



United Nations

International, Impartial and **الدولية**
Independent Mechanism **المحايدة والمستقلة**

to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011



IIIM GENDER STRATEGY AND IMPLEMENTATION PLAN

ABRIDGED VERSION (30 September 2022)

ARTIST'S STATEMENT

The illustration represents Lady Justice and the Syrians as one unity. The Syrian bodies of both females and males are congregated together underneath the Lady's protection. Their sorrows and collective experiences propelled them to lean on each other, with the hope of justice one day. The hand holding the balance and the sword is an extension of a voice seeking to be heard by the Syrians. They are drawing their strength and ultimate unity through the Lady. They are surrounded by red roses which symbolize the souls of their beloved ones. Part of the sun appears, a symbol of freedom. The moon, symbolizing the rhythm of time, reflects the belief that freedom and justice will be achieved by Syrians claiming their agency back and seeking justice for violations committed against them.

Dima Nachawi
Syrian Artist & Visual Storyteller

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Cover illustration: Dima Nachawi

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EXECUTIVE SUMMARY

Women and girls face disadvantage and discrimination in almost every sphere of life. In crisis and conflict, they are invariably disproportionately affected and yet their voices are shockingly underrepresented, both today and throughout history.

The IIIM's purpose is to assist in the investigation and prosecution of the most serious crimes in the Syrian Arab Republic ("Syria"). Without a comprehensive, contextual understanding of these crimes, we cannot hope to facilitate justice. Our understanding - and any attempt at justice - will, at best, be limited and skewed unless the role of gender is analysed in every area.

A gender analysis is a crucial tool for understanding how gender impacts the experiences, needs, power relations, rights and opportunities of individuals and communities. It is essential to understand the full extent of the harm suffered by victims/survivors in the Syrian context and develop appropriate responses and remedies.

The Gender Strategy and Implementation Plan, summarised in this document, set out the IIIM's formal commitment to pursue inclusive justice for victims/survivors, where any disadvantage caused by gender does not reduce the prospects of justice and where justice is a vehicle to help overcome such disadvantage.

The IIIM's Gender Strategy is not just an aspiration but a concrete expression of what we are already doing and has been informed and shaped by Syrians impacted by the crimes and violations of the post 2011 conflict in Syria. The IIIM's victim/survivor-centred approach (VSCA) is at the core of all of its decisions and strategies. This ensures that the IIIM's work is grounded in the specific context of Syria and enables us to contribute to a more accurate reflection of the experiences, perspectives and priorities of a broad range of victims/survivors.

Special attention is given to harms committed against women and girls because of the greater risks they are exposed to and the barriers they face in accessing safe and appropriate assistance, particularly during conflict (OHCHR, 2018). Nevertheless, the IIIM recognises and seeks to address gender-based harms experienced by male victims/survivors, as well as persons of diverse sexual orientations or gender identities (SOGI).

The Gender Strategy outlines the IIIM's commitment to gender equality and gender analysis in all areas of our work, why it is important and what we hope to achieve. The accompanying Implementation Plan sets out practical approaches we are taking to realise these goals.

These are living documents that will be regularly reviewed and strengthened in light of developing events. The IIIM will continue to work with experts drawn from Syrian and international civil society, the UN and academia to do so. This version highlights key elements of our Gender Strategy and Implementation Plan - Technical Version, to which readers may refer for further explanation about the Gender Strategy's principles and how they are being implemented in specific areas of the IIIM's work.

We hope it will be a useful tool for all those engaged in accountability and justice.

A. GENDER STRATEGY

1. INTRODUCTION: THE IIIM'S COMMITMENT TO GENDER EQUALITY

The IIIM is committed to achieving gender equality in all aspects of its work. We aim to do this by integrating a gender analysis into the IIIM's internal organisation and processes as well as its substantive work towards inclusive justice and accountability for international crimes committed in Syria since 2011. It is being integrated into:

- The design of the IIIM's institutional environment;
- The collection and processing of information and evidence;
- The development of analytical work;
- The IIIM's work on broader justice objectives;
- Engagement with justice actors working on accountability for crimes committed in Syria; and
- Outreach and engagement with affected individuals and communities.

The IIIM's mandate commits it to ensuring that:

- Its work advances gender equality (Terms of Reference, A/71/755, Annex, para. 31);
- Particular attention is paid to the interests and circumstances of victims/survivors of sexual violence and gender-based violence (*ibid.*, para. 19); and
- Gender balance is factored into the IIIM's recruitment and staff is recruited with "expertise" in "sexual and gender-based crimes and violence" (*ibid.*, para. 32).

Extensive engagement with Syrian and other civil society actors has confirmed the need for accountability for gender-based violence to form a core part of the IIIM's work. History has shown that gender equality cannot be assumed and the pursuit of it requires sustained attention, effort, expertise and commitment.

Having drawn on the rich body of experience made available by other accountability actors, the IIIM is already integrating concrete and practical strategies into every area of its work on a daily basis. These will be reviewed and adapted as we learn more.

