

**Dissertation**  
**Master of Advanced Studies in Humanitarian Action**

Academic Year 2016-2017

**Challenges of Children Born by ISIS Rape in Iraq**

Submitted by

**Serri (Sura) MAHMOOD**

Examining Board:

Supervisor: Mrs Valerie Gorin

President of the Board: Prof. Doris Schopper

Expert: Mrs Vanessa Fagnoli, University of Geneva

**September 2017**

## Table of Contents

|   |           |
|---|-----------|
| <b>Introduction .....</b>   | <b>5</b>  |
| Context .....   | 5         |
| Problem Statement .....   | 7         |
| Methodology .....   | 9         |
| <b>Chapter 1: Concepts and Definitions.....</b>   | <b>9</b>  |
| <b>Chapter 2: Context of Rape in Daesh-Iraq Conflict.....</b>                           | <b>11</b> |
| 2.1. The Targeted Persecution of the Yazidi Population and Other Ethnic Minorities..... | 11        |
| 2.2. The Circumstances of Sunni Women .....   | 13        |
| 2.3. Common Struggle of Children Born as a Result of Rape.....                          | 13        |
| <b>Chapter 3: Literature Review.....</b>  | <b>15</b> |
| 3.1. Overview on Child Born of Rape.....  | 15        |
| 3.2. Socio-Economic Impact on Mothers and Children Born of Rape .....                   | 17        |
| 3.3. Legal Implications of Children Born from War Rape .....                            | 17        |
| 3.4. Historical Case Studies of a Response to Child Born of Rape .....                  | 18        |
| <i>French Children Born as a Result of Rape by German Soldiers .....</i>                | <i>19</i> |
| <i>Bosnian Children Born as a Result of Rape by Serbian Soldiers.....</i>               | <i>20</i> |
| <b>Chapter 4: Discussion: Implications for Iraq.....</b>                                | <b>20</b> |
| 4.1. Safia’s Struggle .....   | 22        |
| 4.2. Iraqi Child Born of Rape and Tribal Governance .....                               | 23        |
| 4.3. Iraqi Child Born of Rape and State Law .....                                       | 25        |
| 4.4. Iraqi Child Born of Rape, Mothers, and Universal Human Rights.....                 | 29        |
| 4.5. Motivations for Government Action .....  | 30        |
| 4.6. International Humanitarian Response .....  | 32        |
| <b>Conclusion: A Future for Safia and her Child? .....</b>                              | <b>35</b> |
| <b>Bibliography.....</b>  | <b>38</b> |

## **ABSTRACT**

Since the invasion of self-declared Islamic State in Iraq and Syria, also known by the acronym (Daesh) in 2014, thousands of women were targeted and suffered rape. Women and the children born as a result of rape are not recognized as victims and are forced to live on the fringes of society that causes an isolation of basic rights to health, education, and economic security. Due to the protracted nature of the conflict and the large civilian populations targeted, Daesh has caused a fundamentally new reality that necessitates new processes to heal from the traumas of war. The current Iraqi domestic policies create an institutional environment that further stigmatizes the afflicted population and fuels the cycle of terrorism. The government of Iraq needs to recognize this generation of stateless children as an issue in the post-crisis and reconciliation processes and put the full weight of the national leadership behind new policies that create accountability at the local levels of government and integrates victims back into the societal fabric.

The international community can apply pressure to the government of Iraq to act in accordance with the standards of the international laws they are legally bound to. However, there is an unspoken stigma (re)produced by INGOs because the small-scale projects (such as assistance for victims of rape and their children) do not produce the international allure that will motivate donors to support the issue. The current trends of social activism and humanitarian operations are focused on issues such as feeding hungry children or stopping the trafficking of children and sexual slavery.

**Key Words:** Rape, Sexual and gender-based violence (*SGBV*), Child Protection, Daesh Offspring, Child born of rape, Institutionalization of Child, Child Neglect, Stateless Child.

## **Acknowledgments**

Alhamdulillah... writing this dissertation has been a period of intense learning and growth academically, scientifically, and personally. It had a profound impact on me in many unexpected ways to which I am grateful. I would like to reflect on the people who have supported and helped me throughout this period.

I would like to thank my supervisor Valerie Gorin, who was an excellent guide and always pointed me in the right direction. I would also like to sincerely thank all the colleagues that have supported and facilitated my ability to conduct my interviews and research that eventually led to this dissertation.

To my parents, thank you for standing by my side and always being there for me. Finally, there are my most cherished friends. You stood quietly in the background, always ready to step forward to help at a moment's notice, and kept on pushing me forward during the most difficult challenges so that I may complete this academic journey.

Shokran, Everyone!

## **Introduction**

In June 2014, self-declared Islamic State in Iraq and Syria (ISIS), also referred to by the acronym Daesh, invaded Mosul, Iraq's second-largest city. Daesh quickly expanded to neighbouring areas and then attempted to invade the capital city Baghdad. The Jihadist groups that fight for Daesh comprise between 20,000 to 32,000 fighters and consist of a high percentage of different nationalities outside of Iraq (BBC, 2015). Working in Iraqi non-governmental agencies located in Baghdad since the beginning of the Daesh invasion, the author personally observed first-hand accounts of women and children fleeing Daesh-controlled territories and treated girls as young as eight years old that were victimized. Working in an NGO capacity, the author witnessed the breakdown of institutions and the difficulty in rebuilding those institutions when there is no effective political support or humanitarian issues are not policy priority. The United Nation High Commissioner for Refugees (UNHCR) estimates that 4.4 million Iraqi citizens have been internally displaced by Daesh conflict and that 1.3 million are currently living in temporary settlements as refugees (2017). An estimated 8 million people live under Daesh territory in Iraq and the Syrian Arab Republic, a majority of whom are women and children (UN News, 2015). The Iraqi Muslim Sunni populations living in territories occupied by Daesh are forced to adhere to Daesh rule of law.

## **Context**

As a consequence of rape and the protracted nature of the conflict, there are increasingly high numbers of pregnancies that are having enormous ripples in the social and political fabric of Iraqi society (Obaidi, 2017). An aid worker told Human Rights Watch (HRW, 2017) that Iraqi women try to hide the incident of rape from their own families out of fear they will be stigmatized or punished by their relatives or community. Babies born of rape or forced marriage may also face stigma (*Ibid.*), which will be addressed in detail later in this paper. Under Article 398 in Iraqi Sanction law, the rapists' sanctions can be waived if the rapist marries the victim, which is substantiated by numerous historical testimonies by officials at all levels of government and society (Sanctions law 111, 1969). Unmarried girls who have lost their virginity due to rape (or any other reason, for that matter) are branded as sinners and are labelled dishonourable women unfit to marry in Iraq, despite the non-consensual and violent nature of the circumstance.

According to Iraqi media reports, the Iraqi Ministry of Interior estimates that up to one-third of the ‘marriage-aged population’ living in Daesh-controlled territories may be affected by pregnancies via Daesh fighters, which result in progeny labelled in disgrace by the Iraqi state as “children of the terror.” (Al-Jibouri, 2016).

Accurate numbers of these pregnancies remain hard to estimate because women have not reported the birth of the babies fathered by Daesh fighters to the office of the Iraqi Ministry of Interior. However, the Quilliam Foundation, a London-based nonprofit think tank that serves to challenge Islamic extremism, released research findings highlighting 31,000 pregnancies in Daesh territory (Benotman & Malik 2016). Al Jibouri (2016) notes that the Iraqi Ministry responded to the issue of 300 babies fathered by members of the Islamic State by making them ineligible to attend school in the future.

Iraqi author Husham Al-Hashimi’s extensive research about Daesh’s ruling ideology and governance<sup>1</sup> has revealed in an interview myriad examples of rape as a weapon of war by fighters or sustained by civilian women (often through forced marriage) as a coping mechanism to survive Daesh’s rule of law. Hashimi (2017) classifies rape and forced marriages into four categories. The first category is a circumstance in which a woman’s Iraqi-born husband joined Daesh when the terrorist group invaded their area. In this circumstance, if the woman does not agree with her husband’s actions and desires divorce, the Iraqi government will allow the woman the ability to divorce her husband and keep her children. However, in this circumstance, the opportunity to flee from her husband is very limited and a difficult calculation. Hashimi has documented this circumstance occurring with high frequency in many Sunni cities liberated from Daesh occupation.

The second category is a circumstance in which a woman willingly marries Daesh member under Sharia law with acceptance from her family and observed by witnesses in the community. This circumstance is potentially to be a coping mechanism because the woman is alone and vulnerable to the potential of rape or killing or sexual slavery by other Daesh fighters. The woman’s choice to marry is seen as a strategic decision to survive the reality of an occupying terrorist group in her community (HRW, 2017). The local Daesh magistrate documents the marriage certificate and birth certificates of children produced from this union. The third category is a circumstance in which a woman is forced to marry a Daesh fighter by her family or by the man

---

<sup>1</sup> From date interview with Husham Al-Hashimi: Iraqi author of “The Realm of ISIS”, “Extremism”, “ISIS from the inside” and many other articles, whose research specializes in Ideology, Islamic groups affairs, and anti-extremism.

pursuing the union of marriage. The fourth category is a circumstance in which a woman is abducted from another conquered territory and taken as a bride by a Daesh member. This is known as the Nikhasa market, which includes women from the communities of Yazidi, Shabak, Christians, Bahai, Kakai, and Shia Turkmens. These communities were held captive and subjected to sexual slavery and trafficking.

Women are forced to cope with the consequences of rape in private and keep it a secret. This secrecy of rape impedes research efforts to document an accurate body of statistical data needed to address the growing phenomena. This paper is an attempt to begin building a body of literature and analysis about the problem to reflect both social and political solutions. The Iraqi women are not treated as victims, but as traitors and forced into a life of societal shame. The generation of children born as a result of this war will have long-term social, economic, and political implications for Iraqi society that we will be addressed in the discussion section of this paper.

### **Problem Statement**

There are two contextual categories for babies born by Daesh rape in Iraq. The first category is related to babies' births resulting from the rape of Yazidi women and other ethnic groups who were held captive by Daesh. The second is related to births resulting from raping through forced marriages of (mainly Sunni) women to Daesh fighters. As stated prior, it is widely understood by local non-governmental organizations that these marriages occur as a coping mechanism to receive some sort of protection and circumvent the social stigma of rape. Although much of the limited media coverage on this issue is linked to the first category of captive women, this paper argues that the number of births of 'children born of rape' through forced marriages is likely the higher of the two – given reports that captive women were also forced to take oral contraceptives (*The New York Times*, 2015).

While it can be argued that the atrocities of rape perpetrated by Daesh against the two above categories could constitute separate contexts (due to different strategies used by Daesh against ethnic and cultural minorities), this paper takes them together as one collective research subject: Iraqi women giving birth as a result of SGBV by Daesh member. This strategy is to emphasize the point that children born from Daesh rape in any context and whether belonging to a majority or minority group will face, along with their mothers, the same stigma.

Therefore, the aim of this paper is to investigate the social, economic, and legal challenges for mothers and their babies born as a result of rape within or outside of a marriage context to Daesh fighters, and to explore the different scenario learnt from previous conflicts to assess what can be done by two main stakeholders, the humanitarian organizations and the Iraqi State. As stated, the analysis will include all ‘children born of rape’ and their mothers suffering the brutality of Daesh, regardless of religion, ethnicity, or the circumstance of her capture and/or detainment. The women are all Iraqi nationals and their children are inherently of the same Iraqi nationality, therefore ostensibly have equal rights under the constitution. According to Iraqi domestic law, Article Three in the constitution recognizes Iraq as a country composed of multiple religions, ethnicities, and tribal sects. Article Two emphasizes freedom for all religious rights (Iraqi const. art II, § 2.). This paper will further examine the following research questions, following the general scope mentioned above<sup>2</sup>.

