

All Survivors Project Submission to the United Nations Committee on Economic, Social and Cultural Rights

75th Session: 12 February – 01 March 2024

All Survivors Project provides research to improve the global response to every survivor of sexual and gender-based 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 victims of violence. We are an independent, international research project working with individuals and organisations to strengthen communities by upholding the dignity of each individual.

Summary

1. All Survivors Project makes this submission to the United Nations (UN) Committee on Economic, Social and Cultural Rights (the Committee) in advance of its consideration of the state report of Iraq during its 75th Session. This submission focuses on sexual violence against men and boys in the context of the armed conflict in Iraq. It relates to Articles 2, 3 and 12 of the International Covenant on Economic, Social and Cultural Rights (the Covenant).
2. All Survivors Project (ASP) has been documenting cases of conflict-related sexual violence against men and boys and the factors that contribute to male vulnerability in Iraq dating back to 2003. Conflict-related sexual violence has been widespread in the country, most recently occurring at scale in the context of the Islamic State (ISIL) conflict, when thousands of mostly Yazidi women and girls were subjected to sexual slavery. Men and boys were also targeted during and before the 2014 ISIL conflict, by ISIL as well as other actors, including the Iraqi security forces, local militias and foreign militaries. A lack of reporting of cases of sexual violence against men and boys remains a key barrier to understanding the full scale of the problem.
3. While this submission does not offer a comprehensive assessment, ASP's findings paint a credible picture of a pattern of sexual violence against men and boys that warrants urgent attention. This submission specifically sets out ASP's concerns in relation to the inadequacy of responses to sexual violence against men and boys and makes recommendations as to how these can be strengthened.

Sexual violence against men and boys (Articles 2, 3, 12)

4. ASP's desk-based research points to an inadequacy of measures to prevent and respond to sexual violence in Iraq, particularly when victims/survivors¹ are men and boys. This is in violation of the Covenant's obligations of non-discrimination, equal rights of men and women, and the right of everyone to the enjoyment of the highest attainable standard of physical and mental health enshrined in Articles 2, 3 and 12, respectively.
5. According to available data collected by ASP, significant numbers of women and girls, as well as some men and boys from mainly religious and ethnic minorities, were subjected to conflict-related sexual violence (CRSV) by ISIL.² Captives of ISIL were subjected to rape, sexual enslavement, physical and psychological violence, forced marriage and trafficking, among other violations.³ There have also been accounts of the brutal torture and killing of men, women and children, including those with perceived or real diverse sexual orientation, gender identity and sex characteristics.⁴
6. Of the estimated 6,417 Yazidis who were abducted by ISIL, 3,543 people (1,204 women, 1,044 girls, 956 boys and 339 men) have been rescued according to the Directorate of Yazidi Affairs of the Ministry of Endowment and Religious Affairs of the Kurdistan Regional Government. 2,874 people (1,574 men and 1,300 women) remain unaccounted for. According to local and international NGOs, the number of missing women is closer to 3,000 and Iraqi authorities have not made concerted efforts to find and identify any of the missing.⁵
7. Currently, many ISIL survivors remain in camps in northeastern Syria. More than 28,000 Iraqis, mostly women and children, are detained in the Al-Hol camp alone,⁶ with another 3,000 held in prisons,⁷ and all are at heightened risk of economic insecurity and sexual violence.⁸ Plans and efforts by the Iraqi government to

¹ Victim/survivor refers to any child or adult who has suffered CRSV in whatever form, including being forced to witness CRSV against another person or persons. The term "victim/survivor" acknowledges that those who experience sexual violence may identify themselves as a victim or as a survivor, or both, and that every individual has the right to choose their preferred language.

² UNAMI and OHCHR, *Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq*, 22 August 2017, www.ohchr.org/Documents/Countries/IQ/UNAMIRreport22Aug2017_EN.pdf, paras.1-2.

³ UNAMI and OHCHR, *Promotion and Protection of Rights of Victims of Sexual Violence Captured by ISIL/or in Areas Controlled by ISIL in Iraq*, 22 August 2017, www.ohchr.org/Documents/Countries/IQ/UNAMIRreport22Aug2017_EN.pdf, para.10.

⁴ Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, *Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on her Mission to Iraq*, 20 June 2018, UN Doc. A/HRC/38/44/Add.1, para.26.

⁵ Human Rights Watch, *World Report 2023 – Iraq, Events of 2022*, 2023, www.hrw.org/world-report/2023/country-chapters/iraq.

