and armed conflict, Report of the Secretary-General, 24 August 2017, A/72/361-S/2017/821, paras 184-185.

⁴ Phone interview with confidential source, 21 & 21 September 2017.

⁵ Children and armed conflict, Report of the Secretary-General, 24 August 2017, A/72/361-S/2017/821, paras 171-175.

Sexual Violence against Boys in Detention

There is a well-established pattern of sexual violence against detainees in Syria. Reports relating to men and boys held in government detention predominate, but detainees of non-state armed groups are also at risk. Investigations by the Independent International Commission of Inquiry on the Syrian Arab Republic (IICOI) have found that torture, and sexual and gender-based violence has been used against thousands of people in detention including boys as young as 11 years old at a level that amounts to war crimes and crimes against humanity.⁶ UN Secretary-General reports on conflict-related sexual violence have referred to systematic sexual torture of men in detention centres⁷ in order to extract confessions of anti-government activities.

The UN-led Monitoring and Reporting Mechanism (MRM) for Syria reported in 2014 that children were among those arrested in large-scale arrest campaigns for their or their relatives actual or alleged participation in demonstrations or support to opposition groups; that they were held in conditions that did not meet international standards on juvenile justice, and were subjected to torture including rape or threats of rape, electric shocks to the genitals and other forms of sexual violence to force confessions, humiliate or pressure a relative to surrender or confess.⁸

Sexual violence against males is often part of a wider pattern of torture and ill-treatment in detention where men and boys are either direct victims or are forced to perpetrate or witness sexual violence against others including other detainees and family members.

These constitute violations of the Convention's obligations to protect children from sexual abuse, exploitation and torture.

Boys, particularly adolescent boys, may have specific vulnerabilities to sexual violence. ASP's research and earlier studies indicate that boys under 18 have been detained in large numbers and may endure even worse treatment than adult males (whose experiences with sexual violence in detention have already been well documented).⁹

According to one humanitarian NGO worker, "*age is no barrier: from children to young men are targeted. There is a pattern that young men in late teens or early 20s are specifically targeted although it can happen to everybody*".¹⁰

Sexual abuse of boys in non-detention situations

Beyond situations of detention described above, the nature of vulnerability of boys to sexual victimisation is not well documented or understood. It was however notable that

⁶ For its latest report, see: "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic; Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council Thirty-seventh session, 26 February – 23 March 2018, Agenda item 4, Human rights situations that require the Council's attention, A/HRC/37/CRP.3

⁷ Report of the Secretary-General on conflict-related sexual violence, United Nations Security Council, 20 April 2016, S/2016/361, para 68.

⁸ Report of the UN Secretary-General on children and armed conflict in Syria, UN Doc. S/2014/31, 27 January 2014.

⁹ Dr. Sarah Chynoweth, "We Keep It in Our Heart" - Sexual Violence Against Men and Boys in the Syria Crisis, UN High Commissioner for Refugees (UNHCR), October 2017, <http://www.refworld.org/docid/5a128e814.html>, accessed 25 March 2018

¹⁰ Interview with GBV Program Manager with a Syrian NGO, 19 September 2017.

when asked about the risks to boys many informants saw the gender-specific roles and gender-specific exposure of boys to risks of detention, military recruitment and use as child labour (discussed below) as creating particular vulnerabilities to sexual violence.

The findings of the 2018 Humanitarian Needs Overview (HNO) for the Syrian Arab Republic support this view: whereas adolescent girls are found to be particularly at risk of early marriage and other forms of gender-based violence, adolescent boys are more likely to be killed and injured, detained and recruited by parties to the conflict, or to be involved in child labour.¹¹ The report emphasizes risks of sexual violence to women and girls in Syria, but acknowledges that “boys are also understood to be at risk of sexual violence.”¹²

ASP received reports of sexual violence against men and boys at check-points, during home raids, in public spaces, and in the family. Some also pointed to the potential vulnerabilities of unaccompanied and separated boys, or boys in informal alternative care facilities and LGBTI youth. Although much of the information provided was based on observations or unsubstantiated reports rather than documented cases, responses by informants (discussed below) indicate the need for further exploration of vulnerabilities in such contexts.

