



HOUSE OF LORDS

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Inquiry on

SEXUAL VIOLENCE IN CONFLICT

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Witnesses: Ms Widney Brown, Professor Lisa Davis, His Honour Judge Jonathan Carroll, Ms Rosy Cave, Mr Dan Chugg, and Mr Michael Howells

USE OF THE TRANSCRIPT

This is a corrected transcript of evidence taken in public and webcast on www.parliamentlive.tv.

Members present

Baroness Nicholson of Winterbourne (Chairman)
 Lord Black of Brentwood
 Bishop of Derby
 Lord Hannay of Chiswick
 Baroness Hodgson of Abinger
 Baroness Hussein-Ece
 Baroness Warsi

Examination of Witnesses

Ms Widney Brown, Director of Programs, Physicians for Human Rights (by videolink), **Professor Lisa Davis**, Human Rights Advocacy Director, MADRE & Clinical Professor of Law, International Women's Human Rights Clinic, City University of New York School of Law (by videolink), **His Honour Judge Jonathan Carroll**, Civilian member of UK Team of Experts, **Ms Rosy Cave**, Head of Conflict and Stabilisation Team, Stabilisation Unit, Department for International Development & member of UK Team of Experts, **Mr Dan Chugg**, Head of HMG Daesh Task Force (formerly known as the ISIL Task Force) & Head of Iraq Department, Foreign and Commonwealth Office, and **Mr Michael Howells**, member of HMG Daesh Task Force (formerly known as the ISIL Task Force) & Head of Near East Department, Foreign and Commonwealth Office

The Chairman: Thank you very much for joining us. Can the video panel hear me yet? Colleagues, while the equipment is being tidied up, the only thing to do is start, if you are agreeable. Hopefully it will come on in a minute. Thank you very much indeed for joining us. You already have our list of interests, but Committee members who speak who have not declared their interests will state them as their first point.

This is a full evidence-taking session of the Committee, and a full note will be taken. This will be put on the public record in printed form and on the parliamentary website. You will be sent a copy of the transcript and will be able to revise any minor errors. The session is being webcast live and will be accessible via the parliamentary website. Subsequently, please feel free to deliver any supplementary written evidence to us that you wish. That can be very helpful indeed. Please speak up so that everyone can hear you clearly. May I remind everyone that Judge Carroll is not here as a judge? He became a judge after he was a civilian member of the UK Team of Experts, and is here as a civilian member of that Team and in no way in any representative capacity of the UK judiciary.

Apologies to those who are still not linked in. Hopefully this will happen. Can I ask those on the panel who can communicate whether anyone would like to make any introductory comments, or shall I go straight into the first question?

Mr Dan Chugg: I think we are happy to go straight into questions.

Q10 The Chairman: We can begin. We have quite a large panel. Do not feel that each of you has to answer every question. Take what you want to answer rather than the formality of

rolling the question right through. Do what suits you. Could you let us know about the scale of the impact of sexual violence in conflict in the areas in which you or your organisations work? That is rather a large question for several of you, but I would be very grateful if you tell us a little about how you view this.

Ms Rosy Cave: Thank you for having us here today. I can tell you a little about the scale and impact of sexual violence in conflict in Iraq based on visits I have made to support the FCO Preventing Sexual Violence Initiative team over the past 10 months. Everyone is probably very aware of the scale of the ISIL-perpetrated sexual violence that a number of different communities are experiencing in Iraq. It is also important to point out that it is not only ISIL-perpetrated sexual violence; other actors are also committing sexual violence. I was in touch with the UN this morning to get a sense of its latest figures. I should stress that this is an issue that, because of its sensitivity and the stigma attached to it, is notorious for being underreported. So although I have some statistics, it is probably happening on a much larger scale. This is just from northern Iraq: as of 1 September 2015, a total of 2,129 survivors were documented—801 women, 306 men, 497 girls and 525 boys. This has not been independently verified by the UN, but it is from reliable sources. I also wanted to flag up its figure for people still under ISIL captivity: 5,838, of which 3,192 are females. Also on this issue, there are a lot of people inside and outside the IDP camps who are also vulnerable to sexual and gender-based violence. I am sure that we will see increased reporting on that.

We are also starting to hear stories of women and girls returning who are pregnant, which is obviously a massively sensitive issue. Children born through rape are frequently stateless. Also, abortion is illegal in Iraq, and there are concerns about the number of illegal abortions that might be happening and the health of those individuals.

I think you might have heard or will hear more about how the Yazidi community in particular is responding positively in accepting women and girls back into their communities. That is obviously something that we very much welcome, but at the individual level there are serious concerns about the stigma attached to those individuals and what it means for them going forward in a context like Iraq.

The Chairman: Thank you very much indeed. Are there any other comments?