2. PURPOSE AND OBJECTIVES: WHY DOES A GENDER ANALYSIS MATTER FOR THE IIIM'S WORK?

Failure to analyse gender in accountability work can result in a poor understanding of the impact of crimes on affected communities, which could undermine the possibility of meaningful justice. A gender analysis ensures that the IIIM's work represents the diverse range of victims/survivors as well as the range of harms inflicted. For example:

- A gender analysis is needed to highlight and address harms that are often obscured. The fact that sexual violence has long been regarded as an inevitable side-effect of armed conflict has led to crimes of sexual violence being ignored, thus allowing the perpetrators to continue to act with impunity;
- Justice for crimes more frequently targeting men and boys (such as killing and forced recruitment) are often prioritised whilst those disproportionately affecting women and girls (such as forced marriage and forced displacement), and their gravity and impact, are often overlooked;

- When analysing and addressing the key drivers of violence, gender needs to be surfaced together with other discriminatory factors that have been more visible in international criminal cases, such as race, ethnicity and religion;
- A gender analysis is essential to understand the context and extent of the harms suffered by victims/survivors and inform appropriate responses and remedies. For example, looking at a rape in isolation may lead to missing relevant facts demonstrating its commission as a form of torture, persecution or as an act of genocide;
- A gender analysis assists in correcting imbalances that disproportionately reflect a male perspective in judicial proceedings. For example, only 13 percent of witnesses who testified before the International Criminal Tribunal for the former Yugoslavia (ICTY) were women or girls. The International Criminal Tribunal for Rwanda (ICTR) reported 23 percent female witnesses, despite the fact that women and girls constituted a significant majority of the post-genocide population in Rwanda;
- A gender analysis helps to avoid reinforcing stereotypes such as the assumption that women and girls and/or sexual violence victims/survivors are inherently weak. By examining how discriminatory social structures create risks for women and girls, as well as people of diverse SOGI, we can adopt approaches to challenge these stereotypes and support victims/survivors to come forward; and
- A gender analysis confronts long-held myths that have been used as an excuse for inaction: for example, that the stigma around sexual violence makes these crimes too hard to address.

A gender analysis is vital to understanding how certain crimes in conflict impact different genders in different ways.

For example, research suggests that following chemical weapons attacks in Syria, women were more likely to make the decision to flee their homes with their families. Chemical weapons therefore were a particularly effective method of striking at community resilience and causing displacement (Global Public Policy Institute, 2021). To see and accurately reflect this dynamic, it is important to understand clearly what happened to both the male and female victims/survivors and the resulting overall consequences for their communities. Beyond the attacks themselves, ensuing large-scale displacement compounds long-term harms for women and children, who comprise the majority of the refugee population. These may include heightened risk of gender-based violence and restricted access to education.

With this in mind, the overall objectives of the Gender Strategy are to:

- a. Review the tools and approaches the IIIM is already implementing to advance gender equality in its work and provide a compass to guide further efforts; and
- b. Constitute and operationalise a formal commitment by the IIIM to the individuals and communities affected by serious crimes in Syria to pursue inclusive justice, where gender-based disadvantage does not reduce the prospects of effective justice and where justice is a vehicle to help overcome such disadvantage.

3. KEY TERMS: DEFINITIONS AND APPROACH

A lack of sufficient clarity around key gender-related terms used in the accountability sphere can impede the integration of gender analysis and the achievement of gender equality. To promote clarity, the IIIM sets out its understanding of key terms.

A) GENDER

There is no single prevailing definition of the term “gender”, although it is frequently juxtaposed against the word “sex”.

Gender: the term is commonly understood to be a social construction, including the accompanying behaviours, activities, and attributes assigned to women, men, girls and boys. Gender roles are learned or acquired during socialisation into communities, vary widely within and between cultures, and can change over time.

Sex: this term refers to biological characteristics, often ascribed on the basis of individuals’ reproductive functions.

The term “gender” also entails:

- Understanding the ways in which socially constructed gender roles can cause an imbalance of power against women and girls;
- Being aware that gender-based discrimination also drives harms against people of diverse SOGI and can make their experiences invisible or poorly understood; and
- Ensuring that addressing gender constructions harming men and boys does not undermine efforts to address the systemic inequality and discrimination experienced by women and girls in all societies.

B) GENDER PERSPECTIVE AND GENDER ANALYSIS

Gender analysis: a systematic analytical process that uses sex-disaggregated and other relevant information to understand how gendered inequalities, and related social norms and power relationships, may affect the commission, experience, consequences and impact of crimes and violations.

Gender perspective: an understanding of differences in status, power, roles, and needs between all genders, and the impact of gender on people’s opportunities and interactions.

A comprehensive gender analysis allows the IIIM to incorporate a gender perspective into all of its work. This analysis particularly assists in understanding the role that gender norms, power relations, stereotypes and associated inequalities play in:

- Generating discrimination that drives conflict-related violence and other harms;
- Determining the nature of the violence inflicted;
- Determining the nature, extent and impact of the harms experienced;
- Obscuring or silencing the voices of certain victims/survivors or otherwise disempowering them, while privileging the voices and experiences of others;
- Creating or reinforcing barriers for victims/survivors to access or engage in the accountability process; and
- Reducing the overall quality of justice outcomes for victims/survivors.

C) AN INTERSECTIONAL ANALYSIS

Intersectionality: Intersectionality recognises that people’s identities and social positions are shaped by several factors, the overlapping of which can lead to unique discrimination or disadvantage. In addition to gender, these factors can include: race, ethnicity, religion, sexuality, class/socio-economic background, age, disability, marital or displacement status.

The primary purpose of an **intersectional analysis** is to address the harms experienced at the overlap that might otherwise be overlooked. The IIIM specifically examines how the intersection of gender and other factors can increase or exacerbate exposure to crimes and their impact.

For example, when female victims/survivors suffer specific harms in and after detention resulting from their young age or disability, or flee Syria out of fear that they will be forcibly married to a member of an armed group because of their religion, socio-economic status or age, these factors can help prove elements of relevant crimes and demonstrate their gravity.

Therefore, the role played by intersectional identity factors in driving violations should be reflected when presenting the evidence of a case. If it can be proved that victims/survivors have been targeted based on intersectional identity factors in a manner constituting a crime, criminal responsibility can be established in a way that expressly recognises the role of those intersecting factors in driving the violations.

For example, charges of persecution as a crime against humanity on the intersecting grounds of gender and religion have been brought in universal jurisdiction cases in Germany to reflect the compounded nature of harms against enslaved Yezidi women and girls, with [one criminal conviction](#) so far.