Recruitment of Child Soldiers (Optional Protocol, Articles 1, 2 and 4)

The Optional Protocol to the Convention on the Rights of the Child, which Syria ratified in 2003, prohibits government forces and non-state armed groups from recruitment and use of children under 18 as fighters and in other support roles. Conscripting or enlisting children under 15, including for support roles, is a war crime under the Rome Statute of the International Criminal Court.

In reality, government forces and pro-government militias and non-state armed groups are all known to recruit and deploy children in combat and support positions.¹³ There are no reliable statistics for the number of children associated with armed forces or armed groups in Syria, but available information suggests that the numbers are high and that they increased significantly in 2016/17. The UN MRM4 Syria verified 1,940 cases of recruitment and use of children by 77 different parties to the conflict during the six years from March 2011 to March 2017, although it is accepted that these figures do not represent the full extent of the problem. The vast majority of verified cases (98 per cent) are boys and most were between the ages of 15 and 17 years old, although one in three were below 15 years old.¹⁴

¹¹ 2018 Humanitarian Needs Overview: Syrian Arab Republic - 21 Nov 2017, UNOCHA, <https://www.humanitarianresponse.info/en/operations/whole-of-syria/document/2018-humanitarian-needs-overview-syrian-arab-republic-21-nov-2017>, accessed 25 March 2018.

¹¹ OHCHR, Denial of access and lack of cooperation with UN bodies will not diminish scrutiny.

¹² 2018 Humanitarian Needs Overview: Syrian Arab Republic - 21 Nov 2017, UNOCHA, <https://www.humanitarianresponse.info/en/operations/whole-of-syria/document/2018-humanitarian-needs-overview-syrian-arab-republic-21-nov-2017>, accessed 25 March 2018.

¹³ Children and armed conflict, Report of the Secretary-General, 24 August 2017, A/72/361–S/2017/821, para 171.

¹⁴ WoS Child Protection AoR, “This is More than Violence,” An Overview of Children’s Protection Needs in Syria, 2018, 1 March 2018.

As noted above, association with armed groups greatly increases children's vulnerability to sexual violence, Key informants raised concerns about sexual violence being used as a tactic of forced recruitment, of boys being specifically targeted by some groups for sexual purposes, and of rape and other forms of sexual violence of boys within the ranks. Most of the concerns related to ISIL military recruitment and use of children although it is not clear that these practices are confined to a single group:

- *“Some jihadi groups used boys for recruitment and they send them to training and of course we heard stories of sexual violence during recruitment and after recruitment.”*¹⁵
- *“In opposition areas there are some people who came from outside Syria... and there are some who come on purpose who try to find young Syrian boys to enroll him in their militia and while they are in that militia they abuse them. They use drugs in the tea and this makes them consent... these boys get disoriented when they take the big dose of that substance and even they have some sphincter relaxation, so they won't feel the pain. ...We do not have cases in our centers [in the north of Syria], but our caseworkers and psychosocial workers have observed boys' behaviours and have been told [of such cases by members of the community]. This is a common thread, using the drugs to involve youngsters in sexual activities.”*¹⁶
- *“In Syria the problem is that ISIL were targeting ethnic and religious minorities. We have a lot of reports on how boys were forced to be sex slaves; it is a kind of humiliation for them.”*¹⁷

Some informants raised concerns that there is no systematic documentation of sexual violence against children associated with armed forces and armed groups in Syria. For example, an NGO worker working on gender-based violence noted:

*“This issue of sexual violence against men and boys is happening among armed groups but it is hard to know. Nobody is documenting this.”*¹⁸

It was also acknowledged that children who are released from armed groups are not screened for sexual violence during case management assessments, which in itself may contribute to the lack of information on the issue as well as having potentially negative implications for the availability of appropriate services and support to boy survivors.