Mr Dan Chugg: I would just add to the Iraq picture that crimes that have been reported include rape, forced marriage, sexual slavery, forced abortions of non-Muslim pregnancies and forced pregnancy to make Muslim children, enslavement, women and girls being sold and given as gifts, and girls as young as six being raped and sexually enslaved. There are also reports of what has been termed “multiple revirginisation”, which is basically genital mutilation to enable girls to be sold on as virgins when they have already been sexually abused. There is also evidence of ISIL using this as propaganda in its material. This is one of the things that it promotes in some aspects to encourage people to join ISIL, and when we talk later about combatting the ideology perhaps that is one of the things that we can touch upon.

Mr Michael Howells: I will add details from the Syrian side. Of course, ISIL crosses over the Iraq and the Syria problem. Prior to ISIL’s emergence as an organisation in Syria, unfortunately the Syrian regime had used sexual violence extensively as a tool, as a form of collective punishment and intimidation in prisons and so on. Figures predating ISIL suggest that 80% of all sexual violence in Syria had been committed by government forces and government actors. That data is probably now slightly out of date in light of ISIL’s emergence

and use of sexual violence as a tool of its own warfare in Syria. Rather as in Iraq, sexual violence has been used during house searches, at checkpoints, in detention centres. Children born as a result of rape in Syria are stateless, and—a theme that I am sure we will touch on throughout the testimony today—victims are obviously stigmatised in a conservative society such as Syria. They are frequently cast out from or marginalised within their communities, and access to support structures in a high-conflict environment such as Syria, with so many people displaced, obviously compounds the suffering.

His Honour Judge Jonathan Carroll: There is nothing I can add on this basis. I concentrate on the criminal justice side, and these kinds of facts and figures are much better derived from your other witnesses. I can speak only to the criminal justice work that I have done, so I cannot provide additional information on these facts and figures.

The Chairman: What would you like to tell us?

His Honour Judge Jonathan Carroll: My role specifically has been in criminal justice training, in particular taking Syrian medics and lawyers and training them in the role of expert witnesses. What has not been tested historically, or has been massively underrepresented in post-conflict resolution, is the prosecution of this kind of offending involving sexual violence and torture. Unlike many other aspects of post-conflict justice, where there is ongoing evidence much of the sexual violence evidence tends to dissipate over time. Contemporaneous evidence and documentation is at the heart of securing evidence in some kind of admissible form to be used as and when there is a form of post-conflict justice mechanism. That is the kind of work that I have been doing. Certainly any questions on criminal justice I can assist on, but I am not in the same position as my colleagues to address facts and figures.

The Chairman: Can all members of the panel hear us? Are you able to speak yet?

Ms Widney Brown: Yes, I can hear you. Is this a good time for me to intervene?

The Chairman: Yes please. Perhaps you could answer the question about the prevalence of sexual violence, what you yourself know about it and what you have seen in your organisation.

Ms Widney Brown: I am going to focus primarily on the work that we are doing in the context of the Syrian conflict and our work in eastern Democratic Republic of Congo. In Syria, it is worth noting that there are significant elements of sexual violence, and we see that both men and women are being subjected to that. A lot of what we have been documenting has related to the conflict, where it seems that both men and women are very much at risk.

In eastern Congo, as you know, the conflict is in advance, although we see there how pervasive sexual violence in conflict often spills over into the post-conflict environment. As a woman I interviewed in the former Yugoslavia said, there is no peacetime for women. We are continuing to see both the consequences of the conflict-related sexual violence and very high levels of sexual violence, including spates of violence against very young children and infants, in the Congo.

The Chairman: Would Professor Davis like to comment at this moment?

Professor Lisa Davis: Thank you. I will be brief. My work has been with the organisation MADRE and with the CUNY School of Law looking at the context of violence in the ISIL conflict, about which a lot has been said today. I would just add that we have also seen

epidemic levels of sexual violence and murder being committed against LGBT persons in the ISIL conflict. This was most recently highlighted by the Arria meeting held by the Security Council.

The Chairman: Thank you. That is a very important point. Before we move on to our colleague with the next question, I just want to have a quick follow-up with Mr Michael Howells. Could you elucidate for us the sources of the data that you provided? You commented that perhaps it was not the most up to date. What are the sources, and do you have some more up-to-date ones that you might submit in written evidence?

Mr Michael Howells: I can certainly look into the details of figures relating to ISIL's activity in Syria. The figure of 80% that I gave you comes from a Women Under Siege report dated 2013, which looks very much at the relative balance of the use of sexual violence between the Assad government and state structures and other armed groups on the ground. We have no reason to believe that the prevalence of the use of sexual violence by the government has diminished since 2013. I think that the overall level suggested by that report has stayed the same, but we will look into it and give you some more details on ISIL, specifically in Syria.

Q11 Bishop of Derby: Thank you for setting out some of the scenarios and their frightening aspects. I want to invite you to comment on how we begin to address these scenarios, and there are two strands to it. One is about how your organisation or angle on this works with both the UK Government and the international community—what kind of allies you have and what kind of work you do with the UK Government and the international community. Secondly, from your observations on the ground, is there a sense in which NGOs and government teams in the field overlap or complement each other? How neat is it, and what room for improvement might there be on the ground with government and NGOs? How do you work with the UK Government and the international community and, on the ground, with government and NGOs?

