Sexual coercion, assault and rape: The scourge of sexual violence against Syrian women as refugees in conflict and the legal mechanisms for their protection

Legal Studies Unit

14 February 2019

Ciara Wallace
Harmoon Centre for Contemporary Studies is an independent, nonprofit, research, cultural and media institution. Its main focus is to conduct studies and researches about the Arab region, especially Syria. It also works towards cultural and media development, enhancing the civil society performance, and spreading democratic awareness and values of dialogue, as well as respect for human rights. The Centre also provides consultation and training services in political and media fields to all Syrians on the basis of Syrian national identity.

To achieve its objectives, the Centre conducts its activities through five specialized units, (1) Policy Studies Unit, (2) Social Researches Unit, (3) Books Review Unit, (4) Translation and Arabization Unit, and (5) Legal Unit.

A set of action programs are also adopted, such as the program for Political Consultations and Initiatives; Program for Services, Media Campaigns, and Public Opinion Making Program; Program for Dialogue Support and Civil and Cultural Development Program; Syria Future Program. The Centre may add new programs depending on the actual needs of Syria and the region. In implementing its programs, the Centre deploys multiple mechanisms, including lectures, workshops, seminars, conferences, training courses, as well as paper and electronic press.
Contents

Introduction .......................................................................................................................... 2
Sexual violence towards women in conflict: A history and understanding ................. 3
Interviews .......................................................................................................................... 5
International Policy and Legal Protections Against Sexual Violence during Conflict .... 8
International Instruments: Are they effective? ............................................................... 11
Conclusion ....................................................................................................................... 14
Bibliography: (Chronological) ........................................................................................ 15
**Introduction**

The Syrian revolution and resulting refugee crisis is one of the biggest social, political and humanitarian crises of our generation. While reports vary on the actual death toll of the crisis due to an inability to accurately record fatalities, the Syrian Observatory for Human Rights noted in March 2018 that at least 511,000 people had been killed during the war since March 2011. (Specia, 2018) The macabre nature of the depravity of this war cannot simply be measured in fatalities however. To measure the war by the repercussions on the living individuals needs to bear the same gravity as the death toll does. At a glance, the nature of the lives of millions of civilian Syrians has irrevocably changed, with more than 5.5 million Syrians having been made refugees, with the majority being in neighbouring countries, and a further 6 million being internally displaced within the country itself. (UNHCR 2018) In the context of war and mass migration there have been gross and systemic human rights violations further abetting the inhumane treatment of the Syrian people. The UN Human rights council in their interactive dialogue on the commission of inquiry on Syria noted that as part of the Assad regime human rights violations included ‘systematic targeting of civilians, restriction of humanitarian assistance and torture, and the atrocities and barbaric acts committed by non-state groups, including Da’esh/ISIS.’ (UN Human Rights Council, 2015) Less reported however, are the gendered features of the crisis and the nuanced impact the crisis is having on women. Since the beginning of the crisis, there has been a surge in physical domestic violence towards women, increasing numbers of child brides married for protection against physical as well as sexual assault and as an economic solution, and finally, the rise of survival sex and prostitution. (Myers, 2016) The gravest issues facing Syrian women in their home country as per the UN Commission on the status of women include collective rape, forced marriage with foreign terrorists and restrictions on their education’ that is to say nothing of as resettled women as refugees. (United Nations, 2015)

In this essay I will seek to examine the impact of sexual violence on female refugees in their home countries, in transit, and briefly, in their resettlement communities. I will be basing select examples of my work on Syrian women as refugees in Turkey, with further input from general case studies of conflict and migration and its effect on women. This essay will comprise of three parts, the first being an investigation and reflection on traditional violence
and sexual assault against women in conflict until recent atrocities of the late 20th century. The second will comprise of two interviews from those working in front line services with refugees both at initial interaction as refugees and then through partnerships in settled communities. The final body of the article will center around the legal protections for women who have been victims of sexual violence in conflict.