⁶ UNAMI, *Visit to Al-Hol camp in Northeastern Syria* Press Release, 6 June 2022, iraq.un.org/en/185022-visit-al-hol-camp-northeastern-syria.

⁷ Human Rights Watch, *World Report 2023 – Iraq, Events of 2022*, 2023, www.hrw.org/world-report/2023/country-chapters/iraq.

⁸ United Nations Security Council, *Report of the Secretary-General on Conflict-related Sexual Violence*, 30 March 2021, UN Doc. S/2021/312, para.32.

repatriate Iraqi citizens have commenced,⁹ but these have been slow and have revealed the vulnerability of Iraqi survivors, including men and boys. In 2022, for example, aid workers reported that over 200 Iraqi boys were detained in Baghdad after their transfer from northern Syria, where they had been detained in prison with adult males. They remained in detention in Baghdad without charge or trial because of their links to ISIL.¹⁰

8. Within Iraq, over one million people remain internally displaced.¹¹ In 2021, the Iraqi authorities closed several IDP camps, leaving up to 75% of IDPs without support.¹² 78% of IDPs are women and children,¹³ many of whom have little medical and psychosocial support for their rehabilitation and reintegration into society.¹⁴ There have been reports of gender-based violence in camps against internally displaced women and girls, as well as men and boys. Increased rates of forced and child marriage, “survival sex” and domestic violence have also been reported.¹⁵ Those who have perceived past associations with ISIL face stigma and discrimination, particularly survivors of conflict-related sexual violence and the children of ISIL fighters.¹⁶ Widows of ISIL members have reported being subjected to harassment and sexual violence at checkpoints, or within the camps by Iraqi security forces.¹⁷
9. Information compiled by ASP from secondary sources involved cases of torture and ill-treatment, including acts of sexual violence against detainees accused of security-related crimes and ordinary crimes. According to OHCHR and UNAMI, torture and ill-treatment in situations of deprivation of liberty in Iraq are widespread and are met

⁹ Bureau of Counterterrorism, Middle East Institute, US State Department, *Resolving the Detainee Dilemma: What Next for the Men, Women & Children of the Islamic State*, Remarks by Timothy Alan Betts, Acting Coordinator for Counterterrorism and Acting Special Envoy for the Global Coalition to Defeat ISIS, July 2022, www.state.gov/resolving-the-detainee-dilemma-what-next-for-the-men-women-children-of-the-islamic-state-2/.

¹⁰ Amnesty International, *Annual Report 2022/2023, Iraq*, 2023, www.amnesty.org/en/location/middle-east-and-north-africa/iraq/report-iraq/.

¹¹ IOM UN Migration, *Iraq Displacement Data*, September 2023, <https://data.humdata.org/dataset/iraq-returnee-data-iom-dtm>.

¹² Amnesty International, *Annual Report 2022/2023, Iraq*, 2023, www.amnesty.org/en/location/middle-east-and-north-africa/iraq/report-iraq/.

¹³ United Nations Security Council, *Report of the Secretary-General on Conflict-related Sexual Violence*, 30 March 2021, UN Doc. S/2021/312, para.33.

¹⁴ UNAMI and OHCHR, *Highlighting the Legacies of Sexual Violence in Conflict on Diverse Groups of Women*, 20 June 2023, iraq.un.org/en/237243-highlighting-legacies-sexual-violence-conflict-diverse-groups-women.

¹⁵ Special Rapporteur on the Human Rights of Internally Displaced Persons, *Visit to Iraq - Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 13 May 2020, UN Doc. A/HRC/44/41/Add.1, para.51.

¹⁶ UNAMI and OHCHR, *Highlighting the Legacies of Sexual Violence in Conflict on Diverse Groups of Women*, 20 June 2023, iraq.un.org/en/237243-highlighting-legacies-sexual-violence-conflict-diverse-groups-women.

¹⁷ Special Rapporteur on the Human Rights of Internally Displaced Persons, *Visit to Iraq - Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons*, 13 May 2020, UN Doc. A/HRC/44/41/Add.1, para.51.

with impunity.¹⁸ Of the 235 detainees interviewed by them between 2019-2021, half had credible accounts of torture committed by security forces in attempts to force confessions. Sixteen interviewees, including one woman and a boy, described being subjected to sexual violence during interrogations. Electric shocks were applied to their genitals and objects, including sticks and bottles, were forced up their anus.¹⁹

10. Overall, cases of conflict-related sexual violence appear to have reduced since the defeat of ISIL in Iraq,²⁰ but underreporting of such cases remains a key problem, particularly in relation to men and boys. Stigma, family pressure and a lack of confidence in judicial processes are barriers to reporting and access to justice and therefore prevent insight into the true scale of CRSV in Iraq.