Ms Rosy Cave: I am going to tell you how the UK Stabilisation Unit has been working with other parts of government and the international community on this issue in Iraq. For those who do not know, the Stabilisation Unit is a cross-departmental unit. We answer not to a Minister but to the NSC. We do not make policies. We provide technical support on stabilisation, security and justice issues in a range of conflicts. The work that I have been doing has been principally to support the FCO Preventing Sexual Violence Initiative, very much working with the different government departments that are represented at posts in Baghdad and Erbil, and here in London.

As background, the first visit that I made was a joint UK-Canada scoping visit to look at this issue and to get a better understanding of what the situation was both in Erbil and Dohuk and down at Baghdad, and what the UK could be doing about it. That partly speaks to your question about how we engage with the international community on this.

Subsequently, I have also worked with the MoD—with PJHQ—doing a recce and looking at how we can integrate training on sexual violence into the infantry training that we provide to the Peshmerga in northern Iraq. There was a follow-on visit after that as well. We are very much trying to provide support and recommendations on what the Government could be doing across different departments—for example, with further psychosocial support through the IDP camps, looking at co-ordination and information management through the UN co-ordination mechanism, and promoting the International Protocol on the Documentation and

Investigation of Sexual Violence in Conflict. We deployed a PSVI expert to Erbil and Baghdad in March this year to engage with a range of stakeholders on that issue, documenting and preserving evidence.

Importantly, we have always reached out to international partners working on this issue. More generally, we do so to find out what they are doing and we make sure that we co-ordinate with them. A key point is that we try to encourage them to do more. We have potential partners. We are taking work forward with Canada, Australia and the US, and I am sure that Dan will speak about the stabilisation efforts there.

In all the visits that I have made I have always engaged with NGOs, but the people in post engage more regularly than I do with those NGOs and reach out to them. Some really interesting working groups have been established at the embassy. These provide a great opportunity to meet nationals. So local and national NGOs work on these issues both from a women's empowerment perspective and specifically on preventing sexual violence and on the Women, Peace and Security agenda.

Mr Dan Chugg: In Iraq, a large part of our strategy dealing with both ISIL and sexual violence is to help the Iraqi government to put a political process in place that reduces sectarianism, creates stability, and looks after the security of the citizens of that country. A lot of our efforts politically are going in that direction, and we very much see PSVI as part of that reconciliation process.

A major part of what we are doing is working with Iraq on its National Action Plan, which comes under UNSCR 1325. I think it is the only country in the Middle East with a National Action Plan, and we are the only foreign Government who are helping it with its National Action Plan. Its overall objective is the participation of women, the protection of women, and the prevention of sexual violence. We have a stream of activities, and I will be happy to talk in more detail, if there is time, about how we help them with that. That is one part of the political process.

We are also looking at stuff that we can do on the ground right now to help with the efforts that are being made, working mainly with the Peshmerga, the Kurds in the north of Iraq, to help give them training so that they better understand some of the issues around sexual violence and so that when they come upon victims they are much better trained in how to deal with those people in a sensitive way and to point them in the direction of proper help and support. We have also been running a train-the-trainer programme so that it is not just the people who we have trained but so that training can continue to be pushed out there. We have also been training foreign countries—Germany, Norway, Italy *et cetera*—so that they can introduce that into their own programmes.

We have also had some specific programmes to support the survivors of sexual violence and to ensure access to justice. It is very important that when ISIL is defeated and these countries are trying to return to normal, there is access to justice for the victims of these crimes and that the perpetrators can be brought to justice. I think we have learnt from conflicts that have happened elsewhere in the world that if you do not do that, the problems continue. So documenting evidence now of all crimes that are taking place so that in the future there can be justice is an extremely important part of the work that we are doing. We have projects that are doing that, as well as actually helping survivors at the moment.

Lastly, we have within the embassy two working groups that are focused on gender equality, one with a specific focus on PSVI and another on the implementation of the National Action Plan. Again, the embassy has various activities to do with those things at the moment.

We are also working with the coalition against ISIL—I wear two hats as head of the Iraq Department and head of the Government’s task force on combatting ISIL—on a number of areas that involve preventing sexual violence. One of those is the communications strategy, and again perhaps we can come on to talk about that later.

Another aspect is the Stabilization Working Group, which is part of coalition activity. In fact, just today some of my staff are at a meeting of that group in Brussels discussing these very issues, and we are working particularly with the Canadians on doing more through that working group to create front-line training, to raise awareness in the communities, and on documentation and investigation. That is also how we are trying to use the coalition.