**Sexual violence towards women in conflict: A history and understanding**

From the outset of examination of gender-based violence in conflict, the utmost pertinence must be considered that war does not suddenly bring about violence, merely ‘the underlying acceptance of violence against women which exists within societies becomes more outwardly acceptable in conflict situations. It can therefore be seen as a continuum of violence that women are subjected to in peacetime.’ (World Health Organisation, 1997) This has been continually echoed across literature on the issue, as further illustrated by (Kivlahan et al, 2010) It must be echoed that in times of conflict and war, predators do not emerge out of the abyss. Rather, they are part of a systemic cultivation of societies that lack respect and consideration for the dignity that manifest themselves and justify their motivations through the supposed general lawlessness of conflict. Ultimately, rape is an : ‘expression of dominance, power, and contempt a rejection of the women’s right to self-determination and a denial of her being.’ (Niarchos, 1995)

As outlined by Card, (1996): ‘If there is one set of fundamental functions of rape, civilian or marital, it is to display, communicate and produce or maintain dominance, which is both enjoyed for its own sake and used for such ulterior ends as exploitation, expulsion, dispersion, murder.’ The etymology of the word ‘rape’ is founded from the latin, rapere, meaning to seize. (Guha Ghosal et al, 2009) It is posited by Ghosal et al, that to be raped that in rape is not ‘the crime was not actually against her body orf her mind, but it was merely violation orf theft of a woman against the consent of her guardian or others who haves the legal and social control over her.’ (Guha Ghosal et al, 2009) Thusly it could be stated that the history of war has seen rape as not the a crime against the woman, but as a crime against men through the medium
of a woman. It must also be reinforced that rape culture in times of war is not due to women’s reliance on men but is influenced by the social and cultural conditions that intensify or perpetuate rape. (Rashid Shah, 2013)

In recent feminist literature on the issue, there has been a stringent call for recategorization of what wartime rape and sexual violence has been perceived to be. That is to say, there has been a call for a shift in mentality of the perception of such violence not to be considered once off, rogue acts by individuals, but more over an acknowledgment that such violence is the systemic violation of human rights over a series of personal violations by an individual’s own volition. (Meger, 2011)

Through understanding of the socio-political dimensions of rape, we can come to understand that: ‘The true rapist is not the individual man, but the political system of patriarchy.’ (Guha Ghosal et al, 2009) In all frameworks considering sexual violence in conflict, rape needs to be recognised for the intrinsic implications and significance it bears: as a form of terrorism, designed to decimate the survivors, rejecting any consideration for the resulting aftermath of victims’s lives. (Card, 1996) It is no longer enough to passively accept the supposed insatiability of men’s sexual urges and ‘abandonment of normal morality as a result of the chaos of conflict.’ (Meger, 2011) We now need to accept the new phase of recognising sexual violence in wartime for its true deepest depravity, with a paradigm shift to rightfully align rape as a crime that stigmatises the offender over the victim, and absolve any residual social lingering of ill sentiment towards victims.

It would be misguided to assert that there is one sole reason as to why violence towards women in war time increases, but one can postulate that it is moreover a synthesis comprised of a general break down of law and enforcement of it, combined with tensions of conflict and the loss of traditional male roles within their familiar social norms. A demonstration of this was examined by Concern Worldwide in their aid work with male Syrian refugees in their new surroundings of Lebanon. The cultural climate which Syrian men were accustomed to, ruled by patriarchal parameters and governed by a gendered social zeitgeist, has been eradicated, leaving men frustrated with an unspecified role in their new surroundings and struggling with a sense of self. With the frustrations of being unable to find work and thus no longer being the provider for the family, the identity they hold as the ideal has gradually been eroded. (Myers, 2016) Syrian men taking part in programmes run by Concern worldwide described the nature of male roles in their home country: ‘In our masculine society, we are driven by the idea that
we must be machines and provide for our families’ (Hamilton, 2015) Most pertinently for women of the Syrian conflict, resulting effects included increasing physical domestic violence through heightened frustration, leading to their suffering and also their childrens. (Hamilton, 2015)

The example from Lebanon while unique in one sense, can be seen as congruent with other experiences of women in newly resettled communities. It is important to note that new host countries for refugees may be places whereby attitudes towards gender based violence may cultivate its occurrence. For instance, in Turkey, home to the largest number of Syrian refugees, there already exists a high prevalence of violence towards women, and a struggle for the realisation of rights of women.