The IIIM aims to facilitate justice outcomes that accurately reflect the role of gender and relevant intersectional factors in the crimes committed in Syria.

Failing to adopt an intersectional lens when addressing violence and harm can significantly reduce the possibility of effective and inclusive justice. It can also mean that victims/survivors are not adequately or appropriately supported and protected. Adolescent girls, unmarried or divorced women, male victims/survivors of sexual violence, persons with disabilities, and persons of diverse SOGI are among those who may have complex security and support needs based on multiple intersectional factors.

The IIIM incorporates an intersectional lens into its VSCA and considers:

- How to engage with local groups on strategies/working methods to address harms inflicted on these intersecting bases acknowledging that:
 - Women and girls from affected communities are effective advocates and empowering leaders; and
 - Local groups and organisations can provide unique insights into intra-group dynamics and intersectional experiences that are not available to external/foreign groups and organisations.
- How discriminatory social structures put individuals and groups in vulnerable situations that perpetrators can exploit, recognising that individuals and groups are not inherently weak, vulnerable or lacking in agency; and
- How to counter ignorance, power and privilege by confronting beliefs, prejudices, and biases that perpetuate stereotypes and committing to re-evaluating potentially harmful beliefs and biases.

D) TERMINOLOGY RELATED TO SEXUAL VIOLENCE AND GENDER-BASED VIOLENCE AND CRIMES

In ICL, there is currently a lack of clear definition or guidance on how to implement a focus on “gender-based violence” (GBV) or “gender-based crimes” (GBC) or why it is important. The IIIM is committed to addressing this, particularly in relation to:

- Gender-based violence - the acts of violence themselves;
- Gender-based harms - the consequences of violence; and
- Gender-based crimes - the legally prohibited conduct (Campbell, 2022).

Sexual and gender-based violence/sexual and gender-based crimes (SGBV/SGBC)

In the accountability context, the terms “sexual violence” and “gender-based violence” are often equated and conflated. In reality, the former comprises only one type of gendered harm that arises during conflict. The IIIM will avoid combining these terms or using the abbreviations SGBV or SGBC but instead will use the terms “sexual violence” and/or “gender-based violence”, depending on the specific conduct in question.

Gender-based violence (GBV) and gender-based crimes (GBC)

The IIIM uses the term gender-based violence (GBV) to include all violence directed towards or disproportionately affecting persons because of their sex and/or socially constructed gender roles. Examples of GBV include rape and other sexual violence, so-called “honour” killings, and forced marriage, among other harmful practices.

The IIIM uses the term gender-based crimes (GBC) to refer to international crimes committed against persons because of their sex and/or socially constructed gender roles. For example, GBC can include crimes of a sexual nature (such as rape and sexual slavery) and crimes that target persons or groups based on gender (such as gender-based persecution or torture based on gender discrimination).

The IIIM endeavours to promote accurate descriptions of gender-based harms, their causes and consequences by:

- Identifying and addressing categories of GBV in the Syrian situation at risk of being obscured because of social discrimination;
- Articulating the role that discrimination and other gender factors play in driving violence and crimes;
- Understanding and describing the full nature of the harms experienced by victims/survivors;
- Ensuring that gendered aspects of harm are accurately reflected in the factual description of the criminal conduct and, where legal frameworks permit, its legal categorisation; and
- Identifying holistic strategies to enable victims/survivors of GBV to participate in the accountability process in an effective way.

Sexual violence

“Sexual violence” is a form of GBV that can be prosecuted under ICL. It includes rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilisation, among others. To be prosecuted as a crime against humanity, it must be proved to be part of a relevant widespread or systematic attack against a civilian population. To be prosecuted as a war crime, it must be sufficiently connected to an armed conflict. To be prosecuted as genocide, it must be carried out with the required intent to destroy the targeted group. In order to accurately understand the specific nature and purpose of sexual violence, and thereby ensure its accurate legal classification, it is vital to properly contextualise sexual violence and interrelated crimes in the Syrian situation.

E) RAPE/SEXUAL VIOLENCE AS A “WEAPON OF WAR”

The description of rape or sexual violence as “a weapon of war” is often used to convey the seriousness of the offence and to illustrate its strategic use in certain conflict contexts. In criminal investigations and prosecutions, however, the phrase can have unintended negative implications – chiefly, it can lead to overlooking or deprioritizing other forms of sexual violence which do not receive the attention they require to be prosecuted.

The IIIM avoids this terminology to describe sexual violence in conflict, to reinforce the need to give serious attention to all forms of sexual violence in the accountability process based on their own specific facts and circumstances.

4. GENDER ANALYSIS: WHAT IS NEEDED?

4.1 UNDERSTANDING GENDER FACTORS IN SYRIAN SOCIETY

As part of its gender analysis, the IIIM is committed to developing a sound understanding of gender inequalities in the Syrian context, viewed in light of other intersecting sources of inequality (such as religion, sexuality and age).

This requires an overall understanding of gender factors in the Syrian context before March 2011 and how events since then have exacerbated or otherwise influenced inequalities or discrimination in Syria. The IIIM has successfully piloted a collaboration with Syrian civil society actors to develop specific tools to facilitate this, as referenced below.

4.2 A CONTEXTUAL APPROACH

Considering gender-based harms in isolation instead of analysing them within a broader context of violence and harm can jeopardise achieving inclusive justice. That is why the IIIM ensures that evidence of all gender-based harms is considered in context.

For example, if acts of rape of Yezidi women and girls were looked at in isolation, there would be a risk of overlooking the broader system of enslavement in which these acts fit and the connections with other forms of violence forming part of this system. There would also be a risk of failing to see how these acts formed part of a broader destructive campaign against the Yezidi group. Looking at the experiences of the women and girls in context also helps to ensure that connected violence against other categories of victims/survivors, such as men and boys and persons of diverse SOGI, is more accurately understood. Without this approach, a court might fail to understand how a single incident of sexual violence could be part of a pattern of enslavement, persecution or genocide.