Mr Michael Howells: I shall be brief as I know that time is short. Again, we can provide you with more information afterwards. In the Syria context, which is markedly different from Iraq in the sense that we do not have a government partner that we can work through and with in combatting sexual violence. Of course, the government in Syria are one of the primary guilty parties in all this. I am head of the Near East Department in the Foreign Office, and we oversee the Foreign Office’s management of the Conflict, Security and Stability Fund. We have a significant number of projects that focus on sexual violence issues. Our accounting so far would suggest that we have spent £5 million since the conflict began, and £2 million is programmed in for this financial year, so there is a clear trend line of increasing investment in recognition both of the scale of the problem and of its importance to the broader peace and reconciliation effort in Syria. We can provide you with more detail, if you would like it, of the sorts of projects and programmes that we are running, but I do not suggest necessarily, unless you wish me to, that I go into too much of that detail today.

As well as the programming work, we have a lot of responsibility for raising awareness internationally of the scale of the problem in Syria, for advocating on behalf of vulnerable people and for ensuring that the issue remains at the front and centre on the international agenda. For example, the Human Rights Council will be discussing human rights and abuse in Syria this month, as it has a number of times over the past couple of years. We ensure that PSVI is fully recognised and given account in the resolutions of the Human Rights Council, and we will do the same in the session this September.

Finally, on NGOs, again because we do not have a government partner, we work primarily through NGOs as our delivery and implementing organisations, international and UK as well as Syrian civil society, many of which are working in very difficult and insecure circumstances. I would say that the relationship works very well, but I am sure we will hear other views from NGO representatives.

Bishop of Derby: Thank you. Does Professor Davis have any comments on this?

Professor Lisa Davis: Yes. I will give you just one practical example. Last January, MADRE, the Women’s International League for Peace and Freedom, and the Sorensen Center at CUNY law school, in partnership with local organisations in Iraq and Syria working on sexual violence in the context of the conflict, hosted a conference in Istanbul with the support of the PSVI unit. The purpose of this conference was to bring together women’s human rights activists working in the conflict on sexual violence. What came out of this conference was a

practical and solid set of recommendations for the international community, as well as best practices for groups on the ground on how to address sexual violence and the broader human rights violations that exacerbate it.

Also at this conference we were able to provide documentation training utilising the PSVI protocol, since many of these advocates are on the front line of documentation and can get to areas and document crimes that the international community does not have access to. As a result of the conference, representatives came to New York and Geneva and participated in a series of donor-state briefings—one was sponsored by the UK Mission to the UN in New York, another by the EU—to look at what these recommendations mean and at how to increase both the comprehensive plan for addressing sexual violence and civil society and government collaborations.

Bishop of Derby: Thank you. Does Widney Brown wish to say anything on this?

Ms Widney Brown: Yes, thank you. Physicians for Human Rights has been funded by the UK Government for its work both in Syria and in the eastern Congo. The Syria conflict is a very difficult place to do this documentation, and we work with expert doctors and with, for instance, Judge Carroll to train doctors and lawyers who are seeing victims in real time in Syria. Through the funding we are able to take individual cases and feed them to the UN commission of inquiry so that they have actual data in their reports to the Human Rights Council on sexual violence and other forms of torture in the context of that conflict. It has been a very fruitful engagement with the FCO in particular, and without its support we would not be able to do the work that we are doing. I cannot overstate, though, how difficult it is to work in an active conflict, but feeding information in real time has been invaluable.

The Chairman: Thank you very much, Lord Bishop, and thank you, witnesses. Could I put a request to the British Government representatives Mr Chugg, Ms Cave and Mr Howells? Would you be kind enough to submit in writing the activities that you identified and referred to which you have been involved in and which you suggested we might like to know about?

Q12 Baroness Hodgson of Abinger: Thank you all for joining us today. We have been asked to declare our interests. I am a member of the steering board of the PSVI, chair of the advisory board of GAPS—Gender Action for Peace and Security—co-chair of the APPG on Women, Peace and Security, and a member of the Association of Oxfam.

I have a number of questions for you. How has the situation involved both in terms of the scale of the problem and the international community's response to it? To what extent have the commitments and aspirations set out in the G8 declaration and the Declaration of Commitment to End Sexual Violence in Conflict led to material advances in the fight against sexual violence in conflict? Are there areas where the commitments have not been implemented, and, if so, where are they and what are the blockages? How effectively does the international policy agenda address the challenges on the ground?

Before you start answering, I should say that I will have to excuse myself very shortly because a debate is starting in the Chamber. Thank you all so much for coming. Who would like to start?

Mr Michael Howells: It may make sense if Mr Chugg and I describe the facts on the ground in Syria and Iraq, and then perhaps Ms Cave can talk to you a bit more about the international side. In the Syria context, essentially there are three scenarios in which this is a major problem. I have already mentioned the extent to which sexual violence is used as a

tool by the regime, and that has continued since the beginning of the conflict. It is increasingly used—Mr Chugg can go into more detail about this—by ISIL as part of its agenda. The third area is the prevalence of this violence in refugee camps for displaced people around Syria, although that is obviously a slightly different category. It is not a tool of any particular organisation; nevertheless, it is a protection challenge for the international community.