According to the Combating Violence Against Women in Turkey by the Ministry of Family and Social Policies, it was revealed that in 2014 in research on domestic violence against women in Turkey, 44% of women were subjected to psychological violence and 36% of women to physical violence by their husbands or a male partner in any period of their lives. (Directorate General on the Status of Women, 2014) Further to this the Global Gender Gap Report 2017 by the World Economic Forum, which indexes 144 countries on their progress towards gender parity across the four categories of: Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment, ranked Turkey at number 133, with a distinct lack of female representation of women at political level, and having regressed in the progression of women using this scale since 2006. It is therefore unsurprising that it was further noted in the publishing of the 2017 report that 42% of women experienced gender violence in lifetime. (World Economic Forum, 2017)

**Interviews**

As part of my research on the topic of sexual violence I have interviewed several people who worked directly with Syrian refugees in frontline aid and social services. The aim of this research method was to understand beyond the academic perspective, the realities of working with Syrian refugees as a whole, and to gain a specific insight into the human experience that cannot necessarily be expressed through academic literature. In choosing those who I interviewed, I wanted to gain an insight as to the overview of the realities of different stages
of refugee migration in order to compare and contrast the dynamic challenges of gender based violence. To do this, I interviewed two individuals who each worked in a different capacity with refugees, or were refugees themselves. Below I have included an outline of the name of each individual, the capacity in which they worked or volunteered with refugees, an overview of the interview, and some quotes which I felt were most important to this research. These interviews are in no way meant to be reflective of all refugee experiences with harassment or sexual assault, but more so are provided to give an insight into common themes experienced by individuals working in various capacities with refugees.

**Ghias Aljundi**, frontline volunteer with Amnesty International, worked on the beaches and refugee camps in Greece, receiving migrants from the Mediterranean. The overwhelming emotions Ghias had encountered with these women in his time of working with them once they had reached Europe, was a feeling of sheer desperation. There were extreme feelings of desolation, leading to expectations of sexual favours in return for basic necessities, harassment perpetuated by smugglers against women at all stages of their journey, and little help from NGOs or government bodies to help them overcome the trauma of sexual harassment. For Ghias, hearing of the harassment became common saying that: “plenty of women had been harassed. It is a common thing nowadays.” While there was an overwhelming feeling of strength, resilience and stoicism from the women he encountered, this was equally balanced with unshakeable fear: The fear of bearing an onus to compensate for help they had received, based on their passed experience. Granted Ghias understands that there have been cases of aid workers abusing their positions in order to extort sexual favours from women, though the most resounding feature of Ghias’s interview was in the abject despair these women faced through abuse by smugglers and circumstance. Speaking of the smugglers he said: “Sometimes they pretended to search refugees before they went on the boats, put their hands in sensitive areas. Inside the bras. Sometimes that happened in front of their male relatives.” Similarly he noted that many Syrian women had told them of opportunistic smugglers exploiting vulnerable single mothers: ‘I have seen personally, men came to the boat, you are a single mother, a man will help you with the bags, ended up demanding sex, sleeping with you. It is a very, very common thing.’ This was also iterated in speaking of survival sex, whereby men had asked or ensured that their wives would be prostituted to provide food for the family.
Faten Sarraj, a Syrian native, was a social worker and translator for the organisation, Kadav, the Women’s Solidarity Foundation in Istanbul, Turkey. Faten’s role was multifaceted, incorporating translation between Arabic, English and Turkish, and being an educator in women’s homes on topics such as awareness of domestic violence, access to the law and the promotion of health. The overall themes of Faten’s work centered on ensuring the promotion of equality for refugees, primarily refugee women. Faten was passionate about advocating against the prolific discrimination towards Syrians, that encompassed all aspects of many Syrian women’s lives in Istanbul. Among the most cited issues she encountered were stark disparities of employer’s wages to Turkish natives compared to Syrians, issues of lack of funding for translators in hospitals and the inability to engage fully with health services due to language barriers. These were only the issues that were faced by Syrian women in Turkish society at large, within their own communities however there were also transgressions that needed to be examined within a secure, culturally appropriate setting to challenge traditional Syrian societal attitudes. This involved going to houses of women in communities, and within six months, they had seen over 450 women. Speaking of the most common issues facing these women, it was clear that these women prioritised their families first over themselves. ‘When we are trying to speak about violence with women, they ignore the topic. You know speaking about violence, you are speaking about something that is not important for these people because they have a big problem: I need to feed my kids, I need to find this ID because the government are not providing, I have a lot of problems. If my husband is hitting me or my neighbour did something bad to me or they didn’t pay my salary its ok because I have kids in the end and I have to feed them, and I have to send them to school, or I have to go to hospital.’