4.3 UNDERSTANDING THAT GBV IS NOT SYNONYMOUS WITH SEXUAL VIOLENCE

While sexual violence is one specific type of gendered harm that arises during armed conflict, it is not the only one. An unduly narrow focus on sexual violence in ICL can deflect attention from the many other forms of harm or discrimination that women and girls in particular face during and after armed conflict. As one Syrian detention survivor explained to us:

“Not every gender-based violation is sexual. Unfortunately, in the Middle East and Syria, any abuse against women is accepted, except for sexual violence. Beating, theft, torture, even killing is accepted. What is not accepted is sexual violence. I’m always asked only about sexual violence.”

Amina Khouliani, Co-Founder of Families for Freedom

4.4 APPROACHING SEXUAL VIOLENCE AS A GENDERED CRIME

ICL rightly recognises that sexual violence can affect people of all genders and sexual orientations. However, with this comes the problematic tendency to view it as a gender-neutral crime, assuming that gender is irrelevant. Crimes can be inflicted regardless of gender, but gender still frequently influences the form the violence takes, the impact it has on the survivor, and the reactions of families and communities.

In many parts of Syrian society, female survivors of sexual violence face much stigma and discrimination. This can include being divorced by their husbands, separated from their children, ostracised from their families and communities, or subjected to honour killings (A/HRC/37/CRP.3, paras. 93-95). These harmful consequences can be exacerbated where rape results in pregnancy (ibid., paras. 97-100). Often women released from detention report being stigmatised as sexual violence survivors irrespective of whether they have in fact experienced such crimes.

By contrast, men who have been detained are not subjected to the same assumptions, associated stigma or consequences. Nevertheless, male survivors of sexual violence can face other psychological and physical harms, including being made to feel that they have lost their masculinity and having difficulty confiding in others (ibid., paras. 94, 96). In addition, sexual violence, mainly in detention settings, “is a primary reason” cited by persons of diverse SOGI for fleeing Syria; “they are also among the most vulnerable refugees in the region, in particular in host countries where same-sex relations are criminalized” (S/2018/250, para. 76).

The IIIM’s gender analysis is helping to identify and address gendered barriers to bringing forward evidence of sexual violence and accurately reflect the gendered differences in the types of harms inflicted on sexual violence victims/survivors.

4.5 THE ROLE OF GENDER AS A FACTOR DRIVING VIOLENCE IN THE SYRIAN CONFLICT

In ICL, gender discrimination has historically not been identified as a factor driving violence. The underlying causes of violence are often seen as stemming from factors other than gender, such as race, religion, ethnicity and nationality. As a result, the cases prosecuted have masked a key factor underpinning violence, in turn weakening pressure for change through accountability processes.

The IIIM is committed to ensuring that any role played by gender is accurately reflected when examining the facts of a crime. Advances such as the recognition of persecution on the basis of gender within legal frameworks are assisting its work.

4.6 CREATING SPACE FOR THE VOICES OF ALL AFFECTED VICTIMS/SURVIVORS

Women’s voices and experiences are still significantly underrepresented in the ICL context, as reflected in the disproportionately low number of female witnesses before international courts and tribunals. The consequences of this are significant: the experiences and perspectives of women and girls in a given conflict are largely absent from the judicial historical record, weakening the effectiveness of ICL in addressing international crimes. It also reduces the prospect of gender factors being taken into account in any subsequent reparations proceedings.

Drawing on lessons learned from previous accountability processes, possible reasons for the gender witness gap include that:

- The historical underrepresentation of female investigators may have resulted in seeking out fewer female witnesses.
- Female witnesses and witnesses of diverse SOGI can be harder to locate (less visible in public roles or spaces, or less comfortable speaking to an unknown investigator).
- Gender biases likely influence perceptions of who could be an “insider witness”. For example, in military or police units, it may be tempting to assume that an insider witness will be a man, given that operative personnel are typically male. However, women may often work inside such units, sometimes in less operational roles, but nevertheless have crucial evidence to give.

- Identification of expert witnesses, such as political historians and military analysts or international witnesses such as diplomats or humanitarian service providers might be subjected to similar gender biases.
- The increased reliance on technology to facilitate evidence gathering in ICL may reflect a similar dynamic, depending on the conflict-affected communities and who can freely access technology.

Through its VSCA the IIIM aims to contribute to a genuinely representative account of events and international crimes allegedly committed in Syria since March 2011.

To do this, we need to understand the root causes of the underrepresentation of women, children and other voices in the documentation process. The IIIM is developing proactive methods to address these barriers across all aspects of its work to open spaces for underrepresented voices to be fully heard.

4.7 A PROACTIVE APPROACH

In order to achieve meaningful and inclusive justice it is vital to adopt a proactive approach and that the gender analysis tools (referenced in the Gender Strategy and Implementation Plan) developed by the IIIM are consistently used and revised.

A proactive approach involves creating the right conditions for women and girls, persons of diverse SOGI, as well as victims/survivors or witnesses of GBV more generally, to come forward and seek accountability. Some of the barriers that victims/survivors have identified are:

- Restrictions on the movement of women and girls;
- Displacement and childcare responsibilities;
- Lack of adequate referral pathways to access support;
- Stigma and adverse social consequences;
- Biased investigative approaches;
- The need of victims/survivors to focus on survival and security; and
- A disillusionment with justice prospects.

During an IIIM consultation, one Syrian women's advocate explained:

“The patriarchal mentality that dominates the Syrian society/documentation scene is a challenge. In 2011-2012, this mentality played an important role in keeping crimes from being documented. Especially crimes of sexual violence. Some documenters declined to document these crimes for reputational reasons. Sexual crimes provoke a huge reaction. Even for women who are willing to enter an international process/prosecution and acknowledge the discrimination they've faced, they don't want to say this in public... They fear reprisals from the Syrian regime against their families still in Syria.”