Child labor may increase the risk of exposure to sexual violence

The conflict has greatly exacerbated a pre-existing problem of child labour in Syria. As one child protection expert noted, the role of boys in their households has changed as a

¹⁵ Interview with Program Manager, Syrian NGO, 19 September 2017.

¹⁶ Interview with a Syrian psychiatrist, 19 September 2017.

¹⁷ Phone interview with a Manager with a Turkish NGO, 21 September 2017.

¹⁸ Interview with Protection Program Manager, 19 September 2017.

result of the conflict. Many are now heads of households or assume greater responsibilities because the primary breadwinner is missing or disabled or dead.¹⁹

Absolute numbers of children engaged in labour are not known, but available data suggests that they are very high. According to a senior representative of an INGO: “*You see child labourers everywhere... You see a lot of children in the streets, unaccompanied children, we don't know to what to extent someone is controlling them. They are begging, selling things.*”²⁰

Boys are perceived as the most affected: 81 per cent of communities assessed for the HNO felt that adolescent boys between 15 and 17 years were the most affected by child labour, followed by boys between the ages of 12 to 14 years (77 per cent) and then adolescent girls (70 per cent). Types of labour differ between sexes with girls more likely to be involved in domestic work while boys are most likely to be involved in hazardous labour such as smuggling, operating heavy machinery in factories and workshops, working as blacksmiths, in oil refineries, begging and scavenging and other types of work that are classified as worst forms of child labour.²¹ But regardless of their roles, working children are exposed to a range of protection risks.

Several informants interviewed by ASP considered that boys engaged in economic activities outside the home or who are performing tasks such as fetching water are at increased risk of sexual violence or exploitation. One referred to boys involved in survival sex in exchange for food or money, although this practice has been mainly documented in relation to women and girls. Several also referred to sexual exploitation of boys by armed groups or criminal gangs.

- *“The economic side at home, the poverty is the main reason these boys are obliged to work in the street, like for example collecting rubbish or to sell in the street, they meet a lot of people and are exposed to a lot of problems. It pushes boys to leave home and spend most of their time outside the home so they will be at risk. Most of the cases [that I know] it was for money, they pay them money and then they have sex with them. Sometimes with the shopkeeper he gives the boy something free and then he practices sexual violence against him.”*²²
- *“I remember one time I was walking from the office to my place in east Aleppo. I saw a little boy dragging a big container of water and I saw a man who whistled for him and he entered a building. I stayed next to the boy, I don't know him and I called him ‘Where are you?’, when the child didn't appear I went inside the building. I saw the man trying to abuse him, the child was very close to his*

¹⁹ A correlation has also been drawn between lack of access to education and child labour. According to UN figures, 1.75 million children in Syria are out of school and 1.35 million at risk of dropping out while one in three schools are out of use because they have been damaged or destroyed, are being used for military purposes or used as shelters by internally displaced persons (IDPs). (See, WoS Child Protection AoR, “This is More than Violence,” An Overview of Children’s Protection Needs in Syria, 2018, 1 March 2018.)

²⁰ Interview with Program Manager, International INGO, 7 October 2017.

²¹ Protection Sector WoS, *Whole of Syria Protection Needs Overview*, Version 2, 30 October 2017, www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2018_wos_protection_needs_overview_v2_30_nov_2017.pdf

²² Interview with Program Manager, Syrian NGO, 18 September 2017.

*private parts and he was holding his head. I shouted very loud, everybody came from the building and the neighbourhood, the man who was abusing the child disappeared.”*²³

- *“In areas under regime control there are Shabiha, these are like gangs, they are trading in everything, medicines, let’s say abuse medicines, alcohol, they run sex industry, they are like mafia. These people are trying to use the youngsters, males or females, especially those who are very vulnerable like Iraqi refugees.”*²⁴

Other situations of vulnerability for boys

As noted by informants, boys who are separated from their parents or primary caregiver or who are not being cared for by any adult (unaccompanied children) are often those pushed into work and who, without the protection of a family, are likely to be increased risk of sexual violence. However, information provided by several informants shows that such boys can be vulnerable to sexual violence both by strangers and by family members and that settings such as internal displacement (IDP) camps and alternative care arrangements also pose particular risks.