Preventing and responding to sexual violence against men and boys

a. National legal frameworks to combat conflict-related sexual violence

11. In recent years there have been efforts to introduce legislative and policy frameworks to address conflict-related sexual violence in Iraq. In a Joint Communiqué following a visit to Iraq by the Special Representative of the Secretary General on Sexual Violence in Conflict in 2015,²¹ the Government of Iraq committed to supporting legislative and policy reform to strengthen protection and the provision of services for victims of conflict-related sexual violence, including men and boys. Their commitments also include ensuring accountability through strengthening the capacity of national authorities, including the Kurdistan Genocide Committee, and designating high level focal points in the Federal Government and regional Kurdistan authorities. These commitments were to be actioned as part of the second Iraq National Action Plan (2019-2023), developed in line with UN Security Council Resolution 1325 on women and peace and security.²² Given that the Plan focused on women and girls, there is a risk that male survivors of conflict-related sexual violence were overlooked in its implementation.

¹⁸ UNAMI and OHCHR, *Human Rights in the Administration of Justice in Iraq: Legal Conditions and Procedural Safeguards to Prevent Torture and Ill-treatment*, 3 August 2021, www.ohchr.org/en/documents/country-reports/human-rights-administration-justice-iraq-legal-conditions-and-procedural, page 4.

¹⁹ UNAMI and OHCHR, *Human Rights in the Administration of Justice in Iraq: Legal Conditions and Procedural Safeguards to Prevent Torture and Ill-treatment*, 3 August 2021, www.ohchr.org/en/documents/country-reports/human-rights-administration-justice-iraq-legal-conditions-and-procedural, page 11.

²⁰ The last six Secretary General Annual Reports on Sexual Violence in Conflict (relating to years 2017, 2018, 2019, 2020, 2021 and 2022) report fewer cases of conflict-related sexual violence in Iraq, though the lack of accountability for cases remains a key concern.

²¹ UNAMI and the Special Representative of the Secretary General, *Joint Communiqué of the Republic of Iraq and the United Nations on the Prevention and Response to Conflict-Related Sexual Violence*, 23 September 2016, [www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communication/join-communication-of-the-republic-of-iraq-and-the-united-nations-on-prevention-and-response-to-crsv/Joint Communiqué of the Govt of Iraq and UN 9 2016 ENG.pdf](http://www.un.org/sexualviolenceinconflict/wp-content/uploads/joint-communication/join-communication-of-the-republic-of-iraq-and-the-united-nations-on-prevention-and-response-to-crsv/Joint%20Communique%20of%20the%20Govt%20of%20Iraq%20and%20UN%209%202016%20ENG.pdf).

²² UN Women, *Iraq National Action Plan News Story*, 2020, iraq.unwomen.org/en/what-we-do/peace-and-security/iraq-national-action-plan.

12. On 1 March 2021, the Council of Representatives of Iraq passed the Yazidi Female Survivors Law, which recognised that crimes committed by ISIL, including sexual enslavement, abortions, kidnapping and forced marriage committed against women and girls who are Yazidi, Christian, Shabak or Turkmen, amounted to genocide. The law allows for compensation, rehabilitation and reintegration for survivors. The law has not effectively been implemented, however, with survivors facing the obstacle of having to file a criminal complaint first before they can receive compensation.²³ The law also has a narrow definition of “survivor”, excluding the protection and rehabilitation of other female survivors, the children of rape survivors, or men and boys subjected to conflict-related sexual violence.²⁴
13. Furthermore, in July 2021, the Government of Iraq launched a National Human Rights Plan which seeks to strengthen national legislation and policy related to human rights in the country, to build capacity and to harmonise national legislation with international human rights standards.²⁵ Drafted by the Ministry of Justice and adopted by the Council of Ministers, the Plan contains several provisions on the protection of children, minorities and women against conflict-related and gender-based violence. Men and boys are not specifically mentioned in the Plan. To be fully effective, it is important that the Plan recognises and addresses the vulnerabilities of all people and include actions that explicitly include men and boys in responses.

