

Coalition for Just Reparations’ Event: Using Human Rights Indicators to Monitor Implementation of the Right to Rehabilitation for ISIL Survivors

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Keynote Address

“Repairing the Irreparable: Remedies, Rehabilitation and Reparations for Survivors, Families and Communities Impacted by Sexual Torture in Armed Conflict”

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Excellencies, Madam Chair, Organizers and fellow human beings,

It is an honour to be here with you today, at the launch of this important guide on monitoring rehabilitation efforts for survivors of ISIL crimes in Iraq.

I congratulate and thank the Coalition for Just Reparations, the Jiyan Foundation for Human Rights and all other organisations participating in this important work, and for your engagement with me over the last couple of days during my study visit to Duhok and Erbil.

I also congratulate Professor Nimisha Patel for your expertise and care for those around you in guiding this process. I have heard that the process of developing the guide was a truly collaborative one. Well done to all.

The struggle to eradicate torture and other cruel, inhuman or degrading treatment or punishment is very real. Torture is a threat to international and national peace, security, and prosperity. It is also a struggle of recovery, at the level of the individual, his or her family, community, and country.

Torture and related violations, including genocide, enslavement, discrimination, oppression and marginalization, aim to destroy the social, cultural and religious foundations of groups and societies. We must not let these crimes divide or define us.

Torture is the unlawful exercise of power over another human being, by deliberately inflicting physical, psychological or sexual pain or suffering on them. The trust destroyed by torture is not easily restored, and rehabilitation is a long-term project.

Let me be clear: there is no place for torture in rights-respecting countries in the 21st century.

International law requires that torture must be prohibited and criminalised in national law; that perpetrators must be investigated, prosecuted and punished; a wide array of measures must be adopted to prevent future recurrences; and the rights of victims and survivors to compensation, rehabilitation and reparation must be enforced.

Article 14 of the United Nations Convention against torture and other cruel, inhuman or degrading treatment or punishment specifies that victims and survivors have a right to “as full a rehabilitation as possible.” It also reminds that in the event of the death of a victim from torture, his or her dependents shall be entitled to compensation. Many other articles of the Convention focus on justice through criminal prosecutions.

As the impact of torture can be physical, psychological, social, functional, and existential, recovery from it must address all these aspects.

All forms of torture and related ill-treatment inflict pain or suffering. Sexual forms of torture are geared to maximum humiliation and cruelty.

The greatest burdens of sexual crimes are borne by women and girls. This relates to many factors, not least of which is inequality and male sexual entitlement. However, men and boys are also subjected to these horrendous crimes, and at levels never fully disclosed or accounted for.

In the Democratic Republic of Congo, for example, a survey in the Journal of American Medical Association found that 30 per cent of women and 22 per cent of men reported that they had been subjected to conflict-related sexual violence.

In Ukraine, of the 280 cases of sexual torture so far recorded and being pursued by the Office of the Prosecutor General, 36 per cent of those open cases involve male victims.

For the whole of society to be able to heal, there must be acknowledgment of the full range of harms committed, so that everyone who chooses to seek help is respected, acknowledged and treated. Survivors and victims tell me this is a necessary part of their healing, from all parts of the world. I have also heard this plea a lot over the last couple of days here in Duhok and Erbil. From survivors from all walks of life. This call was especially pronounced by members of the Turkmen and Shabak [and Christian] communities. They spoke of their need for inclusion and recognition. And beautifully, I heard this call also from Yazidi survivors who want justice to include everyone who has suffered from ISIL atrocities.

Let me turn to the role of leadership. Leadership is key to changing social attitudes towards sexual torture and related crimes, as shown by Yazidi spiritual leader Baba Sheikh’s “welcome back” message for Yazidi survivors. Social acceptance and reintegration is an important part of the healing journey. So, too, the acknowledgment of the full spectrum of crimes that occurred, including the recovery of the missing. Not knowing where one’s loved ones are causes deep suffering, which international courts have declared to be a separate form of torture and cruel treatment on family members.

In the survivor-led Kinshasa Declaration, torture survivors from 12 countries across Africa declared that reparations programmes had to address discriminatory and stigmatising taboos, which prevented survivors from speaking about what had happened and in turn, would prevent measures to be taken to ensure that similar violations do not recur in the future. They also declared that survivors had to be “co-creators” of their destiny. For survivors, it is not enough that they be consulted, which is obviously very important, but that they are actual stakeholders – designers, policymakers, implementers, and recipients of rehabilitation.

Let me be clear. The stigma or shame of sexual torture rests wholly and fully on the perpetrators. There is no shame to being tortured, whatever form it takes.

I want to end by first congratulating you all for the journeys you are taking to recovery, as individuals, as families, as communities, and as a country. Secondly, the support networks and rehabilitation and justice work that I have had the privilege of observing these last couple of days, and which is being done by many in this room is truly incredible.

I want to commend the Government of Iraq for the adoption of the Yazidi (Female) Survivors Law, which is a pioneering piece of legislation and I stand ready to support its full implementation.

I end with a plea for the authorities: that victims and survivors must be consulted and included in all decisions that are going to affect their lives, safety and recovery. And that all survivors – women, men and children – from all ethnic, cultural or religious groups, and socio-economic backgrounds – are treated as stakeholders in these ongoing processes of rebuilding.

I wish you all the very best of success.

ENDS