Mr Dan Chugg: I talked earlier about some of the things that are happening at the moment. I will not repeat them but they were all allegations levelled at ISIL. They are not the only ones committing such things in Iraq; there have also been reported attacks by various militias over the last few years. The various other groups in all parts of Iraq are not without their faults, so this is not purely isolated within the ISIL-held areas; it affects various ethno-religious groups. We have already mentioned the Yazidis, but it is not just the Yazidis who have been specifically targeted. Christian groups, Turkoman groups and Shabak groups have also been specifically targeted. So it is a multi-ethnic problem and it is perpetrated by a variety of people in Iraq.

Ms Rosy Cave: I shall try to link this back to the declaration of commitment and attempt to demonstrate how that sort of international policy commitment is being implemented on the ground. I shall give you some examples, and you may want more information from me in a written format.

Looking at the various commitments under the declaration of commitment, which 150 UN member states have signed up to, one of the first is to ensure that SGBV work is adequately funded and prioritised. DfID colleagues will tell you that that is work that they are very much supporting. To date, they have provided £59.5 million of humanitarian assistance in Iraq, and a lot of that includes assistance that very much targets issues of sexual and gender-based violence. However, I will leave it to DfID colleagues to elaborate on that.

Looking at UN efforts, and more generally co-ordination and service provision, DfID has provided two people to support the co-ordination of the SGBV sub-cluster working group and to support information management. A lot of work is done looking at women's full participation in all political, governance and security structures, and we heard about that in looking at the stabilisation working group. There were a lot of efforts to include women in the Geneva II process for Syria and in the working groups at embassy level. We have touched on the international protocol. We heard both Professor Lisa Davis and Widney Brown talk about the work that is done on documenting evidence. We have a PSVI expert who went out, and I am sure that in the coming months we will see more done on implementation of the international protocol.

Training is key in promoting this issue within the UK military. That is also true of the work that we do, particularly when training others. I think that the example of what has been achieved in northern Iraq is great and it would be good to see that rolled out further. We need to look at working on any potential gaps there or at getting our international partners to do more in support of our work.

Lord Hannay of Chiswick: May I ask a supplementary question? What, if anything, are you doing to convey to ISIL themselves—the fighters on their side—the fact that this is contrary to most people's interpretation of Islamic law and practice, and that it is certainly a breach of international law and a breach of the Universal Declaration of Human Rights? I am sure

they would discount many of these things, but to what extent is an effort being made to explain to them, through different forms of communication, just how aberrant all this is?

Mr Dan Chugg: In terms of our communication, we do not have direct dialogue with ISIL but we do have quite a comprehensive coalition and UK communications strategy for dealing with this. One of the key aspects of the communication strategy is to expose the ISIL propaganda—the ISIL campaign—for what it is. That involves trying to get credible voices speaking out about some of the things that are propagated by ISIL, explaining that these things are simply not true. So when they say that a certain thing is your Islamic duty or that such a thing will enable you to go to heaven, we try to get credible voices in this country and around the region to explain that actually this is not true according to the tenets of Islam, that it is not what is expected of you as a Muslim and that it is not going to lead to a quick route to heaven. That is a large part of our communication strategy. Obviously a lot of this does not have the Government's fingerprints on it. A lot of the people involved are not credible voices, and it is much better coming from other people, but that is at the heart of our communication strategy.

Lord Hannay of Chiswick: Could you possibly document for the Committee what the communication strategy of the coalition is in so far as it is in the public domain? That would be rather helpful. I am not sure that we have heard anything about it.

Mr Dan Chugg: Certainly.

The Chairman: I wonder whether Ms Widney Brown and Professor Davis want to comment. We have not heard from you on this question at all. If you do not want to comment on a question, there is no need to do so. Would you like to say anything at this moment?

Ms Widney Brown: I would like to comment just briefly. I attended the Rome treaty conference, where there was a battle to get each of the crimes of sexual violence graded as both war crimes and crimes against humanity. There is no doubt that we have moved a long way from there. The International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda really helped to create strong jurisprudence. However, when you think about the ICC, it is disappointing that, despite this acknowledgement of sexual violence being used in conflict as a weapon of war, the number of prosecutions and strong investigations still lags behind other crimes that are investigated by the International Criminal Court. I think that Governments need to commit to both international tribunals and, at a domestic level, really rigorous investigations and prosecutions. Physicians for Human Rights tries to support that by training doctors in how to collect forensic evidence, both physical and psychological, of sexual violence.

The Chairman: Thank you. That was very helpful. Unless there are other comments on this, our next questioner is Baroness Warsi, or does Professor Davis wish to comment?

Professor Lisa Davis: I will keep it brief; I know that we are short of time. On the first question, the declaration is an important first step in the process of building normative standards where rape as a weapon of war is not tolerated. It lays the groundwork for what we need next, which is the implementation of a comprehensive strategy for addressing and preventing rape in war. This coherent strategy needs to address the pre-existing factors that lead to sexual violence and the related human rights abuses that exacerbate violence. We hope to see strong commitments by Governments with strong budgets to help move these action plans and implementations forward.