b. Access to justice by male survivors of sexual violence

14. ASP’s research shows there is a lack of legal protection and accountability for conflict-related sexual violence in general in Iraq, as well as significant legal, procedural, and societal barriers to investigating and prosecuting cases involving victims/survivors who are men and boys. The gender-exclusive definition of rape under Iraq’s Penal Code assumes female victims and male perpetrators, and may exclude acts by female perpetrators and many forms of sexual violence against male victims. Few sexual violence cases currently go to court, and virtually none end in conviction and punishment of the accused for sexual violence offences. Rape victims who are women and girls are unlikely to press charges against perpetrators and pursue legal remedies due to societal pressures and norms.²⁶ Women who report sexual violence face harassment and abuse from Iraq’s police force, which is male-

²³ Amnesty International and others, *Iraq: Statement on the Implementation of the Yazidi Survivors Law*, 14 April 2023, www.amnesty.org/en/documents/mde14/6680/2023/en/.

²⁴ United Nations Security Council, *Report of the Secretary-General on Conflict-related Sexual Violence*, 29 March 2022, UN Doc. S/2022/272, para.33.

²⁵ Iraq, National Human Rights Plan in Iraq 2021 – 2025, adopted 23 March 2021, www.ohchr.org/sites/default/files/Documents/Issues/NHRA/NAPIraq2011.pdf.

²⁶ Institute for International Criminal Investigations, *Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict - Iraq, Guidance for Practitioners in Iraq*, March 2018, [ijci.global/0.5.1/wp-content/uploads/2018/03/Iraq-IP2-Supplement_English_Online.pdf](https://www.ijci.global/0.5.1/wp-content/uploads/2018/03/Iraq-IP2-Supplement_English_Online.pdf), page 1 and page 28.

dominated, and may even be accused of adultery, prostitution or be subjected to “protective detention.”²⁷ Cases of sexual violence against men and boys go largely underreported because of mistrust in the judicial system, stigma, fear of reprisals and family pressures.²⁸

15. The main focus of current investigations and prosecutions appear to be on crimes committed by ISIL. Domestic criminal courts continue to use counter-terrorism frameworks to prosecute members of ISIL,²⁹ but there is no evidence to suggest that any ISIL member has been prosecuted or convicted for conflict-related sexual violence crimes by Iraqi authorities, including when these amounted to war crimes, genocide, or crimes against humanity.³⁰

c. Impact of sexual violence on the physical and mental health of survivors and access to medical care, MHPSS and protection

16. Sexual violence can have serious and damaging short and long-term physical, sexual, psychological, and social consequences on survivors. Male survivors may suffer a range of physical injuries. All rape survivors are at an increased risk of sexually transmitted infections (STIs), including HIV/AIDS, and may also experience incontinence, genital and rectal trauma, fistulas and fissures, impairment and damage to reproductive capacity or sexual dysfunction. The mental health impact on sexual violence survivors can be severe and can include feelings of guilt, shame, anger, post-traumatic stress disorder, anxiety and suicidal ideation. Some survivors may also experience confusion regarding their sexual orientation after experiencing sexual violence.
17. ASP’s research found that holistic service provision for men and boys including those with diverse sexual orientation and gender identity is seriously lacking, in contravention of Article 12 of the Covenant. Due to a lack of government-run services, which have in any case been impacted by years of conflict and inadequate funding, non-governmental organisations are largely responsible for the provision of services survivors of sexual violence, with many operating in the Northern and Kurdistan Regions of Iraq to support IDP and refugee populations. Many of these service providers lack adequate funding, gender-inclusive guidance and trained staff to meet the needs of men and boys, as well as LGBTI+ survivors. Furthermore, the precarious security situation in Iraq, patriarchal and sociocultural expectations, and the fear of

²⁷ Institute for International Criminal Investigations, *Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict - Iraq, Guidance for Practitioners in Iraq*, March 2018, [ici.global/0.5.1/wp-content/uploads/2018/03/Iraq-IP2-Supplement_English_Online.pdf](https://www.ici.global/0.5.1/wp-content/uploads/2018/03/Iraq-IP2-Supplement_English_Online.pdf), page 29.

²⁸ United Nations Security Council, *Report of the Secretary-General on Conflict-related Sexual Violence*, 30 March 2021, UN Doc. S/2021/312, para.32.

