



Testimony by

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James P. McGovern, Massachusetts, Co-Chairman
Joseph R. Pitts, Pennsylvania, Co-Chairman**

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"Human Rights Violations Committed by the Islamic State"

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I. Introduction

Thank you Chairman McGovern, and Chairman Pitts and distinguished members of the Tom Lantos Human Rights Commission for holding this important hearing on human rights violations committed by the the Islamic State of Iraq and Syria (ISIL).

My name is Yanar Mohammed and I am the Founder and Director of the Iraq-based women's human rights organization OWFI, the Organization for Women's Freedom in Iraq. We work together in partnership with the New York based international women's human rights organization MADRE.

In this submission, after providing a brief background on OWFI and MADRE and our work in Iraq and Syria, I will elaborate on issues and challenges that we have faced in providing

humanitarian aid and advocating for the protection of women's rights as well as the rights of other marginalized and at-risk communities most impacted by the current crisis resulting from recent violence instigated by the Islamic State of Iraq and Syria (ISIL).

II. Background

The Organization of Women's Freedom in Iraq (OWFI) is a national women's organization dedicated to rebuilding Iraq on the basis of secular democracy and human rights for all. OWFI's work to meet the needs of survivors of gender-based violence (GBV) has entailed sheltering and provided counseling and civic education to survivors of GBV, broadcasting about human rights via the radio and OWFI's newspaper advocating for greater political participation for women, among other programs. OWFI advocates on behalf of women who are most marginalized, including those who are incarcerated, widowed, displaced, battered, or victims or at risk of honor crimes.

Founded in 1983, MADRE is an international women's human rights organization that supports the development of networks of community-based women's organizations in over 25 countries, directly impacting the lives of approximately 450,000 people. MADRE has been working in Iraq for over a decade conducting trainings with the aim of building the capacity of local organizations to promote women's rights and democracy in Iraq. Currently in partnership with both international and local organizations, MADRE builds the capacity of local organizations to provide humanitarian aid, safe passage and shelter for women and girls fleeing violence, and provides medical care as well as psychosocial support for victims of violence. MADRE also boosts the capacity of local Iraqi women's organizations by providing them with the necessary skills and tools to identify and document human rights violations, engage in local and national advocacy and campaign to raise public awareness for the protection and promotion of the rights of marginalized and at-risk Iraqis.

II. Convening between Iraqi and Syrian Women's Organization working in ISIL controlled or contested areas

In January 2015, OWFI and MADRE, working in collaboration with the Women's International League for and Freedom (WILPF) and the participation of the Sorensen Center for International Peace and Justice at CUNY Law School, held a landmark meeting in Istanbul, Turkey, bringing together over 30 Syrian and Iraqi women's rights advocates working in the context of the current conflict to protect survivors and document human rights abuses. I was a participant in this conference. The activists from both countries were provided with a unique opportunity to engage with one another as well as with international experts discussing issues, concerns and strategies.

The meeting proved to be extremely significant and constructive as it enabled participants to examine the root causes of gender-based violence and human rights violations in both countries, which then resulted in a set of solid and practical recommendations for both local groups working on the ground as well as the international community.

In addition, the discussions developed a strong consensus among advocates that in order to comprehensively address rights and humanitarian needs of women fleeing ISIL-controlled areas,

participants identified the needs to address the pre-existing threats that are embedded in state laws and social norms. ISIL's rise comes against a backdrop of long running armed conflicts in Syria and Iraq in which gender-based violence has been continuously present. The threats to civilians, including women and girls, posed by ISIL and other militia groups should be understood as a continuing outgrowth of the deterioration of women's human rights over the last couple decades.

In the absence of government sponsored services and legal remedies to address gender-based violence, local Iraqi and Syrian women's NGOs are at the forefront of providing necessary aid and services. Even before ISIL's invasion, Syrian and Iraqi NGOs and women's rights defenders seeking to assist women and girls encountered regular harassment, arbitrary surveillance and warrantless searches. Comprehensively addressing the rights and humanitarian needs of women and girls fleeing ISIL-controlled territories requires addressing pre-existing threats to women and girls, embedded in both Iraq's and Syria's laws and social norms.

Given the current climate of armed violence and political instability in both Syria and Iraq, it is critical right now to strengthen the voices of women in advocacy to lay the foundation for redress for gender-based violence and for policy change in the future. Creating lasting positive change requires strengthening the capacity of Iraqi and Syrian women's organizations that are committed to ending gender-based violence and to building a rights-based society in which democratic norms, including gender equality, can supplant sectarianism. In this moment of crisis in Iraq and Syria, it is precisely this approach to social change that will help weave solutions out of uncertainty and build more equitable foundations in the long term.