Joumana Seif, Co-Founder of the Syrian Feminist Lobby

Working in collaboration with Syrian civil society and relevant international actors, the IIIM is identifying approaches for addressing these barriers to inclusive justice.

For example, the IIIM is:

- Expanding its engagement with victims/survivor associations to reach those who have lacked access;
- Devising tailored investigative strategies to overcome gendered gaps in evidence; and
- Considering the use of expert evidence to surface missing voices where obtaining evidence from witnesses directly may be impossible (due to security, gender, age or other considerations).

4.8 AN INTEGRATED APPROACH

Previous accountability processes have relied heavily on stand-alone gender focal points or specialised teams which have typically been isolated from others. This can often mean that policies are not fully implemented or integrated in the work across teams. The IIIM's strategy aims to integrate gender expertise and competence throughout teams and all areas of the office environment.

To achieve this, the IIIM is committed to ensuring that all staff receive training on how to integrate a gender perspective in their daily work and have opportunities to develop gender expertise. Gender expertise can include experience in interviewing sexual violence victims/survivors, but also covers many other areas of accountability work.

4.9 DISMANTLING PREJUDICIAL STEREOTYPES

Prejudicial gender stereotypes can have a detrimental effect on the outcome of a case. Instead of dismantling these stereotypes, accountability work has often unwittingly reinforced them.

For example, historically, the “honour and dignity” of women and girls has been linked to notions of sexual purity. A raped woman or girl was thereby often regarded as “dishonoured”. The only reference to “rape” in the Geneva Conventions provides that “[w]omen shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”. Casting rape as a crime against the honour of women and girls, rather than a violent crime, created a major barrier to achieving justice because rape was often excluded from war crimes investigations and trials involving crimes deemed to be more “serious” or less stigmatising. More recently, legal interpretations and commentaries on core IHL provisions have moved away from the “honour and dignity” paradigm and confirm that sexual violence can amount to torture, mutilation or cruel treatment, and that it encompasses violence not only against women and girls, but any person, including men and boys (Geneva Convention III ICRC 2020 Commentary, paras. 736, 738).

Despite progress in the legal frameworks, challenges persist due to entrenched stereotypes. Only a small percentage of universal jurisdiction cases for international crimes in Syria have included charges of rape or sexual violence (IIIM Bulletin No. 7). In one such case, a Syrian detention survivor explained that since the honour of women meant a lot to the family, rape meant disgrace, and many of her female friends did not tell their parents what happened to them in prison (Anwar R. trial monitoring report, 1 October 2020, Witness P16).

Another problem caused by stereotyping is that IHL has consistently linked the crime of rape with women, reinforcing misconceptions that men and boys are not affected. This makes sexual violence against males more difficult to surface and address, particularly as negative stereotyping deters male victims/survivors from coming forward owing to fears of perceived emasculation, homophobia and associated stigma. Stereotyping also often means that sexual violence perpetrated against persons of diverse SOGI and children goes unreported or unaddressed.

The IIIM seeks to avoid these stereotypes. In line with its VSCA, the IIIM considers each case individually, ensuring that the approach is tailored to the needs and preferences of the victim/survivor in question.

4.10 A NUANCED APPROACH TO STIGMA

It is crucial that misconceptions about stigma and stereotypes do not become a barrier to bringing forward evidence. Therefore, the IIIM seeks to understand if, and how, stigma operates in each specific case in the Syrian context. As explained in a consultation:

“The well-being of the survivor is a goal in itself. Educating survivors is very important, and managing expectations is very important. Some may not be ready to engage in the pursuit of justice, and they must be free to make that decision - it should not be family members or males in the community who make that decision. The individual survivor should decide.

Some survivors will deny that sexual violence took place because of stigma. It is important to reassure them that support is available, and support must be available if we hope that they come forward as witnesses in trials. Services like trauma counselling and GBV support must be in place in advance. We have seen that treatment can make a difference in a survivor’s willingness and ability to seek justice. On the other hand, we have experience with some women who don’t want to seek justice anymore because of how they have been treated, even if they have a case.”

Pari Ibrahim, Executive Director, Free Yezidi Foundation

Past experience confirms that many victims/survivors are willing to come forward – whether as protected witnesses or publicly – to participate in justice processes when they feel adequately supported. Their courage and determination to overcome the pressures caused by stigma have already contributed to landmark convictions for international crimes, including for genocide and persecution against the Yezidis, and torture, killings and sexual violence in Syrian government detention.

5. THE ROLE OF GENDER WITHIN THE IIIM’S SPECIFIC MANDATE

Part of the IIIM’s role as a justice facilitator is to integrate gender analysis into the practice of ICL. While it is important to investigate and bring forward evidence of gender-based crimes, including sexual violence, more attention is needed to understand the role and impact of gender in other aspects of a case, including the selection of witnesses, the charging of crimes and the assessment of their gravity.

Some of the opportunities for the IIIM to contribute to broadening and contextualising this understanding are:

- **Gender with regards to “evidentiary gaps”:** The IIIM collects information and evidence gathered by other actors and then works to fill any gaps, often arising from the underrepresentation of relevant perspectives, such as women and girls, persons of diverse SOGI and/or male sexual violence victims/survivors.
- **Working with civil society and other actors to identify and correct gender biases:** The IIIM has been implementing proactive measures to increase the participation and visibility of women-led and gender-focused Syrian civil society actors across its work. For example, initially, women were underrepresented in the discussions between the IIIM and Syrian civil society actors. Meaningful progress has been made towards reducing the imbalance, although continued efforts are needed.