On the topic of harassment and reporting of sexual violence, it was clear that reporting and talking openly about such experiences still remained taboo. It is clear that societal pressures to remain virtuous prevail, and maintaining the honour of one’s family was of utmost pertinence in incidents of harassment. ‘When they say harassment they think only of the physical harassment. They say: Oh, someone touched me from the back, but its ok because no one knew about it, I can just forget it.’ Having such topics be off limits was a common trend across the interview with Faten, ‘Again, when we were speaking with the women also, most of the women speak about: Ok, we answer the question, we want to talk about the hospital.
that’s fine, and then when we say now we want to speak about violence, there is a lot of violence, and then all the women would silence. All totally silent. And they would all say, thank God I am not facing any domestic violence my husband is not hitting me.’ Where societal attitudes position respect and family name as paramount, and any inhibition of those values would affect a woman’s social standing, there is understandably and evidently a lack of willingness to report crimes that had been committed against women for fear of potential future ostracization.

**International Policy and Legal Protections Against Sexual Violence during Conflict**

Given the litany of evidence detailing the deplorable adversity women in wartime and fleeing conditions are subjected to, it is imperative to examine two questions. The first being what, if any, legal and policy protections are in place for victims of sexual assault and violence, and secondly, it needs to be critically evaluated if these instruments are effective in providing justice to victims, and comprehensive enough for what their aims entail.

On an international level I will first examine the role of transnational organisations, beginning with the United Nations. The United Nations Commission on the Status of Women noted in March 2015 during the height of the Syrian refugee crisis that ‘the plight of women in situations of armed conflict should remain at the forefront of the international community’s agenda.’ Further detailed was the disproportionate affect the crisis had on women and children, comprising of the majority population of displaced persons. (United Nations, 2015) This concern is reflective of the stance of the UN during the past twenty years, gravitating towards further international protections for women as victims of violence in warzones. This is in parallel with previous moves towards recognition of gender-based violence in war: As passed initially by the U.N. Security Council in resolution 1820, there is now a definitive categorisation of sexual violence as a tactic of war, constituting a war crime, a crime against humanity or an act of genocide as defined by the Rome statute. (UN Women, 2008)

However, this is not an isolated instrument and must be seen in conjunction with general UN measures. If we are to examine it from the core outwards, we should follow the precedent
of core human rights treaties, starting with the fundamental human rights as enshrined in the Universal Declaration of Human Rights, with the fundamental principles relating to the ‘inherent dignity’ of people with articles 3, 5 and 12 respecting dignity of persons in this context, and protecting freedom from interference with these rights. (OHCHR, 2018) These rights are further elaborated on in the International Covenant on Civil and Political Rights (Article 7, ‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’, Article 17.1 ‘No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.’) (OHCHR, 2018) Such protections are also reinforced in the International Covenant on Economic, Social and Cultural Rights, although for the purposes of sexual violence, not as explicitly referenced.

Further conventions ensuring these rights are realised are founded in the Convention on Elimination of All forms of Discrimination Against Women, (OHCHR, 2018) and also the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment. (OHCHR, 2018) Though neither mention sexual violence, or make reference to the place of women in conflict situations, the aforementioned conventions are useful as a guideline principles for understanding the context of the rights of both individuals and women on the international stage. They are merely for demonstration purposes and should not be held as an example of an exhaustive list. It is also important to mention in this context the appointment of the UN of a special representative to the security council on the issue of sexual violence in conflict. The objective of the position to investigate ‘the status of conflict related sexual violence worldwide’