A protection coordinator with a Syrian NGO providing medical and mental health services described the case of an eight-year-old boy who was raped by a man in an IDP camp in South Syria in July 2017. The boy was treated by the organisation for physical injuries to the anal canal and both he and his family were still being provided with psychosocial support at the time of the interview. This informant and others expressed concern that conditions in IDP camps contribute to a situation where children are at risk.

Child protection surveys indicate that pre-existing cultural norms in Syria mean that the majority of separated and unaccompanied children live in kinship care arrangements in the community – typically with grandparents or aunts and uncles. However, the deteriorating economic situation and breakdown of family and community safety nets has put these custody patterns under strain and there is an increase in the use of residential care centres (orphanages) which in Syria are unregulated and for which there are no formal monitoring arrangements or other safeguards in opposition-held areas.²⁵

Informants raised concern with ASP about the proliferation of unregulated orphanages in Syria and one INGO worker noted that *“There are some places that provide alternative care for children...you can imagine anything happening there, there are reports of corporal punishment, these people are exploiting these children, it’s a very sad reality, it’s one of the ugliest parts of these children, it [may even] be a part of trafficking, they will tell the mother we will take care of the child.”*²⁶

²³ Interview with Program Manager, Syrian NGO, 10 October 2017.

²⁴ Interview with Syrian psychiatrist, 19 September 2017.

²⁵ WoS Child Protection AoR, “This is More than Violence,” An Overview of Children’s Protection Needs in Syria, 2018, 1 March 2018.

²⁶ Protection Coordination, International NGO, 8 October 2017.

II. Challenges to an Effective Humanitarian Response

Syria is among the most challenging situations in the world for human rights monitoring and reporting. UN bodies have been denied access to the country.²⁷ Security concerns and government prohibitions keep international human rights NGOs from carrying out research in conflict areas, and Syrian human rights defenders face arbitrary arrest, unlawful killings and enforced disappearance by the government and armed opposition groups. Humanitarian assessments aimed at establishing needs and vulnerabilities that should inform programming have been hampered by limited access to large areas of the country, security risks to those involved in conducting and participating in assessments, and political interference that obstructs humanitarian access and protection programs.

Unlike in many other conflict situations, no Gender-Based Violence Information Management System (GBVIMS) has been established in Syria, limiting the ability of humanitarian organizations to pool and analyse data and coordinate information gathering on gender-based violence.²⁸

There are particular challenges to documenting sexual violence against men and boys. Gender norms that cast females as victims and males as perpetrators contribute to the invisibility of sexual violence against men and boys as an issue in communities, provoking stigma and fear that reinforces barriers to disclosure and help-seeking. These same biases influence policymakers and humanitarian agencies. Because of this, little attention has been given to the protection of men and boys, the impact on male survivors or their access to services and support. Without services specifically designed for them, men and boys who have experienced sexual violence are denied an entry point to seek help, which augments their invisibility and lack of access to care. ASP has encountered the same blind spot on sexual violence against men and boys in other countries and calls for a working assumption in all policy making that sexual violence against men and boys is highly likely to be perpetrated in situations of armed conflict and displacement.

Sexual violence in general is underreported. Again, this problem is not unique to Syria, but a lack of legal protection for men and boys against sexual violence may discourage survivors from reporting incidents and certainly contributes to impunity. Article 520 of the Syrian Penal Code of 1949 prohibits “unnatural sexual intercourse” and Article 517 of the Code punishes crimes “against public decency” that are carried out in public with imprisonment of three months to three years.” As such, male victims of rape could be prosecuted for their victimisation under the Syrian Penal Code and would be unwilling to report the crime.