1) What may we learn from previous historical cases of babies born from rape in conflicts that can be compared to this Iraqi context?

2) Why are international organizations in the Iraqi context reluctant to add child born of rape as a priority in their response agenda?

3) What is the Iraqi government doing regarding child born of rape and are its actions adequate to carry out its obligations to the rule of law and the Iraqi people?

As the three-year anniversary of Daesh’s invasion into Iraq approached, there is a growing body of reporting and first-hand accounts of rape being used as a strategic weapon of war. In the following, I will first present the context of Daesh rape against Iraqi women, followed by literature review on mothers and their children born of rape and the challenges they face. The literature review will also discuss the implication of these challenges and responses by Iraqi political and social sectors of society to answer the research question: “What are the socio-economic and legal challenges of children born of rape (‘child born of rape’) under Daesh in Iraq”, with the ultimate goal of providing potential solutions and policy recommendations for local government and international humanitarian networks to integrate children born as a result of rape back into the fabric of Iraqi society and afford them equal rights and liberties that other Iraqi children have.

---

<sup>2</sup> It should be noted that this paper does not include children fathered by Daesh members serving in Syria because there are a different set of implications implied through Syrian state law, socio-economic impact, and policy actions. This paper will similarly not include the implications or response for women who fled to the Kurdistan region of Iraq for the same reasons.

## **Methodology**

The paper will examine literature in socio-economic and legal fields to obtain an understanding of the complexities and challenges linked to ‘child born of rape’ and their mothers in Iraq. In addition to a review of this literature, the paper will compare two historical cases to demonstrate adaptability to the Iraqi context. The first case is the French government’s response to the rape of French women by Germans soldiers in World War I. The second case is the rape of Bosnian women by Serbian soldiers during the Balkan War. The Iraqi context itself will be illustrated through the help of a case-study conducted of an individual Iraqi woman who bore a child from a Daesh fighter. Finally, for the purpose of aiding the discussion, I will share the results of my interviews with five Iraqi people either working on the front lines of this issue or in the government.

## **Chapter 1: Concepts and Definitions**

The United Nations defines **Rape** during war time as a tool “intended to terrorize the population, break up families, destroy communities, and, in some instances, change the ethnic makeup of the next generation.” (UN, 2014). According to UNHCR (2003), there are five common forms of **sexual and gender based violence (SGVB)**, one of them is: “sexual violence that includes: rape and rape within the marriage; child sexual abuse, defilement and incest; forced sodomy rape; attempted rape or attempted forced sodomy; sexual abuse; sexual exploitation; forced prostitution; sexual harassment and using sexual violence as a weapon of war and torture” (p.11).

While Blooms defines it as “a general term used to capture violence that occurs as a result of the normative role expectations associated with each gender, along with the unequal power relationships between the two genders, within the context of a specific society” (2008, p. 14). These terms are helpful in shaping an understanding of the experiences of Iraqi women reflected in this paper who gave birth as a result of rape by Daesh fighters.

**Offspring**, as a general term, can be defined as: “The progeny, or young, born to a person. In a larger sense, the offspring are collectively all the descendants, the brood, or the family” (Medical net, 2016, n.p.). Carpenter’s highlights different types of women’s captivity for children, children born to women held as sexual slaves or ‘wives’ of military troops and children born to women exploited by foreign soldiers, peacekeepers, and even humanitarian workers” (2010, p.17). **A child born of war**: “has one parent that was part of an army or peacekeeping force and the

second parent is a local citizen” and can result from a relationship that is consensual or exploitative (p. 198). In the scope of this paper, child born of rape are referred to as children born as a result of rape and fathered by Daesh members when the terrorist group invaded and occupied the local community. Some further concepts relevant to children born of rape are offered by the Health Service Executive (2011), in its handbook on Child Protection and Welfare practitioners with regards to child protection. For example, **child protection** is: “a process of protecting individual children identified as either suffering, or likely to suffer, significant harm as a result of abuse or neglect.” (Health Service Executive, 2011, p.5). **Child neglect** is defined as “a situation in which the child suffers significant harm or impairment of development as a result of being deprived of food, clothing, warmth, hygiene, or intellectual stimulation.” (Health Service Executive, 2011, p.14). The common categories of neglect under this definition include: physical neglect; medical neglect; homelessness and neglect; inadequate supervision; emotional neglect, educational neglect; and new born addicted or exposed to drugs. (*Ibid.*).

Following these categories of neglect, practitioners use the overarching term ‘**child protection concern**’ when there are reasonable grounds to believe that a child “may have been, is being or is at risk of being physically, sexually or emotionally abused or neglected” (*Ibid.* p.5). Finally, **abandonment** is defined as a form of physical neglect resulting from the desertion of a child without arranging for his or her reasonable care or supervision (p.16). Usually, a child is considered abandoned when not picked up within two days (*Ibid.*). Should an abandoned child be left in authorities’ care in a war zone (rather than being killed or left to die at birth), and if immediate adoption is not an option, the child is likely to end up **institutionalized** in the long term (Carpenter, 2007). According to Article 1 of the 1954 Convention relating to the Status of Stateless Persons, **Stateless Person** means a person who is not considered as a national by any State under the operation of its law. Erving Goddman an influential sociologist defined stigma as: "The phenomenon whereby an individual with an attribute which is deeply discredited by his/her society is rejected as a result of the attribute. Stigma is a process by which the reaction of others spoils normal identity.” (1963).

In sum, these concepts and definitions help paint a picture of the challenges children born as a result of rape and their mothers are likely to face in conflict zones such as Iraq. The following examples of literature dive deeper into the problem that this paper explores. Firstly, the literature

illustrates the socio-economic and legal challenges of the children born by rape and their mothers. Secondly, it illustrates the lack of an adequate and coordinated response from the humanitarian organizations and the Iraqi government.

## **Chapter 2: Context of Rape in Daesh-Iraq Conflict**

This chapter will provide a thorough review of rape in Daesh-controlled areas of Iraq. The information was largely gathered from grey literature, i.e. media, reports and not peer-reviewed articles. The key search words were: rapes by ISIS, girls raped in Iraq, Yazidi genocide, Iraqi women suffer under ISIS, Sunni women married ISIS, Jihad sex. A body of literature has not yet been developed through established academic journals because the issue is still ongoing at the time this paper was developed; the sensitivity of talking to victims and the danger of reaching the targeted areas add complexity for the scholars interested in studying the topic. Interestingly, the issue is also largely uncovered by humanitarian practitioners, who are nonetheless present in the region.

### **2.1. The Targeted Persecution of the Yazidi Population and Other Ethnic Minorities**

Daesh fighters in August 2014 invaded the city of Sinjar and the surrounding areas where the Yazidi population is concentrated. Consequently, 150,000 Yazidi citizens fled to the autonomous Kurdish region while thousands of others became entrapped on Mt. Sinjar (Yazda, 2015).

Reports from survivors provide first-hand accounts of Daesh's crimes of rape and sexual violence against thousands of Yazidi women and children in captivity, whom were sold and used for sexual slavery, in addition to murdering more than 3,000 (*Ibid.*). According to *The New York Times*, victims of the tragedy reported that girls as young as nine years old were given as rewards to homeless boys who joined Daesh as part of a child soldier plan (Obaidi, 2017). Daesh fighters justify their rape as a tool to convert women into the Muslim faith (Shubert, A., & Naik, B. 2016). Daesh propaganda illustrated an abuser proclaiming his right to rape based on Daesh legislation, stating that any captured woman raped by ten Jihadi fighters becomes Muslim afterwards (Mowat, 2016). Daesh ideology embraces the killing of unbelievers as essential to purifying its

followership. “Violence is part of their ideology,” writes Professor Haykel, a scholar at Princeton who has done extensive research on Islamic fundamentalism (Kirkpatrick, 2014). The philosophy of Al Qaeda and other fundamentalist groups preceded the Islamic State, with the former, according to Haykel, “perpetuat[ing] violence as means to an end; whereas for Daesh, it is an end in itself.” (*Ibid.*). Daesh has repeatedly declared its intention to execute non-believers who refuse to open-heartedly embrace their brand of Islam, without exception.

Some groups, in particular, have been Daesh’s most acutely targeted victims, such as the Yazidis, Christians, and Assyrians, among the many other ethnic and religious minorities in the Daesh occupied territories. According to Article 6 of the Rome Statue of the International Criminal Court, the size of the massacre and heinous forms of killing against the Yazidi people constitute genocide and is evidence of Daesh’s targeted killings of this specific groups (UN General Assembly, 1998). Historically, The Yazidi ethnic group is one of the oldest in Mesopotamia. They remained on the fringes of Iraqi society. In terms of ethnicity, they are considered to be Kurdish. Yazidis began to face accusations of devil worship from Muslims beginning in the late 16th and early 17th centuries. "Yazidis often say they have been the victim of 72 previous genocides, or attempts at annihilation," says Matthew Barber a scholar of Yazidi history (Asher-Schapiro, 2014). Their religion, Yazidism, plays a role in the persecutions they suffered throughout history and the onslaught of Daesh only further exacerbated this persecution. Daesh’s depravity, destruction, and sexual violence, however, were indiscriminate. As Daesh ravaged one Iraqi city after another, fighters captured women, regardless of whether they were Shiite Muslim, Christian, Yazidi, Shabak or any other ethnic minority (Rudaw, 2017). A report from minority rights group International stated that Daesh fighters have committed killing, rape, and torture against ethnic and religious minorities who were particularly targeted, including Christians, Kaka’i, Shabak, Turkmen and Yezidis, with thousands killed and many more injured or abducted under their territories (IILHR, MRG, NPWJ, and UNPO, 2015)

Unsurprisingly, there is a profound reluctance by Iraqi society and the political establishment to discuss pregnancies that resulted from rapes by Daesh fighters. This is particularly so for women and girls who became no longer pregnant in contexts where abortion continues to be illegal. Nevertheless, interview reports show that such pregnancies inescapably occurred. Some Yazidi women gave birth during the time when they were held captive, or by the time they were released,

but many appear to have given the infants away in circumstances that remain unclear (Human Rights Council, 2016).

## **2.2. The Circumstances of Sunni Women**

Sunni Muslims are the majority population in the occupied territories of Daesh in Iraq. At the beginning of the invasion, Daesh did not target Sunnis and therefore Sunnis did not feel threatened to leave their homes. While most Sunnis did not support Daesh, they made the decision to remain in their homes when confronted with the alternative of living in internally displaced camps or facing the challenges of migration. Over time, life in Daesh territories became increasingly difficult because of the established rule of law and fundamental changes to the lifestyle at every level of society. However, that effort was thwarted a year later by the Office of the Prime Minister located in the central government of Baghdad that issued a statement to stop the salaries of governmental employees living under Daesh occupation (Reuters, 2015). Baghdad issued this decree as an effort to financially disrupt Daesh's invasion in Iraqi territories. At the time, there were 400,000 people on the government payroll in areas controlled by Islamic State (*Ibid*). This decision had huge economic and social implications for the people living in the city of Mosul. Students dropped out of school and economic scarcity caused by a lack of salary wages caused some parents to perceive their daughters as a financial and social burden. Parents also encountered the difficulty of protecting their daughters from Jihad sex (a concept allowing a fighter to have sex during his fighting mission). Daesh established seventy-six marriage offices in the city to facilitate forced marriages upon single women, widows, and divorced women to its fighters, according to media reports (AFP, 2014). Consequently, women and girls agreed to marriages with Daesh fighters as a coping mechanism to deal with the vulnerability of their situation. According to HRW reports many women remained silent about pregnancies resulting from rape or forced marriages to avoid judgment and social stigma (2017). Foreign aid workers provided first-hand accounts of victims enduring the pain of their tragedy in the veil of secrecy and documented the lack of medical treatment for the women and the long-term psychosocial implications (*Ibid*).