Moving forward in progression for accountability for sexual violence in war time can trace its beginnings to the International Criminal Tribunal for the former Yugoslavia following its war and subsequent breakup, the subsequent Criminal Tribunal for Rwanda (ICTR), and the Special Court for Sierra Leone. (Jarvis, 2016) It was through these trials that recognition of sexual violence was accounted for as an act in some cases, of a crime against humanity, with progression also being made as to have individual accountability for such crimes, or their organisation. For example, in the Celebisi case of the ICTY, it was held that ‘a superior may possess the requisite mens rea for criminal liability when the superior had actual knowledge, through direct or circumstantial evidence, that subordinates were committing or about to
commit crimes.’ Similarly the Chamber investigating the crimes crucially held that command responsibility can extend to non-military members in positions of authority. (Shenk et al, 1998)

In relation to the Criminal Tribunal for Rwanda, there was monumental development for recognition of genocide as an accountable offence, as was outlined in the landmark case of Jean-Paul Akayesu, ‘the first person to be convicted of genocide by an international tribunal.’ Considering the matters of rape and sexual violence there were also significant contributions made as to what constituted rape and sexual violence. For instance, such violence came within the scope of ‘causing serious bodily or mental harm’ and bearing grave repercussions under this extended remit of the term violence. Most notably, there was an evolution in the term ‘genocide,’ meaning that if sexual violence was perpetrated against a person with intent to destroy a particular group, it could be considered within that remit. (Gunawaradana, 2000)

In such instances we should also look to international criminal law for guidance and precedent. ‘International Criminal Law establishes a global system of obligations and rights to which each individual is theoretically bound and the violation of which entails a condition of individual liability for criminal prosecution’ Following the incidents of so called ad-hoc tribunals of Yugoslavia and Rwanda, the ‘court of last resort’ was established through the Rome Treaty, beginning work in 2003. (Human Rights Watch, 2018) The prosecutor in each investigation may ‘seek the co-operation of any state or intergovernmental organisation’ in its investigation. (United Nations, 1999)

There have been sincere criticisms of the Rome Statue, given that it is possible for a person to commit a crime with the required mens rea, ‘to kill civilians yet escape criminal liability under the Rome Statute.’ (Haque, 2011) With the ability to override national law (Scheffer et al, 2008) Furthermore, many countries have been hesitant to engage with the treaty, with this manifesting in either signatories and non-ratifiers of the treaty, or out and out rejection of it, as is the case with the Syrian Arab Republic. However, provision has been made in exceptional circumstances for an International Criminal Court referral whereby the court has intervened in countries not ratified to the treaty, as was the case in Sudan in 2005 and Libya in 2011. (Human Rights Watch, 2013)
Further criticisms of the International Criminal Court also arise due to its retrospective nature, in contrast to international humanitarian law such as the Geneva Convention and amendments whereby guidelines are given for general conduct in the case of war. (International Committee of the Red Cross, 2010) Most applicable to the case of women who continue to face violence in Syria is in the fourth Geneva convention, with Additional Protocols I and II prohibiting all forms of sexual violence in times of conflict, focusing for the first time on civilians over combatants in conflict. (United Nations, 2018) Though they may be considered by some as merely symbolic, it is evident that their existence is absolutely pertinent to recognising sexual violence in conflict: ‘While the Geneva Conventions of 1949 and their Additional Protocols of 1977 may not be perfect in their approach to sexual violence, they provide the necessary protections from and prohibitions against rape and other forms of sexual violence’ (Eboe-Osuji, 2012)

It is apparent that Syrian women are entering new phase of violence as a result of the revolution in their country. When dealing with conflict and sexual violence in this regard it is important to understand this multi-dimensional nature of how such harassment can change, and the needs of women at one stage of their experience of conflict, and all forms that it may take. While it is beneficial that international instruments exist, cultural norms of victims must be taken into account. The oppression of victims seeks only to perpetuate the silence these women feel they must adhere to for the sake of preservation of self and social standing. It is apparent that going forward for the sake of justice, Syrian women must be the beneficiaries of international instruments, not mere figures on the pages on reports on the crisis.

International Instruments: Are they effective?