These constraints leave us with an incomplete picture of the human rights situation as well as of the protection and other humanitarian needs of the population, including in relation to sexual violence.

²⁷ OHCHR, Denial of access and lack of cooperation with UN bodies will not diminish scrutiny of a State's human rights record, Human Rights Council 35th session, Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, 6 June 2017, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21687, accessed 25 March 2018.

²⁸ The GBVIMS mechanism was developed by UN agencies and NGOs to help service providers and agencies coordinate and systematise the gathering and collation of information on gender-based violence to achieve best practices in data collection and data sharing and to assist humanitarian actors and service providers with the management of their information on gender-based violence.

ASP notes a disturbing lack of attention at the programmatic level to sexual violence against males in Syria as elsewhere. The research points to a pressing need for comprehensive approaches to delivering justice and responding to the physical, mental and other harms suffered by male survivors of conflict-related sexual violence, as well as female survivors. There remain important gaps in ASP's knowledge and understanding of sexual violence against males in Syria but provisional lessons from research to date will be built on as ASP continues its work to document, analyse and deepen understanding of the problem. We hope these initial findings will contribute to on-going inquiry and dialogue that strengthen efforts to prevent and respond to all forms of sexual violence in Syria.

Points for further consideration by the Committee:

Protecting Children in Detention

1. Torture and ill-treatment of detainees in Syria needs to cease and those detained arbitrarily should be released. In accordance with the Convention, children should be detained "only as a measure of last resort and for the shortest appropriate period of time." Ensuring the release of detained children should be an urgent priority for the Committee and the Syrian authorities; this includes children detained solely on account of their political association or alleged association with armed opposition groups.
1. Children who are detained on legitimate grounds should be charged with recognisable criminal offences and promptly and fairly tried or else released. While detained they should be held separately from adults and otherwise treated in accordance with international standards of juvenile justice.
2. All children in detention should have access to medical care, access to family members and to legal representation. Survivors of torture, including boys who have suffered sexual abuse require immediate medical care, mental health and psychological support.
3. The Syrian government should make clear to all its forces that violation of the rights of detainees, including sexual violence, will not be tolerated and will result in prosecution and appropriate punishment.
4. Independent monitors and humanitarian organisations and service providers should be provided with unconditional access to all official and unofficial places of detention.

Humanitarian Response

5. There should be a working assumption that men and boys may be at risk of sexual violence and screening processes should be designed to identify both male and

female survivors, while prioritising at all times their specific needs, safety and wellbeing.

6. Data gathering on sexual violence against men and boys, anonymous information sharing and co-ordination among stakeholders should be strengthened at the national and international level, as part of broader intersectional efforts to monitor and report on conflict-related sexual violence.
7. The issue of sexual violence against men and boys needs to be integrated into protection strategies and responses, and resources should be dedicated to training and strengthening agencies' capacity to address the needs of male survivors.
8. The Syrian government and non-state armed groups must end obstruction of independent human rights monitoring and humanitarian access to ensure that high quality and informed assistance can be provided to survivors of sexual violence.
9. Concerted effort is needed to build broader awareness of sexual violence against Syrian men and boys, and to counter the stigma associated with it. All survivors of sexual violence should have non-stigmatising, safe and confidential access to free and confidential services, including child appropriate and competent medical and psychosocial care and protection services.

International Cooperation

10. The Syrian authorities must cooperate with internationally-mandated monitoring bodies, including the Independent International Commission of Inquiry on the Syrian Arab Republic.

Questions for the Syrian Government

How many children are currently detained in Syria? Of these how many have been charged? How many have been convicted? For what offenses?

Is sexual violence against males penalized under Syrian law? What is the legal penalty for rape of a child?

What actions has Syria taken to end the practice of torture, including sexual violence of detainees?

What steps has Syria taken to investigate, prosecute and punish officials responsible torture and ill-treatment of children in detention?