In terms of how to counter the ideology of actors such as ISIL, we have to remember that the conflict has served to further entrench the structural cultural violence against women and other marginalised persons. In incorporating and implementing the strategy, there are a few simple things that we can do that would help. One is promoting positive social norms that help to prevent sexual violence. When we counter negative social norms such as stigma, that helps to defuse the ability to fragment communities. We need to protect civilians and increase humanitarian aid, remembering that hungry and war-weary communities are more vulnerable to influence and recruitment by armed groups that offer food and incitements to fighters. We also need to bolster and sustain grass-roots organisations. When states are unable, and in some cases unwilling, to protect communities from armed groups, it is these local organisations that often become the front line of defence and can gain access to areas that the international community does not have access to.

Lastly, we should design peace processes that have women in a central leadership role so that during and after a conflict we work towards sustainable measures to prevent sexual violence and stop it re-emerging. This has been proved to work through prioritising women's voices in peace-making, and it is a legal and moral obligation under resolutions such as Resolution 1325.

Q13 Baroness Warsi: I want, first, to touch on something that has already been raised and then to ask a further question. One comment was that the promise, in many ways, of the abhorrent practice of sexual violence was used as a recruiting agent by ISIL. Do we have any evidence to the contrary—that the sexual violence perpetrated by ISIL is turning off people who may consider ISIL as a potential home?

My second question is slightly unrelated. It does not just concern Iraq but goes much broader. What challenges do human rights defenders and humanitarian workers face when working to prevent and mitigate sexual violence in conflict?

Mr Dan Chugg: Maybe I could start on the question about propaganda. I have not seen anything to show that these kinds of horrific crimes are a turn-off for people. I am sure that they are, but it is very difficult to find evidence of people who have not been radicalised or people who have chosen not to go somewhere. Generally, if we look at the drivers of people—particularly foreign fighters—going to fight for ISIL in Iraq and Syria, we find that religion is not a strong driver. Other drivers are important. There is a sense of brotherhood and camaraderie, and there is a sense of adventure. The men are promised money, weapons and women. It is these drivers with a sense of excitement that we think cause lots of people to go. There is also the state-building aspect—a passion to be at the start of a new state—which is driving people to go. So, in fighting against the ideology, we are looking at countering all these different things. Certainly the goriness and violence attracts some people and it is certainly something that has built the brand of ISIL. It has become a global brand within a very short period of time.

As regards any evidence that might suggest that that is changing, ISIL themselves are using less gory propaganda than was the case maybe six months ago. So we wonder whether they themselves have decided that actually this is no longer attracting people in the way that it was. We can hope that that is the case, but other than that I have not seen any evidence to suggest it.

On your second question about the challenges to humanitarian workers, I would defer to the experts on this. However, we are certainly aware that some of the projects on documenting crimes are extremely dangerous. People are having to work in very dangerous areas and are dealing with people with a history of being extremely violent. I have great respect for the work that they do, because I think that they are extremely courageous. However, as I said, I shall pass over to the experts on that.

His Honour Judge Jonathan Carroll: Perhaps I may add to that briefly. I work on a project related to Syria. It is a documentation-based project working specifically with medics in that conflict. All the evidence makes it clear that the medics are positively targeted by all sides. The act of documenting these kinds of crimes adds to their target value, because when that information is secured and preserved it is direct evidence of the crimes and in part of who committed them. So the very work itself makes them a valuable target and therefore they are incredibly brave in doing that work.

The Chairman: Thank you. I am going to turn to Lord Black for the next question, and there will be another one from Baroness Warsi later on.

Q14 Lord Black of Brentwood: I should declare my interest as chairman of the Commonwealth Press Union Media Trust, which obviously deals with the media in some of the countries that we are talking about. Until recently I was also chairman of the Somaliland Health for All Trust.

I have a question about the role of civil society. I am referring to grass roots, human rights defenders and so forth. As we know, government and the international community have a huge role in all this, but at the end of the day human rights groups and civil society groups are going to be immensely important. What can government do to assist their development and work?

As a subset to that, Professor Davis raised earlier the important point about LGBT communities, who suffer from a type of double stigma. There is the stigma of sexual violence and then there is the stigma of being part of the LGBT community. Are there specific grass-roots things that we can do in that area to help? I do not know who wants to kick off.

The Chairman: Would our colleagues on the webcam like to start with the answers to that?

Professor Lisa Davis: Yes. In terms of ways to support grass-roots groups and those who are LGBT and fleeing violence related to the conflict, there are some simple policy measures in Iraq that could be changed that would greatly enhance support for both women and LGBT people. One is that in central and southern Iraq it is against government policy for local NGOs to provide shelter, but that does not stop local women's groups doing so. They often provide shelter now for those fleeing ISIS-related conflict but also for those fleeing honour crimes and other forms of gender-based violence, as well as for LGBT people who are fleeing the same type of violence. But that puts everyone in the shelter and the women running the shelter at risk. They have been subjected to police raids, they have had to operate in a clandestine way and they are not able to make their services known more broadly or publicly. One easy change would be supporting or encouraging the Government of Iraq to change this policy. We have had some luck with this in smaller communities within Iraq who are facing a great influx of displaced persons. They have made local agreements with women's groups to obtain their help. But having a national policy that came from Baghdad

would greatly increase the safety and security of all marginalised victims who need to access services.