When looking to the legal remedies available for prosecution for refugee victims, one of the most resounding features is not that legal remedies are unavailable, more so, they are ineffective and under or un used. We can recognise the dichotomy of the current legal system of the conjunction of international humanitarian law, criminal law and human rights law, which is in many aspects so robust and developed, while still acknowledging the deep discrepancies of their poor implementation at ground level. The transition from international legal instruments to individual, situational implementation can and demonstrably has been
strained. While legal remedies are of course an intrinsic part to the redress needed for Syrian survivors of sexual abuse, also pertinent is the strong presence of the rule of law in host countries is pertinent to ensure that prevention of violence does not occur initially. (Gaggioli, 2015)

Jurisprudence thus far in contexts of post-conflict has come to understand sexual violence as distinctly broader than solely rape, as for instance in the Akayesu case in Rwanda\(^1\), sexual violence was coined to be ‘any act of a sexual nature which is committed on a person under circumstances which are coercive’ (Gaggioli, 2015) The World Health Organisation uses more flexible approaches as to what constitutes sexual violence, and casts a broader net as to what comes within its parameters. (WHO, 2012) This is in slight deviation to the line of the International Criminal Court, however, with a certain ambiguity towards an implied gravity that is a prerequisite for their standards.

The main consensus that can be gathered from literature on the issue focuses on two broader issues, notably, that restorative justice for crimes committed during war should focus on following two paths. Firstly, that prosecution for crimes should follow international criminal law and prosecute those who are overarchingly responsible for the resulting effects of war. The other stem is a method of re-education and ensuring that such crimes do not happen again in newly resettled communities. (Eboe-Osuji, 2012) For example, as outlined by Eboe-Osuji, two of the main facets of the essence of justice is who is responsible for the act, and also, in post conflict societies, how can the underlying attitudes that brought about so that such future atrocities are prevented from occurring? (2012) The serious challenges that are faced include that ‘large numbers of crimes and suspects deserving of prosecution’ face ‘limited resources and time to try them all in a regular court of law.’ (Eboe-Osuji, 2012) Similarly, the pool of resources from which justice is to be delivered for victims is often competing with the resources for re-education and prevention of future crimes.

\(^1\) the Accused, Jean-Paul Akayesu, was the mayor of Taba, Rwanda. On 2 September 1998, Trial Chamber I of the Tribunal found him guilty of nine out of fifteen Counts charging him with genocide, crimes against humanity and violations of the Geneva Conventions in the first ever trial before the Tribunal. His was the first conviction ever for genocide and it was the first time that an international tribunal ruled that rape and other forms of sexual violence could constitute genocide. It was also the first conviction of an individual for rape as a crime against humanity.
If we are to look towards accountability for war crimes from previous atrocities, we can only look for guidance as for reparations for Syria, as the war continues. For example, the ICTY and ICTR ‘prosecution strategy was required or encouraged to concentrate only on persons ‘who bear the greatest responsibility’ or those most responsible for widespread or systematic crimes committed during the relevant periods of the conflict.’ (Jarvis, 2016)

As is posited by Jarvis, in order to properly prosecute crimes of sexual violence towards women in war time, there needs to be a two fold approach. Firstly, and most challenging, is that societal attitudes need to change to recognise the gravity of the act. Secondly, it is important that the idea of prosecution is not limited to those only in positions of power or military during the conflict zone, but to those who took advantage of the conflict for their own perverse benefit. ‘A proper policy of zero tolerance against misogynistic sexual violence ought to bring within the scheme (of post conflict prosecution of conflict inspired crimes) sexual violence against women committed by anyone who took advantage of lawlessness resulting from war – or diversion of attention of the security forces – to commit acts of sexual violence against women during armed conflict.’

Internal laws and policies are only as good as the response they receive and their effectiveness. If true restorative justice is to occur, there needs to be a complete overhaul of the previous societal psyche that lead to such injustices occurring in the first place. While it is good to use the law generally as an origin, the situation needs to be looked at holistically, with the possibility for justice to be realised only arising out of an alignment of international standards with local norms and values. The rehabilitation process first and foremost should be based on a victim focused core, with rehabilitation of society under the guise of international law emanating from this. As was outlined by the UN Secretary General ‘Transitional justice can provide an opportunity to transform both inadequate laws and harmful social norms, by ensuring that the gravity of sexual violence is registered on the historical record and in the public memory.’(2017)
Conclusion