## **2.3. Common Struggle of Children Born as a Result of Rape**

The Iraqi government considered the idea of registering children, however, a burden of proof falls upon the parents to prove they were not Daesh-affiliated or sympathizers. This is not the first time the country of Iraq has encountered a reality that brings into question national identity. A

poignant example of Iraq's ominous history repeating itself can be found in 2013 when the Iraqi Parliamentary Committee on Human Rights reported more than 520 cases of children born as a result of rape by al Qaida fighters who were not of Iraqi citizenship and had immigrated to Iraq from other Arab countries (Berwari & Gehad, 2013). The report estimated the number is much higher but the fear of social stigma and shame caused families to hide the status of children born out of rape (*Ibid.*). Nevertheless, the limited reporting that did reach the government did not provoke the establishment of government polices to help the children, which caused them to live in the shadows of society while growing up. Iraqi's national leaders' response to ignore the circumstance of rape after the armed conflict with Qaida fighters cannot be repeated because the number of pregnancies resulting from Daseh is an unprecedented and simply too large to ignore. This large population has caused a fundamentally new reality for Iraqi society that threatens Iraq's long-term national security.

Children born as a result of rape are often referred to as “war-rape orphans” according to Professor Dr. R. Charli Carpenter, who has written extensively about children born of rape or sexual exploitation (2010). Local governments are not held accountable by the Baghdad Central government to put in place social policies and supportive mechanisms to address the consequences affecting populations suffering from the traumas of war. Government officials turn a blind eye and claim nothing is happening because there is no empirical data to substantiate requests to the government for help (*Ibid.*). The few government officials that acknowledge the problem proclaim a commitment to addressing the needs of the victims but do not establish the proper procedures that secure accountability for abuses towards women and children.

Some women's use of marriage as a coping mechanism is most likely perceived as a Daesh sympathizer or joining the Daesh movement. Some women who married Daesh members and expressed their desire to have children were making a strategic decision to avoid the certainty of gang rape or sex slavery. Under Daesh rule, pregnancy protected against rape or sex slavery because Islamic law does not allow persecution of any form while a woman is pregnant, the evidence will be shown on the discussion part of this paper. Therefore, how are women to submit objective proof to illustrate that their choice was indeed a strategic coping mechanism to survive the reality of their new brutal environment and not an act of their own free will and volition?

## **Chapter 3: Literature Review**

This literature review provides a general overview of the stigma experienced by child born of rape in European and African contexts during the 20th and the 21st centuries, the socio-economic and legal impact on children born of rape and their mothers. Finally, two case studies illustrate the response from the government and from an INGO on the issue of children born of rape historically. This literature review is mainly composed of information written by academics and NGOs workers working on the front lines of this issue. Key words searched were: child born of rape, babies born by rape, stateless child, child protection, rape babies, enemy child; and the database used were: JSTOR, Rero Explore, Wiley, Google scholar, and ACADEMIA.

### **3.1. Overview on Child Born of Rape**

According to the World Health Organization (WHO, 2000), “children born as a result of rape are often subjected to social stigma or abandonment and empirical data can verify this as a common practice throughout conflicts of the twentieth century” (p.113). It is estimated that the number of children born as a result of sexual and gender-based violence (SGBV) in conflicts of recent years could range in the tens of thousands (Carpenter, 2007). Carpenter notes a consistent finding that families with such a child living in isolated communities suffer high degrees of harassment beginning in early childhood and tend to be rejected by the social community as the child grows into adulthood (*Ibid.*). Similar examples of social stigma can be found in earlier cases, such as Darfur (the rape of Sudanese women by Janjaweed forces) or the Bosnian-Herzegovina war (the rape of Bosnian women by Serbian soldiers). Even early research dated from WWI documented that 403 children were born as result of rape by German soldiers (Branche & Vigili, 2012). Carpenter’s research finds that children born of rape are usually deprived of fundamental rights such as nationality, family, and social identity (2005, 2009, 2010). According to Donna Seto (2013), a specialist who has conducted extensive research on gender and war-affected children, the exploitation of child born of rape occurs at the local, the personal, the international, and the public spheres.

In different war rape contexts, children have been referred to in abusive terms as “Russian brat” (Germany), “Devil’s children” (Rwanda), “children of shame” (East Timor), “monster babies” (Nicaragua), “dust of life” (Vietnam), “children of hate” or “Chetnik babies” (Bosnia-Herzegovina) (Ee\* & Kleber, 2013, p. 387). In order to identify an estimated number of those

children, Mitchell, a medical practitioner and author of numerous articles about children born as a result of rape, created a formula to help estimate the number of children born as a result of SGBV in conflict. For example, her formula (2005) could be reflected as follows: Given the number of rapes in any conflict zone - the number of pregnant women as a result of rape is 200 - one would multiply that number by the rate of rapes, and in this case, assuming the rape rate is 10% of women in the conflict zone, it means  $10\% \times 200$  results in 20 pregnancies, and a conservative estimate would be that 50% of those pregnancies (10) would result in a live birth. Per Mitchell, then: "This factor would take into account those pregnancies not resulting in live birth, as in cases of spontaneous or induced abortion, stillbirth, or maternal death resulting in fatal death" (2005, p.7). Those children encounter social stigma at birth and far into the future. Fifteen years later, children born of war were still at risk of abandonment, discrimination, and social exclusion in post-conflict communities (Carpenter, 2009).

The stigma experienced by child born of rape and their mothers is not limited to the local context. International Non-Governmental Organizations (INGOs) are also complicit in reproducing an unspoken stigma regarding women and children traumatized by rape due to the uncomfortable nature of the subject and its relation to scanty donor support (Seto, 2013). In comparison to larger humanitarian issues such as the support to hungry children, trafficked children, sexual slavery victims, child soldiers, etc., the issue of child born of rape is almost never directly addressed. Seto (2013) writes that the reason for this may be due to how INGOs internally define the process of rehabilitation. For example, she describes a strain of thought wherein, "[i]t is difficult if not impossible to reintegrate or rehabilitate child born of rape because he or she was born in the condition and therefore has no prior state of childhood normalcy to which he or she can be rehabilitated" (165). There is also the issue of significant 'knowledge gaps' surrounding child born of rape, where post-war governments fail to collect statistics on the number and status of the children - or their outcomes. Carpenter writes that this lack of empirical data "impedes independent research on the human rights of war babies, prevents follow-up assessments of their well-being, and allows governments to claim that their human rights are a non-issue" (2007). As a result, a broader body of literature on this particular subject does not yet exist and further research and analysis needs to be devoted to children born out of war.

### **3.2. Socio-Economic Impact on Mothers and Children Born of Rape**

Marie Consolée Mukangendo, who has specialized in working with children affected by armed conflict, emphasizes that children born of rape are highly vulnerable to extreme poverty, more likely to be malnourished or ill, and to be denied “their basic rights to family, food, health... and housing” (2007, p.79-80). This begins with the status of the mother, who may be young, lacking a reliable family network, and denied employment opportunities due to her child-rearing responsibilities. Furthermore, as noted prior, women who are victims of rape may be considered “ruined” for having had contact with a man outside of a marriage context (no matter the circumstances) and are thus unlikely to marry in the future – further jeopardizing their security and economic support and also risking social marginalization in their community (Mitchell, 2005).

Carpenter writes that such “girl mothers” who have made the “scandalous” choice to raise a war baby, are especially vulnerable to becoming prostitutes, “with related psycho-social, economic and physical risks to the children in their care as well as the risk of contracting HIV and transmitting it through breast milk” (2007, p.10). As a result of this dynamic, children born as a result of war are extremely vulnerable to becoming trafficked children and/or subjected to a life of crime and poverty. As they grow into adulthood, these children are considered stateless – living with an ambiguous legal status that complicates efforts to secure their rights under international law (*Ibid.*). This may be compounded by other factors of their vulnerability, for example the impact of the physical or psychological experience of their mother’s rape on the child itself (Seto, 2013).

### **3.3. Legal Implications of Children Born from War Rape**

Stateless children lack basic rights of citizenship that provide access to fair treatment under national jurisdiction systems (Warnke, 1999). There is no doubt that many children born of war have suffered systematic and non-systematic discrimination, which violate the very rights now enshrined in the Convention of Rights of the Child (CRC) that are foundational to its mission (The United Nations, 1989, art. 15). The core question for these children’s rights remains: Who can be held responsible? And can human rights violations be addressed adequately by existing legislation (Mochmann & Lee, 2010)? Without proof of birth, children cannot obtain a passport. If they have to flee from their home country, they may not be able to return without proof of citizenship. As a consequence of this, many people are forced to live as permanent refugees, never securely settled in any country (UNHCR, 1998). Child born of rape fail to match the existing model of child

protection because their identities are culturally and politically contentious and predetermined (Seto, 2013).

Statelessness also impacts an individual's freedom of movement, ability to receive asylum, chances of being formally adopted, and vulnerability to trafficking (Carpenter, 2007). Some children born of rape or exploitation are denied citizenship by the countries in which they are born, either as a deliberate form of discrimination or as a result of indirect factors. Lack of formal citizenship can have long-term economic impacts if children are denied access to medical care, education, or other social benefits, eventually, their ability to secure a sense of their own identity may be frustrated by legislation that impedes access to records about their birth parents (*Ibid.*).

### **3.4. Historical Case Studies of a Response to Child Born of Rape**

Two historical cases provide further insights from examples of government policies and humanitarian Muslim organizations dealing with the issue of rape and children born as a result of war. First, the French government's response to children born as a result of rape from German soldiers during WWI. Second, the response of Bosnian Muslim organizations to children born as a result of rape and the leadership's proactive efforts to find solutions that helped reintegrate the children back into society. Examining these two cases can offer interesting parallel characteristics as in the case of Iraq because the implications of rape had the same societal-challenges. Women having babies of the German soldiers in the French context are perceived in the same regard as an Iraqi context, the woman is considered as complicit for fact of being associated with the enemy. In addition, any child born as a result of rape was perceived as an enemy because the DNA of a German-father represented a tainting of the family bloodline, and here is the case of child born of Daesh father. The same is true Bosnian society; a woman's loss virginity represents a lack of honour and virtue that impedes her suitability to marry into a respectable family. Lastly, it is important to note that despite the different characteristics of society, culture, or religious norms, the victims of rape all share the same medical, emotional, and psychological challenges that require rehabilitation and access to a support network.