A second policy change that would be helpful would be addressing the variance in access to identification cards. In Kurdistan there are different policies on this, but in central Iraq women need a male guardian or a male family member to go with them in order to access an ID card. The conflict creates a lot of barriers to accessing other services, such as getting kids into school and so on. If the Government were encouraged to adopt a policy of allowing temporary ID cards for those in need, much like the regional government of Kurdistan has been doing, this would also help to increase safety and security for all marginalised persons.

Lastly, I would say that it is important to increase documentation training and capacity building, as well as funding for human rights organisations that are local and working on the ground, especially groups that are working in places where the international community cannot reach.

Ms Widney Brown: I want to underscore how much those who are doing documentation, particularly in the middle of a hot conflict, are targeted, and the importance of Governments across the board supporting their legitimacy and stressing the importance of civil society organisations and human rights defenders doing this work—

The Chairman: I think we have lost you temporarily. Shall we wait for a minute until the sound comes back again? Who wishes to comment on Lord Black's question?

Mr Michael Howells: The top-level answer to Lord Black's question is that we can do a lot together. Indeed, we see this very much as a partnership between government and human rights defenders and civil society. The fundamental thing that we can do is to invest in these things. Government can bring significant resources to bear. These people, for their part, have expertise, personnel and access to areas in which government cannot operate, and indeed where it would not be right for the British Government, for example, to have an explicit role. We can also help to provide the tools and training to build their capacity, which would enable them to build the capacity of others on the ground.

Very importantly, stepping outside the conflict itself, we can provide international support, we can bring focus to their work and we can amplify their message. We can also essentially take forward a large part of this agenda, particularly on the accountability side, through organs and mechanisms of international justice, for example, further down the conflict where we have a specialist role to play. So it is very much a partnership.

The Chairman: If you are agreeable, Lord Black, I think we should move on to the next question because time is going on. Lisa Davis, are you hearing us at all? Yes, excellent. I am going to move on to the next question from Baroness Hussein-Ece.

Q15 Baroness Hussein-Ece: Thank you all for joining us today. I was going to ask about documentation and gathering evidence, which you have touched on a bit, but can you go into that in a bit more detail? We know how important it can be to gather evidence for proper documentation in a conflict situation, but we are also aware of the challenges of doing so in areas of conflict such as Syria and Iraq, as you have already described. I was going to ask you how this is being done in a systematic way. I am aware, as the NGOs obviously are, of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, but I wanted a bit more information about how that is done and how we ensure that it is done in a very systematic way across different areas and situations where sexual

violence takes place. It is going to be much more challenging for organisations such as yours or the team here to ensure that it is properly documented. At the end of the day we want to see some convictions at an international level, but unless the documentation is done that is not going to happen. I wonder whether you can comment on that. Perhaps the NGOs would like to start by setting out the challenges that they have encountered.

His Honour Judge Jonathan Carroll: If you would like to hear from the NGOs, I will keep it very brief. You are quite right to say that documentation is at the heart of how we produce some kind of accountability. But the first thing which any documenter has to understand, or which any project related to documentation has to deal with, is the precise purpose of that particular set of documentation. There could be three roles. It could be simply about getting the historical record right, recording events for that society so that it has its own post-conflict understanding of what happened. It could be to do with current advocacy, getting the message out to the wider world about precisely what is happening, to whom and in what kind of numbers. The third form of documentation is criminal justice. They are very different roles and very different projects. The level, style and quality of documentation can be very different depending on those three tasks. It is essential that, before they start, those involved in documentation are clear about what they are trying to achieve.

I can speak to the criminal justice project in which I have been involved in Syria. That has been very much about taking the international standards—the essential, gold-plated standards that arise from the ICC, the ICTY or internationalised courts, such as the Special Tribunal for Lebanon—and teaching them to those who can hold themselves out as expert witnesses in due course. Of course, we are targeting those who are right on the front line, because they have contact with the victim as soon as possible after the event and far closer in time than anybody else. We are training them to those international standards so that they can become the expert witnesses in whatever post-conflict system or power system is then created. It is very alien to the kinds of systems that they have come from. I am dealing with the Syrian doctors, who have never been in a court situation in their life because that is not how their system works. We are trying to provide them with the essential tools that will stand up to scrutiny in some kind of internationalised court structure thereafter. I am sure that Widney could add to that.

The Chairman: May I ask Lisa Davis to comment? We are running rapidly out of time, colleagues; we have about three minutes left.