As a result of this significant convening and our extensive collaboration with our local partners in both Iraq and Syria, we have identified the following issues as prominent factors that exacerbate the already appalling situation of women and further impede their access to much needed services and the protection of their human rights as well as the recommendations that follow.

III. Problem Statement

Since its ascent to power in December 2013 in Syria and the takeover of several major cities in Iraq in June 2014, ISIL as well as its rival militias are known to have committed egregious human rights violations; these actors threaten to further erode the rights of Iraqi and Syrian women and girls. While all Iraqis and Syrians face daily insecurity due to terrorism and civil strife, women and girls experience additional, targeted abuse because of their gender.

ISIL has immediately moved to impose its fundamental agenda directly on the bodies of women. There exist credible reports of ISIL fighters killing men and male children and abducting and raping women and forcing them into sexual slavery, particularly women from religious minorities such as the Yezidi community, in the territories they control.

The threats to civilians, particularly vulnerable groups such as women and girls, posed by ISIL's and other militia groups should be recognized as the furthest and most extreme point on a continuum of violence against women in both Syria and Iraq which then illustrates the clear link

between pre-existing threats to women and girls embedded in national laws and social norms and the current deplorable conditions of women impacted by ISIL's conflict. Therefore, immediate violations committed against women and girls by ISIL, should be addressed with regards to the context and conditions that structure women and girls' vulnerability and undermine their capacity to survive and recover from the crisis.

As men have either been killed or heeded calls to fight ISIL, women have become the heads of hundreds of thousands of households. Women and the children in their care are also the majority of millions of people who have fled their homes in Iraq and Syria in fear of ISIL and airstrikes. Although there are provisions under national laws that aim to protect women's human rights, gaps and deficiencies within the law itself, the criminal justice system, and law enforcement allow for the continuation of human rights abuses in violation of international human rights standards.

The growing conflict has given rise to all varied forms of gender-based violence (GBV), particularly toward women from minority groups, including, but not limited to "honor-based" crimes and killings, trafficking, forced, temporary and underage marriages, domestic violence, and sexual slavery. Therefore, it is critical to expand safety mechanisms for women and girls fleeing violence by establishing and maintaining safe housing, and promoting women's rights to physical security. Linking this imperative to the creation of lasting positive change requires strengthening the capacity of progressive Syrian and Iraqi citizens and organizations committed to ending GBV and building a rights-based society in which democratic norms, including gender equality, can supplant extremism and violence.

Gender-Based Violence and Discrimination

Reports from the region indicate that ISIL militia have gone door to door, forcing their way into homes, killing the men and male children and abducting women and girls in Mosul and Tel Afar. Once detained, women must convert to ISIL's extremist interpretation of Islam. They are then sold as brides to Islamist fighters in an open market held in former bazaars and cinema buildings. Initially, prices ranged from \$100 to \$1,000 USD. As the sale of women has continued, however, and some women have been resold multiple times between Islamist fighters, the price per woman has reached as low as \$15 USD. If they refuse to convert, the punishment is daily rape---and a slow death. Some women have managed to hide their cellular phones and call family members while detained. Once sold, they are not heard from again.

In the absence of Government sponsored services and legal remedies to address GBV and discrimination, local Iraqi women's NGOs are at the forefront of providing the necessary services for those escaping gender-based violence. However, even before ISIL's invasion, Iraqi NGOs and women's rights defenders that seek to assist women and girls have encountered regular harassment, arbitrary surveillance, and warrantless searches. Some human rights organizations are forced to operate illegally and clandestinely, especially those who shelter women fleeing violence, which remains illegal for NGOs in Central and Southern Iraq.

Additionally, the Penal Code in Iraq and Syria mitigates sentences for perpetrators of crimes involving sexual violence if they marry their victim. In Iraq, cases where rape results in the death

of the victim, the Penal Code does permit a maximum sentence of life imprisonment, though this is rarely enforced. At present, there are no reliable estimates of the incidence of rape in Iraq or the effectiveness of Government enforcement of the Penal Code.