It should be noted although in the following cases rape occurred by the French-German troops as state-sponsored armed groups, and in the Bosnian Muslim case, by both State and non-state armed groups (Crowe, 2013, p. 343; Parrot & Cummings 2008, p. 39) – thus differing in various aspects from Daesh in nature and definition of combat – this paper argues that the result of such

acts (the birth of babies as a result of rape in armed conflict) is nonetheless largely equivalent. As such, across these contexts, children born of rape and their mothers are hidden in the shadows and on the fringes of society that cause socio-economic and legal challenges that often lack adequate response and support from their government and humanitarian organizations.

### *French Children Born as a Result of Rape by German Soldiers*

This case study offers an example of government policies that ultimately supported victims of rape and integrated the children into the societal fabric so that they could become productive members of the local community. At the end of 1914, the first official reports of German soldiers in the invaded regions of eastern and northern France confirmed women and young girls had been raped “with unbelievable frequency,” (Riviere [Mcphail] 2012, p.13). The French government quickly perceived the potential danger of abortion becoming a popular response to unwanted pregnancies. A radical senator from the northern province of Var, Louis Martin, proposed – without success – a law designed to authorize abortion for women raped by the enemy (*Ibid.*). Determined to “react against [this] trend of opinion”, in March 1915, Minister for the Interior, Louis Malvy, created policies that supported victims of rape and provided alternate options to abortion, like “offering mothers every facility to give birth in secret and to give up their child” to Child Welfare Authority (Cited in Riviere [Mcphail], 2012, p. 184).

Some policies offered victims protection from social stigma and they were able to relocate from their homes or villages. New-born children were taken into centres for Children in Care in the Seine, in the Rue Denfert-Rochereau in Paris if the mother’s social or economic circumstances precluded her from keeping the child (Branche, Virgili, 2012). The children were allowed to register for public assistance wards. Protocols and procedures were created to mitigate social stigma and resources such as wet-nursing families and a village community provided the support network needed to deal with this consequence of war. The government policies also made efforts to hide the circumstance of rape from the child to prevent future psychological harm. The children were registered as "born of father and mother unnamed", without indication of the place of birth and under a name unconnected (Riviere [Mcphail], 2012) with any implications of war-time rape. The implementation timeline seems to have been a crucial variable, however. From the 393 children registered under the social program to relocate children born of rape, there were 186 children that died within six months after the separation from their mothers. This excessively high death rate

was likely caused by the living conditions of the mother between the rape and the abandonment of the child (*Ibid.*).

### *Bosnian Children Born as a Result of Rape by Serbian Soldiers*

The second case study offers an example of civil society and religious organization policies that supported victims of rape and their resulting children. In the armed conflict in Bosnia, the Serb forces established "rape camps", where women were subjected to repeated rape and only released from the camps once they became pregnant (Crowe, 2013, p. 343). The Bosnian government estimated that 35,000 women became pregnant from rape (Allen, 1996, p. 56ff). The majority of the women had abortions, but many were held by their Serbian captors until the seventh month of pregnancy when abortion was no longer an option (Salzman, 1998, p. 358). In response, the Islamic Bosnian leadership generated solutions to help protect children from discrimination and social stigma and urged communities to accept children born from rape. They actively fostered an environment to address the children's basic needs, eligible rights, and integrate them into the social fabric of their local community.

Furthermore, Muslim organizations and Muslim clerics opposed adoption, harbouring the notion that the babies would then be raised as non-Muslim; they also opposed the creation of special shelters or registries to avoid the potential of future stigmatization (Seto, 2013, p. 143). The children's real identities were kept secret in order to protect them from threats of slavery, abuse, or child trafficking (Daniel-Wrabetz, 2007, p. 29ff.). An example of this protection was the Fatwa issued by the Islamic authority in Bosnia 'about children born by raped women in Bosnia-Herzegovina', which identified victims of rape as martyrs of Islam (*shahida*) and asked all Muslims to respect and support these women and their children during the healing process. According to further reports from the Bosnia-Herzegovina War, it was also considered that children born as a result of rape from Serbian soldiers should be treated as orphans (*Ibid.*).

## **Chapter 4: Discussion: Implications for Iraq**

Iraq national identity is at the forefront of this issue, not only on humanitarian grounds given the suffering and marginalization of these targeted women and children, but also because the children of armed groups in Iraq who are not Iraqi citizens have long-term political implications that the government of Iraq can no longer ignore. As discussed earlier in this paper, numerous

political and social obstacles prevent women from reporting the crime of rape and children born of rape. Furthermore, no sustained and cohesive investigation has been conducted to identify the outcomes of these children (Mitchell, 2005). Given the clear need for continued research on the topic, this paper has thus far discussed the socio-economic and legal aspects of children born as a result of war rape and offered historical examples of responses from governmental and humanitarian organizations. The following section of this paper will focus on the analysis and applicable lessons for the Iraqi context.

As noted, collecting data for quantitative analysis is extremely difficult because of the many challenges faced in documenting the crime of rape. Rape is considered a prohibited topic in Iraq for a variety of religious, social, political, and security reasons. However, many people working on the front lines of this issue and serving as first responders in local communities observe many forms of undisputable evidence of rape. At the current time, there is very limited documented data about pregnancies in Iraq resulting from Daesh rape. In order to address the research questions presented, the data codified in this paper's discussion draws from five interviews, as well as a local case study of an Iraqi woman who is currently enduring the social and economic challenges at stake.

The six interviews were conducted between May and July 2017. One interview was conducted with Safia, an Iraqi woman, whose story will be used as a case study to illustrate the evidence brought in the other interviews. Two interviews were conducted by Skype, and the other three interviews were conducted by field visits in Baghdad. The last three interviews were conducted with front-line responders in Iraqi civil society: Ms. Hanaa Edwar<sup>3</sup> representing Iraqi Al-Amal Association,<sup>4</sup> Mr. Hisham Al-Hashimi,<sup>5</sup> and finally Dr. Bushra Al-Obaidi<sup>6</sup>. The last two interviews were conducted with government officials, an official from the ministry of Justice and the current Minister of Labour and Social Affairs, Mr. Mohamed Al-Sudani<sup>7</sup>. These interviews tackle the socio-economic and legal aspects for the raped mother and her child living in Iraqi

---

<sup>3</sup> Hanaa Edwar is the co-founder and chairperson of Iraqi Al-Amal Association and the co-founder of the Iraqi Women Network. She has been a human rights, women's rights and democracy activist for about 50 years. She led countless campaigns for women's and gender equality, enhancing women's role in decision-making positions and in the Constitutional process. In September 2016, she was invited by the UN Counter-Terrorism Committee as a speaker at the Open briefing on "the Role of Women in Countering Terrorism and Violent Extremism".

<sup>4</sup> Amal: is a non-political, non-sectarian association of volunteers actively engaged in projects for the benefit and well-being of the Iraqi population regardless of race, gender and political or religious affiliation. See: <http://www.iraqi-alamal.org/PageViewer.aspx?id=1>

<sup>5</sup> Husham Al-Hashimi is an Iraqi author and researcher specialized in Ideology, Islamic groups affairs, and anti-extremism. He wrote "the Realm of ISIS", "Extremism", "ISIS from the inside". He also published tens of research articles.

<sup>6</sup> Professor of Law in Baghdad University who has more than 70 published works (books, researches, guidelines, working paper, articles). She also drafted Iraqi child protection legislation that included 155 articles, including babies born by rape. This draft law has been languishing in the prime minister's office since 2013.

<sup>7</sup> Minister of Labor and Social Affairs, and former minister of human rights.

society. The critical analysis within the three aspects will include the query as to why international organizations do not include the issue of child born of rape in their agenda. The analysis will then include the current government actions toward this issue and determine if lessons from historical case studies can be adapted to the Iraqi context to aid with the creation of policy solutions.

Although each interview has a specific focus according to the specialty and the experience of the interviewee, the content derived from the interviews overlapped across all three aspects in question. It should be noted ahead of the next section that the case study of the woman chosen for this paper is meant to reflect a common narrative of a myriad of Iraqi women dealing with the circumstance of rape, regardless of their religious, ethnic, or tribal identities.

#### **4.1. Safia's Struggle**

Safia – not her real name –Iraqi woman<sup>8</sup>. Safia fled with her mother and sister from their home in one of the Provinces when Daesh invaded, relocating to her relative's home. After a few months, they were forced to leave because their presence was perceived as a burden. When faced with the option of living in an internally displaced persons (IDP) camp, they chose to return to their home that remained in Daesh-controlled territory despite many months of fighting. Safia's stepbrothers then forced her to marry a Daesh fighter. During the marriage, Safia experienced brutal sexual acts by her husband, which she endured and perceived as a lesser trauma than being subjected to sexual abuse from multiple men in the form of sex slavery or gang rape.

After a short period of marriage, Safia became pregnant. Her husband accused her of being a spy of the enemy. As a result, Daesh court-ordered the killing of Safia and her sister. Her mother was exempted because of her elderly age. Safia's sister was executed. Her own execution, delayed because of her pregnancy, was scheduled for after the birth of the baby in accordance with Sharia law. She spent her pregnancy in the local prison.

Safia stated that there were 42 other women held captive with her in prison, some of them were Yazidi girls who each had testimony of gang rape by 10 fighters at once. During the interview, Safia described her experience of severe forms of torture. In one instance, she was locked alone in a room for days with decapitated heads of men that Daesh had killed. Eventually, Safia managed to escape with her mother when she went into labour and gave birth at a different

---

<sup>8</sup> The interview was conducted with every protection needed and an ethical guideline (consent and anonymity).

location away from the prison. With the support of a health worker, she was smuggled with her mother into safer area in hopes of finding help at an NGO that would support her case.

Safia's precarious situation still grows more difficult because extended family members brand her as dishonoured for marrying a Daesh member. They threatened her life, which caused Safia to flee from one camp to another to avoid being recognized. She is experiencing a condition of ongoing displacement and stigmatization because she is considered a sinner by the cultural and tribal standards of Iraqi society. Safia stated that she witnessed other girls like her in the IDP camps who did not register their child. Despite witnessing the commonalities among each other, none of the women felt safe enough to reveal their stories or the reasons why they were at the camp.

## **4.2. Iraqi Child Born of Rape and Tribal Governance**

Existing literature in this paper generally argues that the abandonment of children born as a result of rape is usually caused by either socio-economic factors such as poverty or psychological factors such as the trauma of rape becoming an active memory because the child reminds the mother of the perpetrator (Carpenter, 2007). However, this paper argues that a more prominent factor causing women to abandon their child in the Iraqi context is tribal governance. The biggest challenge these women encounter is the tribal system that is embedded in the social fabric of Iraqi society (Obaidi, Hashimi, and Edwar, 2017).

Iraqi women who bear the offspring of Daesh members are indeed challenged by social and economic struggle, yet their situation is then compounded by death threats from members of their local tribal community. The tribe perceives a baby fathered by a terrorist as a dishonour that shames the larger tribal identity (Edwar 2017, Hashimi 2017). If the baby is less than one year of age, tribal regulations force the mother to abandon the child in the street or near a hospital or Mosque. If the baby is older than one year of age, the mother is forced to abandon the child at a governmental shelter (Hashimi, 2017).

In one instance of government intervention, the Dewan of Sunni Endowments, part of the Iraqi Supreme Council of Fatwa (a governmental institution) issued Fatwa in Feb 2017 stating that Muslim women who married Daesh members are considered rape victims deserving of protection (2017). The Fatwa, however has done little to protect the women from death threats. Despite the gradual shift in public opinion that this recent initiative may represent, it does little to stem the ongoing vulnerability of women forced to marry Daesh fighters and become pregnant because the

Sunni Fatwa does not provide protection to the children fathered by Daesh fighters. Therefore, women are still forced to make a difficult choice of living in the shadows of society either with or without their child.