Professor Lisa Davis: I would just add that credible documentation is not only important for making sure that we keep a historical record and provide the evidence for future tribunals, especially for crimes that may not be as well known, whether they are committed against LGBT persons or committed by perpetrators on different sides of the conflict, but also because not having credible documentation leads to counterarguments by perpetrators in the conflict. We saw this with documentation coming out of Syria that was not documented according to the standards of documentation collection, and it was being used by the Syrian Government to say that such issues were not problems in Syria. So we see that we need to support credible documentation for a variety of reasons. Having a uniform protocol, which the PSVI supplies, helps to create that uniformity—that, coupled with safety and security—because, as Widney highlighted, documenters are some of the most at-risk activists in conflict. Combining these two things and bolstering documentation can bring people together, create that body of evidence, create the historical record that we need and help us to move forward.

The Chairman: I think that we have probably run out of time. We are meant to finish at quarter to. Do you think you have another five minutes? Yes. Widney Brown, you have not commented on this yet. Are you online?

Ms Widney Brown: Yes, can you hear me?

The Chairman: Yes, we can hear you.

Ms Widney Brown: Great. I just want to emphasise the importance of documentation for all the reasons that Judge Carroll and Lisa noted, but I also want to make the point that absent evidence that can be used in just these cases, many victims are in the long term denied reparations, including the healthcare and support in the community that they need. We have just done a research project in northern Uganda, and found that nearly 10 years after the peace process, women who were sexually enslaved by the LRA are still excluded and barely survive. They are not getting basic needs because of a lack of a justice process. Evidence to support justice is utterly critical, because it has downstream effects that are critical for women if they are to survive.

Q16 The Chairman: Thank you very much indeed. Colleagues, we have run a minute or so beyond our time. I am pleased that every Member has managed to ask one question. Could I ask the final question, which is to ask any panel member who wishes to do so to comment very briefly on which change you would wish this Committee to recommend that would improve the UK's policy and practice on preventing sexual violence in conflict. How would you wish us to suggest that we make that happen? Shall we start with Lisa Davis? A very quick answer, if you have one.

Professor Lisa Davis: I would say supporting the PSVI unit so that it can address not only the direct causes of sexual violence but its systemic roots, including pre-existing threats in laws and social norms, as well as the context and circumstances that give rise to sexual violence, including the deprivation of other related human rights situations.

The Chairman: Thank you. Widney Brown.

Ms Widney Brown: As a permanent member of the Security Council, the UK can bring a powerful role in insisting that any case that is seized by the council really implements Resolution 1325 to document and inquire into what is happening to women as victims in conflict, including sexual violence, but also to include them in all the processes of resolving conflict.

The Chairman: Thank you very much. Mr Howells.

Mr Michael Howells: As serving officials it would probably not be appropriate for us to make recommendations through you on how current government policy could change. Of course, we have that debate through our system and through Ministers, but we very much look forward to your recommendations.

The Chairman: Any other comment?

His Honour Judge Jonathan Carroll: Likewise, as a serving judge I cannot make any specific recommendations on policy, but I can say this: the policymakers need to understand that criminal justice has to be given space and time. There are no quick fixes for criminal justice; it needs space and time.

The Chairman: A very good point. Thank you. Lord Hannay has a final question.

Q17 Lord Hannay of Chiswick: I want to move away a little from your position where, as you rightly say, you cannot make recommendations as officials, on policy and ask what would be needed to bring ISIL within the scope of the jurisdiction of the International Criminal Court. What needs to be done now to make more of a reality of the content in the Rome statute about sexual violence, which one of the witnesses has already said seems to be being pursued rather inadequately? What can the British Government do to pursue those two matters: bringing ISIL, both in Syria and Iraq, within the scope of the International Criminal Court, and making the International Criminal Court more active on these issues of sexual violence?

Mr Dan Chugg: I think that getting as much evidence as you possibly can is a good start. I also think that encouraging other countries to do more on this is vital. I attended a meeting of the coalition in Quebec at the end of July. The Canadians put this on the agenda, and it was striking that apart from me only the Canadians had anything to say about their work in this area. So there is quite a lot to be done to explain to other countries the importance of this issue, and lobbying them to be more engaged on it.

On the specifics of bringing it within the scope of the ICC and making the ICC more active, I need to go away and think about that a little, because I do not have a prepared answer for you on that, but I would be very happy to do so.

His Honour Judge Jonathan Carroll: I can only add that it is a complex matter that does not allow a simple, short, one-sentence answer. It is better dealt with by way of a written submission.

Lord Hannay of Chiswick: Okay. If we could have those, that would be very helpful, because it is an area that we will certainly wish to pursue.

The Chairman: Thank you very much indeed. I thank Ms Widney Brown. Apologies for the slight confusion in the beginning when our videolinks were not precisely aligned and we could not hear each other. Thank you also Professor Davis. We are very grateful to you, too, for your interventions, which were most helpful. I also thank Ms Cave, Mr Chugg and Mr Howells, and Judge Carroll for very kindly stepping aside from your role as a judge and giving us your past knowledge, which is most helpful. Lord Hannay's final point is of vast importance, and we would particularly like anything written that you have to offer us on that, because all victims who any of us in the Committee have been in contact with over our lives always want the perpetrators to be brought to court, and so rarely does that happen.

Thank you all very much, and I thank our colleagues down the line for being a part of this very important session. We are enormously grateful to you.