- **Integrating a gender analysis into the IIIM’s evidence processing, storage and retrieval systems:** The IIIM has invested significantly in procuring and using sophisticated software that can handle the large quantity and varied formats of the evidence it collects. These technical capabilities afford new opportunities for integrating a gender analysis into the construction of evidence processing, storage and retrieval systems.
- **Addressing gender biases arising from technology-derived evidence:** As we invest in technology, it is crucial to understand gender biases regarding the use of and access to technology by affected populations inside and outside Syria. The IIIM is coordinating with other actors to explore creative ways to use technology in order to facilitate accountability for gender-based crimes.
- **Integrating gender analysis into the IIIM’s support to competent jurisdictions:** The IIIM’s assistance to national war crimes units and other justice actors provides a new opportunity to better integrate gender perspectives into Syria-related accountability efforts. This assistance takes various forms, including the provision of information and evidence, analytical work, expert analysis and peer-to-peer engagement.

B. IMPLEMENTATION PLAN: PRACTICAL APPROACHES FOR INTEGRATING A GENDER ANALYSIS INTO THE IIIM’S WORK

The IIIM has identified five key steps for integrating a gender analysis in all core aspects of its work. This is applied to all staff and is updated biennially:

1. Building a gender-competent institutional environment, methodologies and tools;
2. Collecting and organising information and evidence in a gender-competent way;
3. Analysing information and evidence using gender-competent approaches;
4. Integrating a gender analysis into the IIIM’s work on broader justice objectives; and
5. Integrating a gender analysis into the IIIM’s engagement with other actors.

1. BUILDING A GENDER-COMPETENT INSTITUTIONAL ENVIRONMENT, METHODOLOGIES AND TOOLS

The IIIM cannot hope to succeed in effectively addressing gender issues if it does not first establish an office environment free of (sexual) harassment, discrimination and abuse of authority and where respect for gender equality is a core value. The methods for doing so include:

- **Testing gender competence as part of all IIIM recruitment processes:** All prospective candidates are asked to demonstrate gender competence in concrete ways: for example, by illustrating their understanding of gender-based disadvantage, discrimination and inequality in their work or providing examples of how they overcame biases or assumptions about gender roles.
- **Centring a commitment to gender equality as a IIIM core value:** All staff members are required to sign the IIIM’s Statement of Commitment which illustrates how gender equality is a core value of the IIIM, the principles of which are integrated into each individual’s work plan and performance appraisals.

- **Measuring progress within the IIIM:** The IIIM is guided by relevant UN performance standards to measure progress towards gender equality, including by:
 - Reporting to the General Assembly on gender issues;
 - Ensuring that staff with gender expertise are positioned throughout the office; and
 - Implementing an organisational culture that fully supports gender equality and the empowerment of women.
 - Equally representing women at all levels in its workforce. This has been a particular priority in traditionally male-dominated fields, such as technology-related functions. As of 31 August 2022, women represent 60 percent of the total IIIM staff body. Women comprise 54 percent of all Professional-level staff, representing 57 percent of staff at the P-1 to P-3 levels, and 50 percent of staff at the P-4 to D-1 levels.
- **Integrating a gender analysis into the development of standard operating procedures (SOPs):** The IIIM is developing specific SOPs and other guidance documents for topics directly related to gender, for example, guidance on interviewing sexual violence victims/survivors. It has created an internal checklist to develop a gender analysis for analytical projects such as evidentiary modules and case files. Regarding SOPs or other guidance documents on topics that do not directly centre on gender, efforts are being made to identify and address any gender issues that arise.
- **Gender training:** A comprehensive and effective gender training programme is a core component of implementing the IIIM's Gender Strategy. This consists of:
 - Mandatory foundational gender training for all IIIM staff members;
 - Timely completion of all mandatory UN training relating to gender;
 - Training and technical support tailored to specific functions and identified needs;
 - Seminars with external speakers offering different perspectives on gender issues; and
 - Mandatory advanced training for all IIIM staff members involved in accountability-related work, focused on:
 - increasing practical knowledge of how to integrate a gender analysis in relation to their respective functions; and
 - encouraging cross-sectional collaboration and information exchange.
- **Creative thinking on gender within the office:** The IIIM encourages staff members at every level to come forward with progressive ideas and input on gender approaches. The Working Group on Gender and VSCA provides a forum for initiatives that identify creative new angles and processes for further strengthening the IIIM's approach to gender, for example, through pilot projects as described below.

2. COLLECTING AND ORGANISING INFORMATION AND EVIDENCE IN A GENDER-COMPETENT WAY

2.1 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S COLLECTION ACTIVITIES

The IIIM proactively seeks to fill gaps in its central repository of information and evidence either through targeted requests for assistance or its own investigations. A gender analysis is being integrated in the following ways:

- Pursuing cooperation with actors who are specifically working to document gender-based crimes and prioritising the collection of such evidence;

- Keeping regularly updated sex-disaggregated statistics regarding evidence reviewed for analytical projects to enable the IIIM to monitor the nature of the gaps in its evidence collection and to take proactive steps on an ongoing basis to address these gaps through targeted collections, targeted investigations or other effective approaches;
- Identifying gaps in the IIIM's central repository, for example underrepresentation of statements from victim/survivor witnesses, expert witnesses, or insider witnesses of different genders, with particular vigilance concerning the underrepresentation of women, girls and persons of diverse SOGI; and
- Integrating a gender analysis into the development of IIIM investigation plans and their implementation.

2.2 ADDRESSING GENDER ISSUES IN THE IIIM'S ENGAGEMENT WITH VICTIM/SURVIVOR WITNESSES

The IIIM comes into direct contact with victims/survivors of gender-based crimes in a number of different contexts, including through witness interviews.