According to Hashimi's research, three women were recently threatened by their tribal leaders, consequently resulting in one baby being found abandoned in the street of Kubaisa district and two other babies abandoned in Khalidia district, both located in the Anbar province (2017). Additional tribes of the Anbar Province – Garma and Saqlawia – have killed some women who married Daesh members, along with their babies. Sallahiddine tribes, meanwhile, have forced women to divorce their husbands and abandon the babies (*Ibid.*). Although, as noted previously, this paper does not attempt to distinguish between the horrific experiences of raped Iraqi women and mothers belonging to different ethnic and tribal identities, it can be noted briefly here that international organizations and some media institutions have reported on differences between Sunni and Yazidi tribal governance response and international attention.

The Yazidi's status as a long-persecuted minority in Iraq has added to the attention in media and international communities given to the plight of Yazidi women, who reportedly also receive some support from their local tribal community. For instance, in one integrated approach among Yazidi tribes, the spiritual father Sheikh Ismail proclaimed in a statement to fellow tribesman for embracing and supporting victims of rape (2015). This gave Yazidi women a platform to shed light on the issue of rape implemented as a tool of war – eliciting some understanding from fellow community members. This did not apply, however, to the babies born by rape, four of whom, according to an interview with the minister of labour and social affairs, were left at an orphanage house that belongs to the ministry. The Yazidi mothers stated that they needed to get back to their community and there was no chance for their babies to be accepted by their families and community.

Tribal support is all but non-existent for Sunni and other women in the ethnic majority who are also experiencing intense social stigmatization as victims of rape, yet who are unable or unwilling to speak out publicly. As Human Rights Watch Deputy Director of the Middle East, Lama Fakih, states, “Little is known about sexual abuse against Sunni Arab women living under ISIS rule” (2017). The international humanitarian community and donors have, for whatever reason, not treated war rape in Iraq as a poly-ethnic issue. Furthermore, this paper's research suggests that higher numbers of war-rape pregnancies are likely to occur in the Sunni majority

populations. Media sources indicate that more than 4,000 Yazidi women were raped since June 2014, during which Daesh members made their captives use a form of birth control (*The New York Times*, 2015). Of course, the Mitchell formula can provide estimates and substantiate what the human rights council has reported about Yazidi pregnancies (2016). It is of interest to note, however, that there are no similar accounts of Daesh using birth control with Sunni women, and certainly birth control would not be utilized in a forced marriage context. Therefore, a reasonable inference can be made that higher numbers of child born of rape may have been born to Sunni women, who represent a greater share of the population and who lack reports of forced access to contraceptives. Moreover, the threat of death by extended family and tribal members for a woman raped by Daesh is far more common within the Sunni majority given the stated lack of support by tribal and religious leaders.

Regardless of their ethnic group, many affected women find themselves unable to work and support themselves because they were culturally raised to depend on their husbands for support (Edwar, 2017). Some effects of the rape aftermath are a late marriage or the inability to marry men in their peer-group or of the same community (T W Mccahill & L C Meyer & A M Fischman, 1979). In 38 incidents of rape that resulted in pregnancies, the women were approximately 30 years old and unmarried. Half of the women wanted to hide the existence of the new-born child from the family and the other half obeyed parents who insisted that "the unwanted little thing" must be given up, because such existence of child would prevent their daughter from ever finding a husband and would dishonour the whole family in social terms (Riviere [Mcphail] 2012).

### **4.3. Iraqi Child Born of Rape and State Law**

The issue of SGBV has very sensitive political and tribal implications for the government of Iraq that could provoke sectarianism (Sudani, 2017). Many of the victims are identifiable by their tribal and religious identities because, as noted, Daesh often specifically targets certain sectors of society. The government of Iraq is extremely apprehensive to highlight this issue on the national agenda to foster policy solutions for fear of its detrimental effects on tribal and cultural norms (i.e. humiliating the character and identifying those subsections of society affected, or, indeed, to potentially reveal the pervasiveness of the issue within the Sunni majority). However, this fear can be mitigated if Iraqi leaders frame the issue as a religious obligation and not a shame to tribal

identities. This effort needs to be promoted through a coordinated campaign to change hearts and minds. The international community's efforts could be acutely focused on this campaign that would help Iraqi national leaders change the narrative on this issue.

Iraqi cultural imperatives associate virginity with purity and a character of honour. A woman's loss of virginity despite the involuntary non-consensual circumstance of rape implies that the woman is dishonourable and not fit for marriage. (Edwar, 2017). Yet despite the government of Iraq's stated motivation not to publically highlight the issue in order to protect the dignity and privacy of the victims from tribal or societal stigmas, as this paper has shown, victims are already experiencing severe stigma that has led to death threats (and death) as well as a denial of basic human rights.

In September 2016, the United Nations and the Republic of Iraq signed a cooperation agreement (the "Joint Communiqué") on the prevention of and response to conflict-related sexual violence in Iraq (UN reports, 2016). The issue of children born as a result of rape finally appeared in point number three in this joint communique stating: "Ensuring the provision of services, livelihood support, and reparations for survivors and children born of rape." While this sentence may represent a small victory, its inclusion caused much stagnation and the agreement took 25 months to be officially declared since the invasion of Daesh. It is no longer appropriate to ignore Iraq's delays in implementing human rights laws and allow them to place blame on cultural norms. It illustrates a lack of political will and international organizations should exert the fullest legal and institutional capacity to exert pressure and create awareness of this issue.

Part of the reasons for this acknowledgement of Iraqi child born of rape has to do with the political context. For example, women in Iraq had also experienced SGBV during the 2003 American invasion (Mail, 2010; Al-Jazeera, 2014; (Forum, n.d.; (Reuters, 2014), which brought about the rise of al Qaeda groups in the post-US occupation. This means the issue of child born of rape was declared only when the scarcity scale of rape against Yazidi women was high, exceeding thousands of women, while in al Qaeda only hundreds of women were raped. Furthermore, the timing of the communiqué followed the aforementioned media reports that brought awareness about thousands of kidnapped and raped Yazidis women into public and international discourse. In previous armed conflicts, media coverage on SGBV tended to be smaller since the scale of SGBV was also comparatively small given that the conflict was not focused on large civilian populations. What distinguishes Daesh from other conflicts is their targeted focus on civilian

populations and the protracted nature of the conflict that has resulted in extraordinary numbers of victims that has changed to societal fabric and presents long-term security implications.

There are two main legal aspects to consider about the issue of children born as a result of rape in armed conflict areas: the rights of the child; and the rights of the mother. If the child is not allowed to register as an Iraqi citizen, the child is forced into a status of statelessness, which is described in the literature review of this paper. The identity issuance is legally applicable for children born as a result of rape. Article 11-2 of the Iraqi constitution clearly indicates that: Any person born by Iraqi mother or father is eligible to obtain Iraqi nationality (*The Washington Post*, 2005). Therefore, the Iraqi mother's citizenship is transferable to the child. However, the woman must be legally married and then the existence of a baby substantiated. Submitting proof of these two facts requires certificates of marriage and birth. Any certificate that has an Islamic State stamp is not considered a legitimate legal document and therefore the government of Iraq does not recognize it for official government procedures.

There is lack of law enforcement and political will to implement special procedures to facilitate access to services for women in the double bind of being a mother registering a child born from rape. The Iraqi Ministry of Interior does not offer the resources or social services in the form of a private and safe venue for these women to feel secure enough to come forward to issue identity papers for their babies born as a result of rape (Obaidi, 2017). Even if the government issues regulations to accept the documents with Islamic State, women do not feel secure enough to go through the procedures and authenticate the marriage to an ISIS member, for fear of being subject to stigmatization. Some women did not even have a copy of their marriage certificate because their husbands were custodians of the documents. After fleeing from their Daesh husbands, in many cases there is no evidence of marriage. This applies to Safia's circumstance; her husband kept the marriage certificate from her.

Living on the fringes of legal society in Iraq brings a host of new challenges. For instance, the woman has no freedom of movement and requires proof that the baby belongs to her, all while she is still registered in the Iraqi government identity system as 'girl/single' because she was married under the ISIS administration, which is of course not accounted for in Iraq's state system (Edwar, 2017). Additionally, the woman cannot seek health assistance without an identity card, which adversely affects her and the child's health. This is particularly important because the child

does not receive much-needed early vaccinations. Furthermore, the lack of registration will also impact fundamental rights to education.

According to the Convention on the Rights of the Child (CRC), of which Iraq is a State Party, Article 3: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” (UN General Assembly, 1989). As far as what the best interests of a child may be under these circumstances, some argue that living abroad may be a recommended option. Specifically, it has been argued that this option should be given to the most vulnerable child born of rape in this context; the ones who are more likely to have a name demarcated as the one given to bastards (Mohemed Abdullah)<sup>9</sup> in the absence of information regarding the foreign fighter father’s name (Hashimi, 2017). In another strategy, human rights advocates have suggested allowing foreign adoption as an exception for those children. More suggested strategies include an option for the extended family of the foreign father to assume responsibility of the baby abroad or for the baby to have access to the father’s nationality and to live in a non-conflict and non-tribal zone.

Article 20 of the CRC allows adoption with no reservation or conditions (UN General Assembly, 1989). Domestic Iraqi law uses the term ‘inclusion’; inclusion differs from adoption as a legal term, meaning the baby would have Iraqi parents under his original name with no rights for inheritance unless the parents request otherwise in their will (Obaidi, 2017). The inclusion must also be done under certified marriage. This means that if a woman like Safia chooses the ‘inclusion’ option for her child, she would lose her legal right as a mother and the child would be registered under the ‘inclusion’ married couple’s family name.

Women who bore al Qaida babies, for example, had to register the baby under the name of the mother’s brother or the brother’s and his wife’s name (also losing her legal right). According to Minister Sudani, this procedure was taken with the babies born by Qaida fighters whose mothers were unmarried. Only if the mother is married can she give the baby her name and her husband’s name. As stated earlier, however, marriages are less likely to occur in the circumstance of rape in armed conflict areas and in the context of a culturally conservative society. As such, the chances for a mother to have her baby registered under her name are very low.

---

<sup>9</sup> Responding for the Muslim prophet and his father.

#### **4.4. Iraqi Child Born of Rape, Mothers, and Universal Human Rights**

Given these social and state administrative structures, what options are available to Safia? She has the right to family and therefore should be able to keep her baby. She has the right to establish a family life, according to all individuals under Article 23 of the International Covenant on Civil and Political Rights (ICCPR) (The United Nations General Assembly, 1966, art. 25(b)).<sup>10</sup> This paper argues for the rights of victims of rape and the children produced as a result of the crime of rape. These women should have the option of keeping their baby if they so choose and be provided all necessary services so that they are not forced to abandon their child. These children, in turn, should be provided personhood, care, and a clean slate with alacrity, should the mother choose of her free will to give up the child. The government of Iraq has a legal responsibility to generate solutions to the consequences of war. The government must also create, in turn, new administrative mechanisms to reintegrate child born of rape back into the societal fabric. Simply put, the current administrative policies do not suffice; war with Daesh has caused a fundamentally new reality which necessitates fundamentally new processes to deal with the consequences of war.

