



## The Role of International Organizations and Conventions in Legal Protection Efforts against Women Victims of ISIS Slavery

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### Info Artikel

Received: 7<sup>th</sup> September 2018  
Accepted: 28<sup>th</sup> September 2018  
Published: 30<sup>th</sup> September 2018

#### Keywords:

Legal Protection; Women; ISIS Sexual Slavery

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#### DOI :

10.24843/JMHU.2018.v07.i03.p01

### Abstract

Generally, women have physical not as strong as men and always considered weak so often victimized by crime, aside from sexual slavery by ISIS. Sexual slavery by ISIS includes the category of crime against humanity and desecration of women's dignity. Slavery is one of the most obvious signs to control and rule others. Therefore, legal protection is needed to alleviate the sadness and suffering women victims of sexual slavery by ISIS. This research aims to know the justification of ISIS thought to make women as sexual slaves and analyze the legal protection effort that can be given to women as victims of ISIS Sexual Slavery by the international organization and international convention. This research is normative legal research. The results of the research indicate the justification of ISIS thought to make women as sexual slaves is a woman who is made as sexual slavery is considered clean so that can enter the heaven. The legal protection effort that can be given to women victims of ISIS sexual slavery by international organization and international convention, one of them is proclaim the protection of human rights with annual review, closing all ISIS access to financial system, working with several countries, especially Canada and Germany in the emergency countermeasures relief programme for the victim, provide psychosocial support services shape training to overcome their problems, and establish social cooperation by encouraging the International Government to strengthen security in an area whose women are the most victims of ISIS sexual slavery.

### 1. Introduction

In recent years many women, especially the Yazidis, have been victims of sexual slavery carried out by ISIS (Islamic State of Iraq and Syria).<sup>1</sup> Slavery is a system to seize the freedom of the life a human groups to work in the interest of other human groups and contrary to human rights based on the idea that only human beings have a reason, conscience, and free will. Therefore slavery makes humans not life according to their

<sup>1</sup> Australia Plus ABC. (2018). *Kesaksian Perempuan Yazidi Yang Dijadikan Budak Seks ISIS*. URL: <https://news.detik.com/abc-Australia>. (Diakses 23 September 2018).

uniqueness as humans.<sup>2</sup> A slave does not have the right but only has an obligation and must serve his master at any time. Slaves have no power whatsoever even for their own lives. The slave lives for the sake of his master and must be prepared faithfully when carrying out his master's orders.<sup>3</sup> Slavery is a common problem in the Arabian Peninsula as well as throughout the world because it supports economic and social systems. Ending slavery means that you will face tremendous resistance from various circles of society because slavery has been considered a reality of life. Therefore, no one thinks about ending it.<sup>4</sup>

Sexual slavery is a situation where the offender feels that he is the owner of the victim's body so that he has the right to do anything including sexual satisfaction, such as rape or some other form of sexual crime.<sup>5</sup> The UN special rapporteur, Gay J. McDougall in his final report on contemporary forms of slavery defines that adult women and children are forced to marry, provide domestic services, or carry out other forms of forced labor which ultimately involve forced sexual activity by its captors, including the scope of sexual slavery activities.<sup>6</sup> This crime is one of the most obvious signs to control and rule others.<sup>7</sup>

ISIS's sexual slavery against women, especially the Yazidi (a minority group of Kurds who mostly live in Iraq) includes acts of human rights violations that are categorized as crimes against humanity, as stated in *Article 7 Paragraph (1) Part (g) Rome Statute of the International Criminal Court*:

*"For the purpose of this Statute, "crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:  
Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity".*

In addition, sexual slavery by ISIS is a desecration of the dignity of women because it makes women as cultural objects that are misguided and do not get humane treatment. Sexual slavery was also carried out to make women as producers of funds for ISIS militants by means of prostitution, trade, and ransom. For ISIS militants, men occupy a higher position than women because it has the legitimacy to conquer and force women.<sup>8</sup> So they eventually make women as sexual objects.<sup>9</sup>

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<sup>2</sup> Khadafi, A. (2016). Kejahatan Terhadap Perbudakan ABK Dilakukan Perusahaan Thailand Yang Berafiliasi Dengan Perusahaan Indonesia PT. Pusaka Bejina Resources (PBR). *Jurnal Hukum Samudra Keadilan*, 11(1), h. 2.

<sup>3</sup> Nugraha, M. T. (2015). Perbudakan Modern (*Modern Slavery*) (Analisis Sejarah Dan Pendidikan). *AT-Turats*, 9(1), h. 51.

<sup>4</sup> Nasution, A.S.A. (2015). Perbudakan Dalam Hukum Islam. *Jurnal Ahkam*, 15(1), h. 95-96.