Shelter Law

There are currently over three million IDPs in Iraq as a direct consequence of ISIL's incursion. The excess of displaced individuals, in addition to the near-constant threat of ISIL-imposed violence, underscores the necessary establishment of safe shelters for those in need. On September 19, the Secretary-General's Special Representative for Iraq at the UN Security Council Ministerial Debate on Iraq, Nickolay Mladenov noted in a statement that the "pressure on local communities across Iraq is growing" and the continuing influx of 1.8 million displaced Iraqis has created "a massive shelter crisis." With the rapid increase in the number of displaced individuals over the last two months, on November 26, 2014, Mr. Mladenov further urged "the relevant authorities to create safe shelters for survivors of violence," identifying the overwhelmingly female displaced population as "Iraq's bleeding wound."¹

As the situation currently exists, local human rights organizations seeking to provide the shelter and support desperately needed by so many are forced to do so clandestinely. In Iraq, the establishment and maintenance of private shelters by NGOs is against public policy. Amending the shelter law to allow NGOs to run private shelters for displaced families and individuals would greatly aid the local Iraqi women's organizations already mobilizing an emergency response to protect at-risk individuals. These local organizations are in the best position to reach displaced families and to provide shelter and aid. They are able to operate in areas unreachable by the government and/or international aid organizations. In order to advance the physical safety of women fleeing ISIL captivity and abuse, the efforts of local Iraqi women's organizations must be supported.

Honor Killings

Norms of "family honor" recognized in both Syria and Iraq's Penal Code, which permits honor considerations to mitigate sentences, are a grave threat to women and girls who have been captured, detained or abused by ISIL fighters. Iraqi service providers report high rates of suicide among such women, who face being ostracized and targeted with killing by their family or community in the name of honor. In fact, some Iraqis have called on their Government to bomb ISIL-controlled makeshift prisons where women are being held, sold and raped, in order to erase the perceived affront to the honor of those communities.

Honor is often perceived as compromised when a woman is abducted or kidnapped. The frequency with which ISIL fighters kidnap women and children from their homes create issues beyond the period of abduction, if the lives of those kidnapped are spared. Many of those who have escaped ISIL captivity and have returned home, many face a lasting stigma fueled by the

¹ United Nations in Iraq, *Captive Women and Girls at the Hands of Terrorist Groups are Iraq's Bleeding Wound*, November 26, 2014. <http://www.uniraq.org/index.php?option=com_k2&view=item&id=2936:captive-women-and-girls-at-the-hands-of-terrorist-groups-are-iraq-s-bleeding-wound&Itemid=605&lang=en> [accessed December 9, 2014.]

presumption that abductors rape or sexually assault the women kidnapped. The shame and perceived loss of honor associated with these women sometimes compel families or community members to target these individuals in efforts to restore collective honor. For those that do not fall victim to honor killings, the stigma associated with their kidnapping can compel them to delay treatment or go without medical care altogether. Opting out of or delaying treatment for injuries sustained through abduction presents a host of potentially deadly health risks unique to women and girls.

Traditional notions of “honor” have led to calls from some Iraqis for the government to bomb the schools and hospitals that serve as makeshift ISIL prisons, and that are holding women and girls who are raped, in order to kill the rape victims and thus “save the honor” of the people from besieged towns. Leniency toward honor-related crimes in the Iraqi Penal Code exacerbates the situation for potential victims of honor-based crimes and killings.² This clemency on the part of the justice system sends a message to Iraqi women and society at large that such gross acts of violence are tolerated. In the absence of protection mechanisms and legal remedies, people threatened with honor crimes have limited recourse; some are forced to flee cities under siege with no guarantee of safe haven.

Identification

Women fleeing from attempted honor killings, trafficking, forced prostitution or forced marriage cannot obtain legal identification in the absence of a male family member to verify her identity. Without such identity women cannot travel, find housing, obtain employment, get health care services, or enroll into education institutions. In such cases, women become stateless and are left more vulnerable to violence and discrimination.

Neither Syrian nor Iraqi women can obtain legal identification in the absence of a male family member to verify her identity.³ This has had a devastating effect on women fleeing from conflict-related violence. Without such identity women cannot travel, find housing, obtain employment, get health care services, or enroll into education institutions. In such cases, women and their children have become stateless and are left more vulnerable to violence and discrimination. Children cannot register for school or receive vaccinations. Parents cannot obtain jobs, rent housing, or move from one locality to another. According to reports on the ground, thousands of stateless women reside in every major city in Iraq.⁴

² The combination of Articles 128², 130², and 409² of the Iraq Penal Code allow for mitigated sentences as little as six months for honor-related crimes, are particularly concerning.