Part of these new processes will require a commitment to the child's religious freedoms. Some mothers' choice to abandon child born of rape to a governmental institution has implications on the child's rights, according to Sudani, because the religious curriculum at those institutions are only Islamic. There are no options for other religious minority groups and there is an internal pressure for the children to assume the majority Muslim identity. A new institutional agenda must eschew the current practice of simply folding orphan children into a majority identity. While Sudani has stated that, if there was an effort to cater to religious minority groups such as Yazidi, Shabak, or Christian identities, it might prove emotionally challenging for the child. He further stated that building social cohesion and reintegrating these children begins with a common identity; this paper points to that philosophy as highly problematic. Iraqi society is historically composed of many minority religious groups, which Daesh has specifically targeted, by re-enforcing the education of children into the majority group – what message does that send? The long-term implication is the subtle erosion of these already small minority groups and a lost opportunity for a child to know their roots.

---

<sup>10</sup> Iraq is a state party to ICCPR, CRC, it is legally bound to the covenants.

Yet none of these changes can move forward unless the Iraqi government and civil society's leaders set the tone for inclusion, empathy and tolerance for children who have committed no crime: "The disaster is that many Iraqi human rights activists are reluctant to advocate for the rights of those babies because they don't want Daesh offspring to live among them" (Obaidi, 2017). Even human rights activists who have lived through Daesh terror and trauma often find themselves unable to isolate the war against Daesh from the child's innocence of their father's sins and their inalienable rights under the Iraqi constitution. Safia and her baby are example of this issue.

It is important to note that there is a gap between the national and international adoption laws. Iraqi laws do not allow foreign adoption and Muslim organizations in Bosnia did not allow adoption for the risk of those babies not to be raised as Muslims (Seto, 2013, 143). This predicament leaves a very small number of activists willing to defend the rights of children born out of war rape. The Iraqi government is actively neglecting the gaps in society that are not adhering to the legal doctrine of the Iraqi constitution, which is causing a neglect in the basic rights of its own citizenry.

#### **4.5. Motivations for Government Action**

Women impregnated by Daesh rape are encountering unnecessary daily struggles to survive because the joint communiqué is not being enforced at the local levels of society. There is no time to waste. As recalled from the historical case study, 21 percent of children born as a result of rape died in excessively high rates likely caused by the living conditions of the mother after the act of rape and the stress abandonment of the child shortly after birth. Even accounting for advances in medical technology since then, these Iraqi women and children most often have no access to health care or community support and are in greater danger with each passing day.

Could the government of Iraq be held responsible for the trauma of women and the death of babies born by rape for not responding to this issue when the phenomenon first developed at the beginning of the war? Acknowledging the difficulty of the protracted conflict with Daesh, including the large territories under enemy control, the extremely high numbers of children being born in these circumstances, and the political sensitivity of de-escalating punitive tribal governance, the Iraqi government must act. In the historical case of the French government, the response to protect the raped pregnant women was founded on political motivations. It was made to avoid the abortion discourse, which at the time had religiously sensitive implications (Riviere [Mcphail] 2012). This paper argues that, while there are a few obstacles to overcome, the Iraqi government's response should also be founded on political motivations.

Tribes play a prominent role in winning election campaigns. Iraqi tribes are divided according to regions, which increase the chances to win elections. However, tribes have no legal attachment to the government (Obaidi, 2017) and reconciliation with the tribes could potentially open the door for a new armed conflict caused by the tribes themselves. They are well-equipped with weapons from neighbouring countries (*Ibid*). Accordingly, there is no real motivation or political will for a political entity to advocate for small populations of women and babies, because election cycles take precedent with society's key stakeholders. Those same key stakeholders must understand the national security implications to generate momentum at the top of Iraqi society. While tribes can secure votes to win parliament seats, politicians do not want to offend the tribal governing class because it will hurt chances of politicians' re-election. However, if Iraqi political elites provide tribal leaders with a respectable and honourable narrative founded in cultural and religious characteristics, the political will among tribal leaders could be established.

Another factor is sectarianism fault lines in the Iraqi political landscape, specifically the ability for Shia politicians to enforce power over Sunni tribes or vice-versa. Seto suggests a difficult solution that involves restructuring the post-conflict community to accept war rape survivors and their children. In doing so, a war baby can grow up in a relatively accepted situation where he or she is not considered to be any different to other children (2013). Similar to Muslim clerics' response in Bosnia, as mentioned earlier, the Dewan of Sunni Endowments issued a 2017 Fatwa on raped women by Daesh calling upon people who represent the social fabric and the tribal influence to bring justice to victims of rape, by preserving their dignity, protecting their virtue, and expressing sympathy in every possible means to mitigate the effects of the attack that targeted them. "Calling the society to abide by this just ruling and do away with the unjust judgments, as righteousness should always be sought (2017)".

This statement called to respond to raped women comprehensively, but it only included three stakeholders; the rapist, the raped women, and the society and therefore did not include protection for the babies who were born by this rape. Nevertheless, the government has no physical or human resource capabilities or proper mechanisms that secure accountability and respond properly to the victims. According to the official source of the ministry of Justice, the government right now has the priority to allocate the financial resources on stabilizing the security situation of the country. Social affairs are not considered a priority for fund allocation when the country is

going through protracted terrorism attacks. This so far has impacted the government's capacity to include special response to the issue of babies born by rape.

Ministry of Justice official suggests that normalizing the situation of the mother and her baby requires a focus on changing the social view. The point here is the government's inability to be accountable, holding back the members of civil society. Government statistics are not provided to help members of civil society because tribal leaders have the power to implement death threats on local NGOs advocating for the rights of women whom they consider a shame.

It is in the best interest of the government to act for those children, in that integrating those children into society would ultimately prevent the risk of future armed conflict. Edwar said that, "life was given to those babies and they have the right to live as equal members of society. If the children are not given equal rights and privileges guaranteed by the Iraqi constitution, then the children become isolated, which only fosters a future generation of terrorists and conservatives" (2017). Dr. Obaidi added that "neglecting this generation will create new isolated groups on the fringes of society that will seek revenge, making them susceptible to indoctrination of future terrorist groups. This issue needs to be discussed and addressed now so we can prevent those children from becoming the seeds that feed Daesh ideology."

This continuing phenomenon of children born as a result of rape in armed conflict areas has all the basic ingredients that foster the cycle of terrorism. The children are forced into a life of isolation because there are no policies or institutional mechanisms that allow the children to integrate back into the societal fabric. Minister of Labour and Social Affairs Mr. Sudani stated, "There are groups intentionally keeping those children isolated with the intention of exploiting them for future purpose. Some examples are human trafficking or human organ trade market by gangs who recruit the unwitting children". The phenomenon of selling organs has increased dramatically in Iraq because of high poverty rates after oil rates were decreasing during the armed conflict. A specific population living on the fringe of society causes resentment and a sense of betrayal because their local government system is not meeting their basic needs and eligible rights. The children are not protected from the tribes. It requires a strategic coordinated response that offers rehabilitation, empowerment, and the provision of physical safety mechanisms to enable this population to live equally.

#### **4.6. International Humanitarian Response**

At the current time, no adequate response to this issue exists within international organizations such as Save the Children, OXFAM, or even UN Women (Edwar, 2017). Carpenter (2010) suggests that [h]umanitarian organizations consciously did not make the protection of children born of rape as response priority, making the category of women struggling with war rape, pregnancy, and threat to life an equivalent category of all other women subject to SGBV. For these women in Iraq, accessing rehabilitation institutions established by INGOs remains difficult because of the hardship of movement with their non-documented child. Iraq-based INGO staff members are not consistent in their response protocols and lack the contextual knowledge of Iraq's cultural realities, capabilities, and the human resources to tackle this issue. INGOs are living in an isolated reality on their compounds and are disconnected from the affected population. These isolated compounds do not offer opportunities for the affected population to access them.

In the case of Safia, for example, she has continually sought opportunities for help from humanitarian organizations in Baghdad. However, she is not receiving an adequate response to match her need. During her time in the camps, Safia's basic needs such as food and clothing were provided, however, she still encounters the difficulty of obtaining an identity card for her child. The identity card would ensure that the child is recognized as an Iraqi citizen and provided civil society, educational, and legal rights established in the Iraqi constitution.

Most women and children living in small-scale projects or vulnerable populations do not receive the desperately needed attention from humanitarian groups because they do not represent an issue as popular as those of the larger-scale projects. This represents an unspoken stigma (re)produced by INGOs because the small-scale projects (such as assistance for victims of rape and their children) do not produce the international allure that will motivate donors to support the issue. In short, it is not a 'sexy' issue in comparison to the larger, more generalized affected population in humanitarian emergencies. The current trends of social activism and humanitarian operations are focused on issues like feeding hungry children or stopping the trafficking of children and sexual slavery. Those topics are easily defined and have clear strategies to implement the designed projects, unlike the complex issues entrenched in the issue of children born as a result of rape. In addition, emergency organizations are apprehensive to design projects that serve the needs of children born as a result of rape because at the core of this issue are political implications that touch upon the identity of Iraqi citizenry. International organizations most likely do not want to be perceived as challenging the sovereignty of a nation state's domestic constitutional policies.

However, United Nations and Human Rights Organizations have a legal responsibility to intervene and hold the government of Iraq accountable to the international treaties that have been ratified by the government. The government of Iraq must respect, ensure, and fulfil the rights of the babies born by rape and their mothers.

The key component toward achieving effective solutions to address this topic is to establish negotiations with key stakeholders with the national leaders and tribal leaders to influence cultural traditions. A first step toward this goal is to generate political will at the top of Iraqi society by pressuring the national leaders and political elite to adhere to Iraqi's contractual legal obligations to the international treaties, norms, and standards to which the country is a party to. When the political will has been established, the national leaders will work towards creating the Iraqi national laws needed to address the current situation of rape in armed conflict. As discussed earlier in this paper, the current laws and legal mechanisms are not adaptable to the new reality caused by the Daesh invasion and therefore do not meet the needs of children born by the result of rape in internal armed conflict. A national political will has to be established to create momentum at local levels. The second step toward the goal of achieving an effective solution is the requirement of national leaders to work closely with tribal leaders whom wield enormous influence at local levels. These tribal leaders can translate the national leaders political will into a religious and moral imperative for members of Iraqi society. This can be achieved by linking religious examples found in the Quran. Iraq's predominant religious population is Muslim and therefore the Quran is held in the highest regard and dictates societal norms and behaviours. It will also remove barriers of social stigmas and shame toward family and tribal identities. This will open up opportunities among civil society and grassroots levels to dialogue and generate creative solutions for establishing the legal and institutional mechanisms needed to address the rehabilitation of victims of rape and integrate children born of rape back into the Iraqi societal fabric.

This is admittedly a gargantuan task however if this task is addressed in a two-step process (national political will that can generate the tribal will) then the issue of children born as a result of rape will become a national policy priority. National security and fighting terrorism is the dominant issue on the Iraqi policy agenda. International organizations need to convince Iraqi national leaders of the humanitarian issue long-term security implications. The validity of this argument can very easily be found in the abundant data and research established from previous Iraqi armed conflicts. It is very clear the national political will can only be ignited by international

organizations because after years of war there has not been any momentum or a coordinated effort by the Iraqi political elite. Some Iraqi national leaders have illustrated a desire to focus on this humanitarian issue, but stronger voices in government dominate the policy agenda. International organizations can create a stronger voice to garner necessary attention of this issue. However, there is a clear pattern of behaviour by international organizations to shy away from such issues because of the implications regarding national identity and fear of the perception of infringing on the sovereignty of Iraqi domestic political institutions. This fear can be overcome with finding the right knowledge base of Iraqi cultural, ethnic, and religious norms and establishing close working relationships with civil society leaders whom can offer practical solutions that can be woven into the NGO's policies and propose resolutions that are organic to Iraqi culture. Furthermore, donors may perceive this as too controversial an issue because it could have unintended consequences on foreign policy legislation of the donor country. However, if NGOs were successful in finding organic solutions that create momentum among key stakeholders in the political and national elite, then there would be no adverse foreign policy implications because solutions would have a very Iraqi nationalistic character.