While sexual based gender violence completely intrudes and disrupts the persons intrinsic sense of self and body, it is imperative that further trauma is avoided in international law failing to adequately recognise the gravity of the suffering they have endured. As must be continually re-iterated, part of justice being done is justice being seen to be done. There are distinct discrepancies even in the UN Refugee convention of 1951, even while well-intentioned. For example, the convention provides that refugees have access to courts in host countries, yet states that refugees should be accorded the same treatment as nationals of the contracting states, meaning that is entirely dependent on individual states’ own approach, and similarly does not account for the distinct situational disadvantage refugees are at. (Eberechi, O.E., 2017)

It is futile to have such systems be in place if they do not take into account the actualities of lives of refugees, and do not account for their differences from the average population. Furthermore it should be noted that the UN refugee convention, while it provides for access to court, ‘provision does not amount to justice.’ Notably for the thousands of Syrian women in refugee camps, the convention ‘does not contain specific provisions for accessing justice by female refugees who are victims of sexual violence in refugee camps’ (Eberechi, 2017)

The concluding themes I would posit centre around the idea that for restorative justice to occur for victims of sexual violence, the legal systems in order to replace, while present, are currently not enhanced and developed enough to provide actual solutions for survivors of sexual assault. I would assert that the first step to providing legal mechanisms of change for survivors is to engage with primarily education, with the end goal being the realisation of rights that have been enshrined in these instruments. It is undoubted that true justice would be to get legal mechanisms implemented in the lives of those who have suffered, however justice does not solely revolve around law. From the interviews I have conducted, it is clear that until crimes can be held accountable, the biggest factor that will bring about change is a progression in societal attitudes to overhaul the current system of thinking, and place victims at the forefront of care, solidarity and support.
Bibliography: (Chronological)


Kivlahan, C., and Ewigman, N. (2010) Rape as a Weapon of War in Modern Conflicts: Families and Communities are Victims, as well as Individuals. *British Medical Journal*, 341(7771) pp.468-469. Available at: https://www.jstor.org/stable/20766255?Search=yes&resultItemClick=true&searchText=refugees&searchText=rape&searchUri=%2Faction%2FdoBasicSearch%3Fquery%3Drefugees%2Brape&refreqid=search%3A9001fb3f7e3cca2e3f07bc7f51a81e80&seq=1#page_scan_tab_contents

Available at: https://www.jstor.org/stable/3810388

Available at: https://www.jstor.org/stable/41856499

Available at: https://www.jstor.org/stable/tibetjournal.38.1-2.43


United Nations Human Rights Office of the High Commissioner (2018) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Available at: https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx


Available at: https://www.hrw.org/topic/justicia-internacional/international-criminal-court#

Available at: https://www.jstor.org/stable/29767179?Search=yes&resultItemClick=true&searchText=rome&searchText=statute&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Drome%2Bstatute%2B&ab_segments=0%Fdefault-1%Frelevance_config_with_defaults_duplicate&refreqid=search%3A1e1f48d1fd06caded38acc9240744a&seq=1#page_scan_tab_contents

Available at: https://www.jstor.org/stable/10.1525/nclr.2011.14.4.519?Search=yes&resultItemClick=true&searchText=rome&searchText=statute&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Drome%2Bstatute%2B&ab_segments=0%Fdefault-1%Frelevance_config_with_defaults_duplicate&refreqid=search%3A1e1f48d1fd06caded38acc9240744a&seq=1#page_scan_tab_contents

Available at: https://www.jstor.org/stable/40042792?Search=yes&resultItemClick=true&searchText=rome&searchText=statute&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Drome%2Bstatute%2B&ab_segments=0%Fdefault-1%Frelevance_config_with_defaults_duplicate&refreqid=search%3A1e1f48d1fd06caded38acc9240744a&seq=1#page_scan_tab_contents
Human Rights Watch (2013) Q&A: Syria and the International Criminal Court
Available at: https://www.hrw.org/news/2013/09/17/qa-syria-and-international-criminal-court


Available at: https://www.icrc.org/en/international-review/article/sexual-violence-armed-conflicts-violation-international-humanitarian

World Health Organisation (2012) understanding and Addressing Violence Against Women
Available at: http://apps.who.int/iris/bitstream/handle/10665/77434/WHO_RHR_12.37_eng.pdf;jsessionid=31B414A2B21B4234B63BE27C2D80CA05?sequence=1


Available at: file:///C:/Users/Ciara/Downloads/Eberechi_Access_2018.pdf