³ Interview with Iraqi women’s organizations staff members, January, 2014, (on file with authors). It should be further noted that Iraqi women are also unable to obtain a passport and travel outside the country without the approval of their husband or male relative. U.S. Department of State, Iraq, Country Reports on Human Rights Practices for 2010. <http://www.state.gov/documents/organization/160462.pdf>, April 8, 2011. The Passport Affairs Directorate states that women must obtain the approval of her guardian upon granting her a passport, whereby the guardian must submit his identification documents and must be present in person in the subsidiary passports department in order to provide his live fingerprint. Id.

⁴ See UNHCR Iraq Fact Sheet, 2013, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/4c9084e49.pdf>. See also Women’s Refugee Commission, *Our Motherland, Our Country: Gender Discrimination and Statelessness in the Middle East and North Africa*, June 2013, available at <http://www.womensrefugeecommission.org/component/content/article/143-misc/1656-the->

In Iraq, the Civil Status Identification Document is one of the main identity documents, and considered as perhaps the most important official document in the country. It is required to access public services, including food assistance, healthcare, employment, education and housing, as well as to obtain a passport and work.⁵ An Iraqi woman can only be granted a Civil Status ID card if a male relative vouches for her.⁶ For example, staff members from my organization, OWFI assisted a female Iraqi minor whose entire family had been murdered, were told that she could not obtain identification documentation without the presence of male relatives until she reached 18 years of age. This left her unable to attend school, obtain social care or access a range of other public services. This case was documented in detail over a television show, in which the Minister of Women's Affairs and other officials were interviewed.⁷

While the Government of Iraq has opened a special office to assist those displaced from the conflict with retrieving new identification many barriers still remain. For example for those escaping violence from ISIL-controlled territories, such as Mosul, the Iraqi government is not able to verify the identity of women fleeing these areas. Additionally there is only one such office open in Baghdad and not accessible to the majority of displaced persons.

Radio station

On April 28, the government Communications and Media Commission (CMC) of Iraq suspended the licenses of ten satellite television stations and prevented them from broadcasting. These were all opposition stations, leaving other channels, including all state-run channels, free to broadcast. A senior CMC official told Human Rights Watch that the CMC had no legal basis for the suspensions, but ordered them because the ten stations were “promoting violence and sectarianism.”⁸ OWFI's radio station, Al Mousawat, was one of the radio stations closed down during another raid performed by the government in June.

Al Mousawat radio station is an integral mechanism for disseminating messages of peace, tolerance and respect for human rights and combating societal discrimination. Public education is advanced through the radio's call-in sessions with listeners discussing human rights issues effecting women and LGBT persons, radio skits dramatizing complicated human rights scenarios and modeling progressive conclusions, and informational shows addressing topics such as the importance of pluralism. The radio conducts much-needed outreach to vulnerable individuals, broadcasting information about the services and support OWFI provides, and informing marginalized and at-risk populations that allies are within reach. However, OWFI has been unable to receive license to re-open its radio station due to corruption.

The Universal Declaration of Human Rights and other global and regional commitments are

women-s-refugee-commission-launches-new-report-on-statelessness?highlight=YT0xOntpOjA7czoxMzoic3RhdGVsZXNzbnVzcyI7fQ==

5. Middle East Consultancy Services (MECS). *Iraqi Civil Status Identification Card or al-Bitaqat al-Shikhsiya*, September 9, 2012.

6. Institute for War and Peace Reporting, *Passport Misery Highlights Iraqi Women's Plight*, 29 June 2011, available at: <http://www.refworld.org/docid/4e1c7a912.html>.

7. Al Sumaria News, Press Releases, *Kalam Leaks Uncovers the Story of Aseel*, August 16, 2013, available at: <http://www.alsumaria.tv/Press-Releases/907/kalam-leaks-on-alsumaria-uncovers-the-story-of-a-d>

8. <http://www.hrw.org/world-report/2014/country-chapters/iraq?page=2>

consistent and clear in holding that everyone has the right to freedom of opinion and expression. This right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.⁹ US Officials have stated that the United States strongly believes in freedom of expression as a universal human right.¹⁰ In January, Secretary Kerry echoed this principle stating, “Each day, American diplomats make known our backing in one place or another directly to government, directly to the public, but firmly, in all cases, our backing for the right of people to speak, publish, broadcast, blog, tweet, and otherwise express themselves openly and without fear and without retribution.”¹¹ The government Communications and Media Commission (CMC) of Iraq must stop practices of corruption and allow secular radio stations to broadcast radio programming that offers people in Iraq vital information on positive examples of tolerance and new perspectives that can help to transform harmful attitudes and practices towards marginalized and at-risk Iraqis.