²⁹ United Nations Security Council, *Report of the Secretary-General on Conflict-related Sexual Violence*, 30 March 2021, UN Doc. S/2021/312, para.33.

³⁰ Human Rights Watch, *World Report 2023 – Iraq, Events of 2022, 2023*, www.hrw.org/world-report/2023/country-chapters/iraq.

reprisals from family and communities because of the stigma surrounding sexual violence, act as serious barriers to accessing medical and psychosocial care.³¹ For men and boys, the fact that they are more likely to be perceived as perpetrators rather than victims creates additional obstacles to reporting or seeking care.

18. Despite the complex situation in Iraq, some steps have been taken to fill in the gaps in service provision for victims of sexual violence; UNFPA and the Gender-Based-Violence sub-cluster have developed a set of referral pathways for many parts of Iraq, and specific case management and referral guidelines have also been created, which include men and boys.³²

All Survivors Project asks the Committee to call upon the government, with the support of international actors, to:

- ***Integrate the issue of sexual violence against men and boys into national legal frameworks***, specifically by ensuring its explicit recognition in the revision of the National Action Plan and National Human Rights Plan. Additional resources should be dedicated to training and strengthening capacity to address the specific needs of male survivors in domestic law processes and ensure their access to justice.
- ***Strengthen data gathering and safe, anonymous information sharing on sexual violence against men and boys as part of broader efforts to monitor and report on conflict-related sexual violence***. There should be a working assumption that men and boys may be at risk of sexual violence, and data gathering and screening processes should be designed to safely, ethically and appropriately identify male and female survivors. Data sharing and co-ordination among stakeholders should be strengthened while prioritising at all times the safety and wellbeing of survivors.
- ***Ensure that awareness raising and sensitisation activities on sexual violence are gender inclusive***. Concerted effort is needed to build broader awareness of sexual violence against men and boys in Iraq and to counter the deeply entrenched stigma associated with it, including by ensuring that messages on sexual violence are gender inclusive, and awareness and outreach activities are designed to reach men and boy survivors and others who are in a position to support them.
- ***End impunity for crimes of sexual violence and fulfil victims' right to remedy by holding perpetrators to account and providing comprehensive reparations to survivors***. Accelerated action is needed to strengthen the capacity of national law enforcement and domestic courts to investigate and prosecute crimes of sexual

³¹ UNFPA, *The Assessment of the Needs of and The Services Provided to Gender - Based Violence Survivors in Iraq*, 17 July 2019, iraq.unfpa.org/sites/default/files/pub-pdf/The%20Assessment%20of%20the%20Needs%20of%20%26%20Services%20Provided%20to%20GBV%20Survivors%20in%20Iraq.pdf, page 38.

³² Institute for International Criminal Investigations, *Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict - Iraq, Guidance for Practitioners in Iraq*, March 2018, iici.global/0.5.1/wp-content/uploads/2018/03/Iraq-IP2-Supplement_English_Online.pdf, page 41.

violence. These institutions should have dedicated capacity and expertise to effectively address sexual violence against all victims.

- **Strengthen mental health and psychosocial services so that they are available to all survivors of sexual violence and are gender inclusive.** Greater efforts are needed to strengthen services and to ensure that gender-specific services for men and boys are integrated into programme delivery. Minimum responses should include:
 - Immediate access to free, survivor-centred, high quality, confidential medical care for men and boys in public hospitals, health centres or in mobile clinics and in facilities run by non-governmental health providers. All services should uphold a strict respect of informed consent and be designed and delivered with a survivor-centric approach;
 - Medical-legal certificates should be offered free of charge to all sexual violence survivors at the time of the initial medical consultation;
 - Implementation of safe and confidential referral systems for male survivors to providers of medical, psychosocial and legal services;
 - Access to psychosocial support for male sexual violence survivors, witnesses and, if needed, for their family members at district and community level including through existing community protection mechanisms and by facilitating the establishment of peer support groups for male survivors. These services should be widely advertised and made available both to survivors and to those who have witnessed sexual violence;
 - The development of specialised services for child survivors of sexual violence including boys. Special attention should be paid to the children of ISIL fighters, unaccompanied children and other groups who may be at particular risk of sexual violence;
 - Conduct safety assessments for survivors, including in family or social contexts, and explore options for a prompt removal if necessary to safe, secure and confidential accommodation for men and boy survivors pending longer-term solutions;
 - Men and boys should be consulted and involved in the design of programmes, and survivors consulted on their implementation.