Seto writes that children born by rape have never known a 'normal' childhood and therefore have no rehabilitation stage to return to, making it hard to include them in INGOs' agendas (2013). This type of argument is inherently problematic because the definition of normalcy varies according to ever-evolving individual and collective perceptions. There is no agreed-upon definition of what constitutes normalcy, which begs the question: How impartial can international organizations be when they are only targeting specific groups of children who are defined under carefully developed scientific and legal definitions? More can and should be done to design and implement effective response strategies for this particular group of women and children, including both advising and creating international pressure on state governments.

## **Conclusion: A Future for Safia and her Child?**

Iraqi children born from Daesh rape, whether belonging to a majority or minority group, will face, along with their mothers, the same social, economic, and legal stigma and challenges. Children born as result of rape in the French context were abandoned because of the social pressure their mothers encountered which also caused high death rates for new-borns (Riviere [Mcphail], 2012). Similarly, in the Bosnia conflict hundreds of children born as a result of rape were

abandoned in orphanages (Saunders, 2009). In rape during armed conflict, we must look at an advanced and integrative, poly-ethnic response for all women and not focus solely on minority groups in order to promote social healing.

The social economic and legal implications for children born as a result of rape and their mothers are interlinked. There is a prominent factor causing women to abandon their babies: death threats from tribal elders and society in general. The tribal system is embedded in the social fabric of Iraq and has established traditions and governance norms. The difficult circumstances of the child and the mother are interchangeable and cannot be divided, it is a full package of challenges started since the pregnancy and throughout the child's life time.

Current Iraqi domestic policies have no actions that adequately address the needs of women and their children born as a result of Daesh rape. There is no real motivation or political will for a political entity to advocate for small populations of women and babies, because election cycles take precedent with society's key stakeholders. While tribes can secure votes to win parliament seats, politicians do not want to offend the tribal governing class because it will hurt chances of politicians' re-election. Consequently, it creates an institutional environment that further stigmatizes the afflicted population and does not allow opportunities to heal and become productive members of society.

Human Rights, Women, and Child international organizations must do their part and have a legal responsibility to hold the government of Iraq accountable to the ratified international treaties. In addition, they must not shy away from complex interventions benefiting smaller vulnerable groups that may not read well with donors. Rather, they must develop clear strategies to implement carefully-designed projects that involve key stakeholders that can influence local community leaders, even those with whom it is hard to negotiate in terms of tradition and culture.

The security risks are too great to continue to be ignored. An entire generation of children will be considered outcasts and forced to live on the margins of society- or forge together social ingredients that foster the vicious cycle of terrorism.

Legal frameworks should be adaptable to the complexity of the situation. Registering children born by rape under their own mothers' name should not be conditional. Rights of child born of rape and their mothers do not only stop on statelessness, but continue on to the basic rights such as access to health facilities, right to life, food, family, freedom of religion, and freedom of movement for the mother and her child inside the country.

The Iraqi government must respond to the needs of its citizenry and has a legal obligation to create policies that allow victims to heal from the consequences of war. The government of Iraq must recognize this is not just a humanitarian obligation but a real threat to the long-term stability of national security. There has to be a synchronized and collaborative effort by the international community to hold the country of Iraq accountable in conducting domestic policies that prevent perpetuation of rape crimes and stigmatization of victim populations. If international organizations advocate accountability of the Iraq government signed international treaties, then there is greater opportunity for the international community to create, fund, and enforce priority projects to re-integrate those women and their babies into society – Iraq will benefit with security prosperity.

The scarcity of current analyses of the situation in Iraq shows that further studies are needed, especially those who focus directly on the fate of such women and their babies. Research perspectives should include: comprehensive analysis on women cases reported after Fatwas, including psychosocial and health impact on women and the babies; the challenges for the war baby in adult life; as well as the impact on children who are borne by Daesh members in Syria and KRG.

Women like Safia who brave the stigma of keeping their child usually have some form of social security (in this case, her mother). While this paper has mainly focused on negative stigma and suffering, it would be remiss not to mention the positive aspects of hope and rebirth ‘war babies’ can offer. Seto writes that these children offer a chance for communities to reinvent themselves, citing an example of a “Rwandan woman who saw her child of rape as source of hope for the future, a child born of sexual violence can be an agent affecting change within a community” (2013, p.177). Some women know that if they keep their child, they will lose the opportunity to be with their family. Therefore, this existing baby is often the new family the woman creates. Safia explained, “My baby girl is the only reason why I am alive; therefore, I will fight to protect her life; she gave me hope and protected my life when she was only a soul in my womb.” Despite the daily struggles and death threats to Safia’s life, she continues to try to meet her baby’s basic needs. Caring for her child provides a reason for her to continue life. Another raped woman by ISIS told CNN about her child that “He is my son, he is not the son of ISIS” (Damon & Grinberg, 2016). The love a mother feels for her child is a source of hope and healing from the horrors of war. The love between a mother and child minimizes the brutalities of war, in an environment filled with danger, hopelessness, and ugliness. If the environment can be changed and society embraces

victims with the support and mechanisms they need to heal, the women have a real and honest opportunity to build a life again. This can only be achieved if there is political support which would establish tribal leadership to create momentum on this issue.

## **Bibliography**

- *A global Yazidi Organization. Yazda.org*. Retrieved 9 December 2016, from [https://www.yazda.org/?page\\_id=326](https://www.yazda.org/?page_id=326)
- Asher-Schapiro, A. (2014). *Who Are the Yazidis, the Ancient, Persecuted Religious Minority Struggling to Survive in Iraq?* *News.nationalgeographic.com*. Retrieved 3 May 2017, from <http://news.nationalgeographic.com/news/2014/08/140809-iraq-yazidis-minority-isil-religion-history/>
- Barwari, D., & Gehad, S. (2013). *Children of Al-Qaeda Fighters in Iraq Face Legal Strife, Social Stigma. Al-Monitor*. Retrieved 3 March 2017, from <http://www.al-monitor.com/pulse/culture/2013/04/iraq-children-al-qaeda-fighters-legal-problems.html>
- Benotman, N., & Malik, N. (2016). *The Children of Islamic State. The Quilliam Foundation*.

- Bloom, S. L. (2008). "Domestic violence" [online]. Encyclopedia of Gender and Society. SAGE. Available from: <[http:// www.sage-ereference.com/gender/Article\\_n121.html](http://www.sage-ereference.com/gender/Article_n121.html)> [Accessed: 5 May 2017]
- Branche, R., Delpla, I., Horne, J., Lagrou, P., Palmieri, D., & Virgili, F. (2012). Writing the History of Rape in Wartime. In *Rape in Wartime* (pp. 1-16). Palgrave Macmillan UK.
- Callimachi, R. (2016). *To Maintain Supply of Sex Slaves, ISIS Pushes Birth Control*. *Nytimes.com*. Retrieved 3 March 2017, from <https://www.nytimes.com/2016/03/13/world/middleeast/to-maintain-supply-of-sex-slaves-isis-pushes-birth-control.html>
- Carpenter, C. R. (2000). Surfacing children: Limitations of genocidal rape discourse. *Human Rights Quarterly*, 22, 428–477.
- Carpenter, C. R. (2005). Women, Children and Other Vulnerable Groups. *International Studies Quarterly*, 13, 295-334.
- Carpenter, C. R. (2007). War's impact on children born of rape and sexual exploitation: Physical, economic and psychosocial dimensions. *Accessed online: <http://people.umass.edu/charli/childrenbornofwar/Carpenter-WP.pdf>*.
- Carpenter, R. C. (2009). Orphaned again? Children born of wartime rape as a non-issue for the human rights movement. *The international struggle for new human rights*.
- *Carpenter. Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones. Kumarian, 40-52.*
- CARPENTER, C. R. (2010). *Forgetting Children Born of War: Setting the Human Rights Agenda in Bosnia and Beyond*. Columbia University Press. Retrieved from <http://www.jstor.org/stable/10.7312/carp15130>
- CARPENTER, R. (2010). "PARTICULARLY VULNERABLE": Children Born of Sexual Violence in Conflict and Postconflict Zones. In *Forgetting Children Born of War: Setting the Human Rights Agenda in Bosnia and Beyond* (pp. 17-38). Columbia University Press. Retrieved from <http://www.jstor.org/stable/10.7312/carp15130.6>
- Coles, I. (2015). *Despair, hardship as Iraq cuts off wages in Islamic State cities*. *Reuters*. Retrieved 14 March 2017, from <http://www.reuters.com/article/us-mideast-crisis-iraq-salaries-idUSKCN0RW0V620151002>

- *Convention relating to the Status of Stateless Persons*. (2014). *Unhcr.org*. Retrieved 4 March 2017, from [http://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons\\_ENG.pdf](http://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf)
- Creamer, L., Dodds, B., Garland, P., Kennedy, M., Lynch, C., & O'Connell, O. et al. (2011). *Child Protection and Welfare Practice Handbook*. *www.tusla.ie*. Retrieved 4 May 2017, from [http://www.tusla.ie/uploads/content/CF\\_WelfarePracticehandbook.pdf](http://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf)
- Crowe, D. (2014). *War Crimes, Genocide, and Justice: A Global History* (p. 343). Pargrave Macmillan US.
- Damon, A., & Grinberg, E. (2016). *ISIS rape survivor: He's my son, not theirs*. *CNN*. Retrieved 11 April 2017, from <http://edition.cnn.com/2016/11/04/middleeast/isis-prisoner-pregnant-rape/index.html>
- Daniel-Wrabetz, J. (2007). Children Born of War Rape in Bosnia-Herzegovina and the Convention on the Rights of the Child. In C. R. Carpenter (Ed.), *Born of war* (pp. 21-39). Blomfield: Kumarian.
- DeLaet, D. (2007). Theorizing justice for children born of war. *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones*, 128-48.
- Elisa, Ee\*, & Kleber, R. J. (2013). Growing up under a shadow: Key issues in research on and treatment of children born of rape. *Child Abuse Review*, 22(6), 386-397.
- *Former US soldier guilty of rape found hanged*. (2014). *Aljazeera.com*. Retrieved 6 May 2017, from <http://www.aljazeera.com/news/americas/2014/02/former-us-soldier-guilty-rape-found-hanged-201421943623992645.html>
- Forum, J. *Atrocities and Criminal Homicides in Iraq*. *Globalpolicy.org*. Retrieved 8 May 2017, from <https://www.globalpolicy.org/invasion-and-war/atrocities-and-criminal-homicides-.html>
- Goffman, Erving (1963). *Stigma: Notes on the Management of Spoiled Identity*. Prentice Hall. ISBN 0-671-62244-7.
- Graham, L. (2003). Reading the Unspeakable: Rape in J. M. Coetzee's *Disgrace*. *Journal of Southern African Studies*, 29(2), 433-444. Retrieved from <http://www.jstor.org/stable/3557371>
- Grieg, Kai. *The War Children of the World*. (Bergen, Norway: War and Children Identity Project 2001). Available online at [www.warandchildren.org](http://www.warandchildren.org).