Syrian women’s voices in the peace negotiations

The inclusion of a women’s rights perspective in peace negotiations lays a critical foundation for addressing gender-based violence, promoting women’s human rights, and countering gender-based discrimination. When peace agreements lack provisions or commitments towards gender equality, any subsequent measures proposed at the implementation stage can be rejected as outside the scope of the peace mandate.¹² In this way, agreements that lack language promoting gender equality may become the very obstacles to overcoming nondiscrimination after peace is declared.

Despite the many reasons to include women—and the dangers of excluding them—those driving the Syrian peace negotiations have not permitted a real space for women to participate. Yet our sisters in Syria are still organizing across sectarian lines to address immediate humanitarian concerns while simultaneously organizing for representation at the negotiating tables, demonstrating Syrian unity and calling for peace.¹³ They have developed three primary demands of the armed actors and the international community: an immediate ceasefire, unfettered humanitarian aid to Syria’s besieged populations and refugee communities, and immediate release of prisoners by all sides of the conflict. As Staffan de Mistura the United Nations special representative for the Syria crisis, has tried to negotiate a cease-fire for the Syrian city of Aleppo--- and effort Secretary Kerry has supported---women civil society members should be consulted for greater success.

IV. Conclusions and Recommendations

For these reasons, we urge the United States Congress to not consider the immediate human rights violations committed against marginalized and at-risk Syrians and Iraqis including women,

⁹ Universal Declaration of Human Rights (1948) Article 19, <http://www.state.gov/j/drl/rls/irf/2008/108544.htm>

¹⁰ <http://www.state.gov/secretary/remarks/2015/01/236125.htm>

¹¹ <https://blogs.state.gov/stories/2015/01/21/protecting-journalists-protecting-democracy>

¹² UN SECRETARY-GENERAL, WOMEN, PEACE AND SECURITY ¶ 201 (2002).

¹³ Hind Kabawat, *Meet the Women Rebuilding Syria in the Midst of War*, Huffington Post (Feb. 14, 2014), available at http://www.huffingtonpost.com/hind-kabawat/meet-the-women-rebuilding_b_4784424.html; Dulcie Leimbach, *Syrian Women’s Groups Push for Equal Role at Geneva II Talks*; Madeleine Rees, *Syrian Women Demand to Take Part in Peace Talks in Geneva*.

by ISIL as isolated events. It is equally important to consider the context and underlying conditions that fuel women and girls' vulnerability and undermine their capacity and agency to survive and recover from the crisis.

Women hold the solutions with the greatest promise of creating lasting peace and securing human rights in the long-term. In both Iraq and Syria, women have mobilized on the basis of the international human rights framework, demanding national policy change and international action to protect women and families. They have insisted that women's rights and civil society activists be represented in decision-making.

They have done all this, even as war rages on. They have proven false the notion that no organizing work can happen in areas controlled by ISIL. And it is organizing together which makes the difference, whether during conflict or in making transformative peace. Indeed, violence against women is best addressed by movements of women and men who oppose militarism and the construction of violent masculinities, and who want real equality.

Among global donors, the United States government stands in a unique position to support a rights-based approach in interventions aiming to address violence and extremism in Syria and Iraq. There are practical steps that the United States government can take to comprehensively address human rights abuses and mitigate suffering caused by the current crisis. As it was mentioned earlier, the convening in Istanbul, Turkey produced a set of practical recommendations for the international community to support local initiatives by grassroots organizations to meet the needs of their communities and counter violence and aggression instigated by ISIL. OWFI and MADRE share the following recommendations for the consideration by the distinguished Commission and the Government of the United States to ensure the respect and protection of human rights in Iraq and Syria.

1. Increase support to grassroots Iraqi and Syrian women's NGOs. Local women's organizations are mobilizing an emergency response to protect people at severe risk as the threat of sectarian violence grows. They are in the best position to reach displaced families and to provide shelter and aid.
2. Call on the Government of Iraq to amend the shelter law to allow NGOs to run private shelters for displaced families and individuals.
3. Call on the Government of Iraq to amend the honor crimes law to equate killings motivated by "honor" with all murder under law, in compliance with international law.
4. Call for the meaningful participation of women civil society members in ceasefires, peace strategies and processes for Syria.
5. Call on the Iraq governments' Communications and Media Commission to permit radio stations to broadcast and uphold the universal right to freedom of opinion and expression.