The IIIM is committed to empowering victims/survivors, rather than treating them as vulnerable beneficiaries. Its VSCA respects the rights and agency of the victim/survivor and aims to dismantle prejudicial gender stereotypes. This includes taking into account the needs and preferences of the victim/survivor, even when this may impede the IIIM's work. Relevant victim/survivor rights considered in the IIIM's VSCA include:

- **Equal and effective access to justice** through inclusive, two-way dialogue that involves both sharing and receiving information on a regular basis;
- **Respect, dignity, and acknowledgment** through recognition of the harms suffered and how they are characterised as crimes;
- **Provision of adequate, accurate and appropriate information** to help manage expectations and facilitate informed choices, including with respect to available support and protection;
- **Participation**, including by accommodating requests by victims/survivors for investigative actions to preserve or collect evidence and/or requesting the adoption of appropriate and feasible safety and security measures; and
- **Protection**, through informed consent, measures to minimise or counter risks, infrastructure and systems for protection and support, and medical, mental health and psychosocial, and other support.

These rights are being integrated into the IIIM's work to the fullest extent possible.

The VSCA guides the IIIM's engagement with victim/survivor witnesses, by:

- Identifying and assessing repercussions of its work and adopting appropriate measures to mitigate potential risks and prevent or minimise potential harms and negative consequences for victim/survivor witnesses, their family members and communities (otherwise engagement will not go ahead);
- Developing specialised guidance on sexual violence and other gender-based crimes, and on child victims/survivors; and
- Paying specific attention to the needs of female victim/survivor witnesses and survivors of gender-based crimes, informed by an intersectional approach, when developing the IIIM's referral pathways (connecting survivors with appropriate service providers).

The IIIM is also committed to integrating a gender analysis into the assessment of threats and risks facing victims/survivors and what is required to support and protect the victim/survivor.

3. ANALYSING INFORMATION AND EVIDENCE USING GENDER-COMPETENT APPROACHES

3.1 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S ANALYTICAL WORK

Gender analyses are systematically integrated into the IIIM's analytical work to ensure that gender issues that have not been historically well recognised are identified and addressed. Besides the types of crimes and how they were committed, the analysis takes into account the types of witnesses identified and interviewed, all relevant context, how gender affects the impact of a crime, and issues concerning gender and technology etc.

Specifically, the IIIM seeks to ensure that its analytical work reflects:

- The overall context within which the crimes were committed;
- Crime patterns, including mapping of gender-based crimes in Syria;
- Gender roles and norms that contribute to driving violence;
- The role gender plays in the overall objectives/purpose/policy behind the commission of crimes; and
- The gendered impact of crimes upon victims/survivors, witnesses and affected communities.

3.2 PILOT PROJECTS

The IIIM is committed to undertaking pilot projects to fast-track, test and refine its methodologies concerning gender in its work. The IIIM has already completed, commenced or conceptualised a number of such pilot projects.

For example, the IIIM has piloted the application of an internal checklist to develop a tailored gender analysis, integrated into an evidentiary module to support charges of crimes against humanity for ISIL-related conduct in Syria.

The IIIM has also conducted a pilot project with Syrian and other civil society actors to undertake an initial mapping of gender roles and norms which can provide context for its work. This aims to build understanding of:

- Challenges faced by Syrian civil society actors focusing on the impact of GBV;
- Gender factors that affect the gathering of evidence, including:
 - What inhibits victims/survivors from speaking out; and
 - What is relevant in assessing the credibility of evidence.
- Gender roles and norms underpinning patterns of discrimination and violence;
- Invisible or indirect impact of violence against women and girls, and persons of diverse SOGI, including on their political, economic and social status, such as dismissal from work, exclusion from education etc.; and
- The nature and gravity of harms inflicted.

4. INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S WORK ON BROADER JUSTICE OBJECTIVES

Although the IIIM's mandate focuses on criminal accountability, it has undertaken to facilitate broader justice objectives whenever it can identify intersections between those objectives and its mandated work. The IIIM is integrating a gender analysis into the work it does to facilitate broader justice objectives, such as clarifying the fate and whereabouts of missing persons or the issue of reparations and restitution for victims/survivors.

The General Assembly has welcomed the IIIM's efforts to assist in the search for missing persons in the Syrian context and encouraged the Mechanism to identify additional ways and means to contribute to this end (Resolution 76/228). The Secretary-General has also recognised the IIIM's efforts, and provided the General Assembly with further recommendations to address the issue of missing persons in Syria in his report of 2 August 2022 (76/890), including the gendered impact of disappearances. The Mechanism remains committed to contributing to existing and future efforts to address the issue, and to integrating a gender analysis into its work on missing persons and other broader justice objectives.

Recognising the urgency expressed by victims/survivors in accessing information about the fate of their missing loved ones, initial objectives identified for the IIIM's work include:

- Integrating the search for the missing into the IIIM's processes related to its accountability-related analytical work and support to competent jurisdictions, and developing systems to maximise the use of information that can support such searches;
- Ensuring that IIIM analytical work, casefiles and relevant information and evidence shared with competent jurisdictions incorporate the impact of crimes on the missing and their families, including by recognising the gendered harms caused as potential crimes such as enforced disappearance, torture and cruel and inhuman treatment (encompassing both immediate and long-term physical and psychological harms);
- Accurately reflecting in the IIIM's work the full nature and gravity of such crimes on families and communities, beyond the immediate harms caused by the death or disappearance of (mostly) male family members during armed conflict. For example, such crimes lead to an increase in female heads of household who are left to navigate often unfamiliar and harsh legal, social, economic realities to survive and provide for their families;
- Recognising that these crimes are compounded by the process of searching for missing relatives, which can disproportionately expose females to further risks of gender-based violence and financial extortion, and assisting the search for missing persons where possible to contribute towards alleviating some of these compounded harms and risks;
- Using the IIIM's accountability-focused investigative mandate in a way that assists in the search for the missing, for example, when interviewing a witness, asking additional questions that could provide important insights on the whereabouts of missing persons;
- Checking for potential biases in relation to forensic evidence and other sources related to missing persons, which may under-represent or exclude evidence and perspectives of female and child victims;
- Ensuring the inclusion of women as relevant evidence providers as surviving family members and survivors of enforced disappearance, and leveraging their experience in the search for missing persons through continued dialogue; and
- Facilitating engagement with victims/survivors regarding their priorities for reparations and other requested relief in prospective national and international proceedings.

5. INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S ENGAGEMENT WITH OTHER ACTORS

5.1 INTEGRATING GENDER ANALYSIS INTO ITS ENGAGEMENT WITH COMPETENT JURISDICTIONS

The IIIM is implementing specific methodologies and tools for integrating a gender analysis into its engagement with national war crimes units and other justice actors. These include:

- Tracking the inclusion of gender-related issues in Requests for Assistance (RFAs) received from competent jurisdictions;
- Sharing relevant analysis or insights from the IIIM's pilot projects that shed light on gender issues in Syrian society;
- Sharing the IIIM Gender Strategy with national jurisdictions and other relevant justice actors and establishing peer-to-peer dialogue regarding best practices and lessons learned;
- Incorporating gender considerations into programs and workshops with national jurisdictions and other justice actors; and
- Collaborating with national counterparts and other justice actors to understand and assist in overcoming legal, procedural, societal and systemic barriers to prosecuting gender-based harms committed in the Syrian context.

5.2 INTEGRATING A GENDER ANALYSIS INTO THE IIIM'S ENGAGEMENT WITH CIVIL SOCIETY ACTORS

The IIIM is integrating a gender analysis into its engagement with civil society actors in a number of ways including:

a) **Feedback to evidence providers concerning gender issues**

The IIIM provides feedback to information and evidence providers to help them maximise the value of their work for accountability purposes. Specific attention is given to feedback that would strengthen documentation regarding gender-based crimes.

b) **Civil society consultations**

The IIIM regularly engages with Syrian civil society to inform its work and consistently integrates a gender analysis into these consultations.

Initial approaches include:

- Ensuring that the civil society consultations with women-led NGOs and NGOs working on gender increase and deepen;
- Ensuring that women and persons of diverse SOGI are fairly represented;
- Integrating women and gender as part of the IIIM's civil society consultations and bulletin.

5.3 INTEGRATING GENDER ANALYSIS INTO THE IIIM'S ENGAGEMENT WITH VICTIM/SURVIVOR ASSOCIATIONS

Through its engagement with Syrian victim/survivor associations and individuals the IIIM has been able to map out some recurring issues and common perspectives on justice and accountability to consider in its work, including:

- That women may need more time to articulate their justice demands and priorities, given their many pressing day-to-day survival needs;
- That women's perception of justice may be different from men's;
- That the gendered social, economic and political repercussions of crimes must be understood and dealt with in a holistic way;
- The importance of hearing the voices of women and girls on how violations affect them differently than men and boys;
- The necessity to avoid a compartmentalised approach to sexual violence crimes;
- Recognition of the harm women and girls experience upon release from detention;
- Inclusion of the perspectives of women with disabilities; and
- Recognition of the agency and expertise of women and girls concerning their own situation.

IIIM OUTREACH AND NEXT STEPS

Moving forward, a key step is to communicate this Strategy to other accountability actors and victim/survivor associations and individuals. The IIIM will ensure that its engagement with Syrian women and girls, as well as women and girls from other affected communities, is prioritised and that approaches are developed to overcome barriers to reaching them.

To support a broader effort to ensure these issues are considered throughout various justice processes, the IIIM will share the Strategy and Implementation Plan with other accountability actors, UN entities and other international organisations. It will also be available publicly on its website, with care taken to integrate positive messaging on gender in all the IIIM's work.

We hope this provides a useful introduction to the IIIM's work to address the challenges many victim/survivor communities face. We are committed to reviewing and strengthening the Gender Strategy as we work with victims/survivors to eliminate the role that gender discrimination or bias may play in reducing the prospects for achieving justice for those affected by crimes committed in Syria since 2011.

If you are interested in exploring this work in greater detail, please refer to the **IIIM's Gender Strategy and Implementation Plan - Technical Version**.

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REFERENCES

Kirsten Campbell, [The Justice of Humans: Subject, Society, and Sexual Violence in International Criminal Justice](#) (Cambridge University Press, forthcoming 2022)

[UN General Assembly, Report of the Secretary-General on Missing people in the Syrian Arab Republic](#), UN Doc. A/76/890, 2 August 2022

[UN General Assembly, Resolution 76/228 adopted by the General Assembly on 24 December 2021: Situation of human rights in the Syrian Arab Republic](#), UN Doc. A/RES/76/228, 10 January 2022

[IIIM Bulletin No. 7](#), Spotlight: National Accountability Developments, March 2022

Global Public Policy Institute, Inji El Bakry and Tobias Schneider, [The Last Straw: How Chemical Weapons Impact Women and Break Communities](#), February 2021

[ICRC Commentary of 2020](#), Geneva Convention III relative to the Treatment of Prisoners of War (Geneva, 12 August 1949), June 2020

[Anwar R. trial report](#), Syria Justice and Accountability Centre Trial Monitoring Report 14, Witness P16, Hearing 1 October 2020

[OHCHR Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice](#), 2018

[Human Rights Council, "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](#), UN Doc. A/HRC/37/CRP.3, 8 March 2018

[UN Security Council, Report of the Secretary General on conflict-related sexual violence](#), UN Doc. S/2018/250, 23 March 2018

[Terms of Reference of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, Annexed to Report of the Secretary-General](#), UN Doc. A/71/755, 19 January 2017

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