- Hassan-al-Jibouri, G. (2016). *Extremist Fighters' Children Live In Stateless Limbo In Iraq. Niqash*. Retrieved 8 March 2017, from <http://www.niqash.org/en/articles/society/5267/>
- Hayden, R. (2000). Rape and Rape Avoidance in Ethno-National Conflicts: Sexual Violence in Liminalized States. *American Anthropologist*, 102(1), 27-41. Retrieved from <http://www.jstor.org/stable/683536>
- Houry, N. (2016). *Children of the Caliphate. Human Rights Watch*. Retrieved 5 May 2017, from <https://www.hrw.org/news/2016/11/23/children-caliphate>
- Human Rights Council. (2016). “*They came to destroy*”: *ISIS Crimes Against the Yazidis A/HRC/32/CRP.2* (pp. [http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A\\_HRC\\_32\\_CRP.2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf)). OHCHR.
- *'I didn't think of Iraqis as humans,' says U.S. soldier who raped 14-year-old girl before killing her and her family.* (2010). *Mail Online*. Retrieved 6 May 2017, from <http://www.dailymail.co.uk/news/article-1340207/I-didnt-think-Iraqis-humans-says-U-S-soldier-raped-14-year-old-girl-killing-her-family.html>
- IILHR, MRG, NPWJ and UNPO. (2015). *Between the Millstones: The State of Iraq's Minorities Since the Fall of Mosul. Minority Rights Group International*. Retrieved 4 July 2017, from <http://minorityrights.org/wp-content/uploads/2015/08/Between-the-Millstones-English.pdf>
- *Iraq: Sunni Women Tell of ISIS Detention, Torture.* (2017). *Human Rights Watch*. Retrieved 3 May 2017, from <https://www.hrw.org/news/2017/02/20/iraq-sunni-women-tell-isis-detention-torture>
- Iraqi Sunni Endowment, The supreme of Iraqi Mufti Council, 2017, no.1. Iraq.
- *ISIS jihadists open 'marriage bureau'.* (2014). *DAWN.COM*. Retrieved 3 May 2017, from <https://www.dawn.com/news/1122339>
- *Islamic State and the crisis in Iraq and Syria in maps - BBC News.* (2017). *BBC News*. Retrieved 22 July 2017, from <http://www.bbc.com/news/world-middle-east-27838034>
- Joint communique 2016. (United Nations, Iraqi Ministry of Foreign Affairs).
- Kirkpatrick, D. (2014). *ISIS' Harsh Brand of Islam Is Rooted in Austere Saudi Creed. Nytimes.com*. Retrieved 4 May 2017, from

<https://www.nytimes.com/2014/09/25/world/middleeast/isis-abu-bakr-baghdadi-caliph-wahhabi.html>

- Lynch, H., & Johannes, C. (2017). *Part I: ISIS exploited the marginalized minority groups of Iraq*. *Rudaw*. Retrieved 3 May 2017, from <http://www.rudaw.net/english/kurdistan/260420172>
- *Medical Definition of Offspring*. (2016). *MedicineNet*. Retrieved 10 May 2017, from <http://www.medicinenet.com/script/main/art.asp?articlekey=9558>
- McCahill, T., Meyer, L., & Fischman, A. (1979). *The aftermath of rape* (p <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=62116>). Lexington, Mass.: Lexington Books.
- Mitchell, K. (2005, May). Children born from rape: Overlooked victims of human rights violations in conflict settings. In *Master of Public Health Capstone Symposium*.
- Mochmann, I. C., & Larsen, S. U. (2008). » Children Born of War «: The Life Course of Children Fathered by German Soldiers in Norway and Denmark during WWII—Some Empirical Results. *Historical Social Research/Historische Sozialforschung*, 347-363.
- Mochmann, Ingvill C.; Lee, Sabine: The human rights of children born of war: case analyses of past and present conflicts. In: *Historical Social Research* 35 (2010), 3, pp. 268-298. DOI: <http://dx.doi.org/10.12759/hsr.35.2010.3.268-298>
- MOWAT, L. (2016). *ISIS chiefs: 'Women will become Muslim if 10 jihadis rape her'*. *Express.co.uk*. Retrieved 3 March 2017, from <http://www.express.co.uk/news/world/636088/ISIS-chiefs-Women-become-Muslim-10-jihadis-rape-her>
- Mukangendo, M. C. (2007). Caring for children born of rape in Rwanda. *R. Charli*
- Nations, U. *Background Information on Sexual Violence used as a Tool of War*. *Un.org*. Retrieved 8 May 2017, from <http://www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence.shtml>
- *No Way Home: Iraq's minorities on the verge of disappearance - Minority Rights Group*. (2016). *Minority Rights Group*. Retrieved 5 June 2017, from <http://minorityrights.org/publications/no-way-home-iraqs-minorities-on-the-verge-of-disappearance/>

- Oakford, S. (2015). *Did British Soldiers Carry Out Summary Executions and Rape Civilians in Iraq?* | *VICE News*. *VICE News*. Retrieved 6 May 2017, from <https://news.vice.com/article/did-british-soldiers-carry-out-summary-executions-and-rape-civilians-in-iraq>
- Parrot, A., & Cummings, N. (2008). *Sexual enslavement of girls and women worldwide* (p. P39). Westport, Conn.: Praeger.
- Piot, P. (2015). *Medical Humanitarianism: Ethnographies of Practice* (Abramowitz S. & Panter-Brick C., Eds.). University of Pennsylvania Press. Retrieved from <http://www.jstor.org/stable/j.ctt16xwb48>
- Post, W. (2005). *Full Text of Iraqi Constitution*. *Washingtonpost.com*. Retrieved 6 April 2017, from <http://www.washingtonpost.com/wp-dyn/content/article/2005/10/12/AR2005101201450.html>
- Refugees, U. (1998). *Refworld | Rome Statute of the International Criminal Court (last amended 2010)*. *Refworld*. Retrieved 6 April 2017, from <http://www.refworld.org/docid/3ae6b3a84.html>
- Refugees, U. (2017). *Iraq Emergency*. *UNHCR*. Retrieved 10 May 2017, from <http://www.unhcr.org/iraq-emergency.html>
- *Reproductive Health During Conflict and Displacement: A Guide for Program Managers*. Geneva: WHO. (2000). Retrieved 7 February 2017, from [http://apps.who.int/iris/bitstream/10665/66784/1/WHO\\_RHR\\_00.13.pdf](http://apps.who.int/iris/bitstream/10665/66784/1/WHO_RHR_00.13.pdf)
- Rivière A. (2012) “Special Decisions” Children Born as the Result of German Rape and Handed Over to Public Assistance during the Great War (1914–18). In: Branche R., Virgili F. (eds) *Rape in Wartime. Genders and Sexualities in History*. Palgrave Macmillan, London.
- Salzman, T.A. (1998) ‘Rape Camps as a Means of Ethnic Cleansing: Religious, Cultural, and Ethical. Responses to Rape Victims in the Former Yugoslavia’, *Human Rights Quarterly* 20(2): 358.
- *Sanctions Law 111*. (1969). *Iraq-lg-law.org*. Retrieved 7 May 2017, from [http://www.iraq-lg-law.org/en/tracker\\_laws](http://www.iraq-lg-law.org/en/tracker_laws)

- Sanders, D. (2009). *Children born of rape come of age in Bosnia*. *The Globe and Mail*. Retrieved 8 August 2017, from <https://www.theglobeandmail.com/news/world/children-born-of-rape-come-of-age-in-bosnia/article965582/?page=all>
- Seto, D. (2013). No Place for a War Baby. *The Global Politics of Children born of Wartime Sexual Violence*. Farnham and Burlington: Ashgate.
- *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*. (2003). *UNHCR.ORG*. Retrieved 5 April 2017, from <http://www.unhcr.org/3f696bcc4.pdf>
- Shubert, A., & Naik, B. (2016). *ISIS soldiers told to rape women 'to make them Muslim'*. *CNN*. Retrieved 3 April 2017, from <http://edition.cnn.com/2015/10/08/middleeast/isis-rape-theology-soldiers-rape-women-to-make-them-muslim/>
- *Smith, ed. by Merril D. (2004). Encyclopedia of rape (1. publ. ed.). Westport, Conn. [u.a.]: Greenwood Press. pp. 169–170. ISBN 978-0-313-32687*  
[5http://www.medicinenet.com/script/main/art.asp?articlekey=9558](http://www.medicinenet.com/script/main/art.asp?articlekey=9558)
- *Soldier convicted of raping, killing Iraqi girl commits suicide in prison*. (2014). *NY Daily News*. Retrieved 6 May 2017, from <http://www.nydailynews.com/news/crime/soldier-convicted-rape-killing-iraqi-girl-commits-suicide-prison-article-1.1619054>
- *U.S. soldier convicted of Iraq rape, murders found hanged in prison*. (2014). *Reuters*. Retrieved 6 May 2017, from <http://www.reuters.com/article/us-usa-iraq-soldier-suicide-idUSBREA1I03V20140219>
- *U.S. soldier convicted of Iraq rape, murders found hanged in prison*. (2014). *Reuters*. Retrieved 6 May 2017, from <http://www.reuters.com/article/us-usa-iraq-soldier-suicide-idUSBREA1I03V20140219>
- UN General Assembly. (1966). International Covenant on Civil and Political Rights. *Treaty Series*, 999, 171.
- UN General Assembly. (1989). *Convention on the Rights of the Child*. *Refworld*. Retrieved 6 May 2017, from <http://www.refworld.org/docid/3ae6b38f0.html>
- UN General Assembly. (1998). *Rome Statute of the International Criminal Court (last amended 2010)*. *Refworld*. Retrieved 6 April 2017, from <http://www.refworld.org/docid/3ae6b3a84.html>

- *UN News - In ISIL-controlled territory, 8 million civilians living in 'state of fear' – UN expert.* (2015). *UN News Service Section*. Retrieved 8 January 2017, from <http://www.un.org/apps/news/story.asp?NewsID=51542#.WYLWicaB3-Y>
- UNHCR, *2008 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons* (June 2009), available at <http://www.unhcr.org/4a375c426.html>.
- Warnke, Adam M. (1999) "Vagabonds, Tinkers, and Travelers: Statelessness Among the East European Roma," *Indiana Journal of Global Legal Studies*: Vol. 7: Iss. 1, Article 13. Available at: <http://www.repository.law.indiana.edu/ijgls/vol7/iss1/13>
- copied Weitsman, P. (2008). The Politics of Identity and Sexual Violence: A Review of Bosnia and Rwanda. *Human Rights Quarterly*, 30(3), 561-578. Retrieved from <http://www.jstor.org/stable/20072859>
- *What is 'Islamic State'?* - *BBC News*. (2015). *BBC News*. Retrieved 7 December 2016, from <http://www.bbc.com/news/world-middle-east-29052144>
- Yazidi reference religion, 2015, no. 28. Iraq.
- 
- أطفال جهاد النكاح بالموصل والأنبار.. جيل لا يمتلك "مستمسكات" رسمية (2016). *Almasalah.com*. Retrieved 6 May 2017, from <http://almasalah.com/ar/news/77978/-لا-والأنبار-جيل-لا-أطفال-جهاد-النكاح-بالموصل-والأنبار-جيل-لا-يمتلك-مستمسكات-رسمية>