<sup>5</sup> Effendi, E. (2013). Pemberantasan Perdagangan Orang Dengan Sarana Hukum Pidana. *Jurnal Cita Hukum*, 1(1), h. 95.

<sup>6</sup> McDougall, G. J. (1998). Contemporary forms of slavery: Systematic rape, sexual slavery and slavery-like practices: Final report submitted by Ms Gay J. McDougall, Special Rapporteur.

<sup>7</sup> Heggen, C.H. (2008). *Pelecehan Seksual Dalam Keluarga Kristen Dan Gereja*. Cet. I. terjemahan Retnowati. Jakarta: Gunung Mulia. h. 10.

<sup>8</sup> Sutrisminah, E. (2012). Dampak Kekerasan Pada Istri Dalam Rumah Tangga Terhadap Kesehatan Reproduksi. *Majalah Ilmiah Sultan Agung*, 50(127), h. 25.

<sup>9</sup> Harnoko, B. R. (2010). Dibalik Tindak Kekerasan Terhadap Perempuan. *Muwazah*, 2 (1), h. 186.

Here are two examples of cases of sexual slavery committed by ISIS against women, especially the Yazidis:

1. Cases of Sexual Slavery by ISIS against Nadia Murad Basee Tahaa

Nadia Murad Basee Tahaa (21, a resident of Sinjar, Northern Iraq), one of the women of the Yazidi who was a victim of ISIS's sexual slavery and managed to escape, felt the shock of the inhumane acts committed by the militant organization against her or other women. Nadia who was kidnapped from her village claimed to be forced to pray before being raped and sold as a sexual slave by ISIS or Daesh. When ISIS entered their village they killed children and young and old men. The next day, ISIS killed old women and led young girls, including Nadia to be taken to Mosul. In Mosul, Nadia saw thousands of Yazidi women where the woman was distributed to the slave master. ISIS rapes girls and does what they think is inconceivable. The activities carried out is said to be their Sharia Court. They also have the names and telephone numbers of their captives (slaves) from the slave masters and then call their slaves every time they want to spend time with their slaves and sell their slaves.<sup>10</sup>

2. Cases of Sexual Slavery by ISIS against Khalida

Khalida (20 years, Iraqi citizen) who succeeded in being free from ISIS after his family redeemed USD 24 thousand, was also a Yazidi woman and expressed his pain when ISIS made it a sex slave. At that time he and 800 other Yazidi women were sold 8 times and displayed like car showrooms. At first, women were placed in a large room parade which Khalida described as a car showroom but the contents were girls. Khalida along with other Yazidi women was on display then the men came and saw it like things. The women have separated again between those who are married and those who are not married. For those who are single, including Khalida and her cousin, they are taken to the big hall then ISIS takes their photos. Women bought for cash at least around USD 20 thousand. Women can also be exchanged for things, such as cell phones or used as gifts. The prettiest women were put into a special room then 5 ISIS leaders came to vote for him and each took 3 or 4 girls. Khalida's buyer was Abu Qalla, a Syrian man. During his purchase, Khalida was not only raped but also reviled by Abu Qalla's wife, saying Khalida was a Yazidi and deserved to accept it. Khalida expressed ISIS's atrocities so that citizens of the world would know that ISIS was doing all heinous things to him and understood how Yazidi women suffered. The trials of Khalida and other Yazidis began in August 2014 where they were attacked by ISIS and labeled as "infidels".<sup>11</sup>

Regarding that, human nature including women is created by God as a person with reason and free will who has value in such a way that it cannot be used solely as a means or forced to act contrary to his inner voice, as is slavery. Supposedly, people around the world reject all forms of slavery, including the sexual slavery of women by ISIS. The women who were victims of sexual slavery by ISIS naturally experienced

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<sup>10</sup> Muhaimin. (2016 January 1). *Korban Budak Seks ISIS: Kami Dipaksa Berdoa Sebelum Diperkosa*. Retrieved from <https://international.sindonews.com/read/1073774/44/korban-budak-seks-isis-kami-dipaksa-berdoa-sebelum-diperkosa-1451628227>

<sup>11</sup> Muhaimin. (2016 Maret 19). *Dijual 8 Kali, Budak Seks ISIS Dipajang Bak Showroom Mobil*. Retrieved from <https://international.sindonews.com/read/1094147/43/dijual-8-kali-budak-seks-isis-dipajang-bak-showroom-mobil-1458354911>

deep physical and psychological suffering. Therefore, these women are entitled to legal protection. Legal protection is expected to reduce the sadness and suffering of victims in the form of physical, moral and mental, economic, social or loss losses that are almost ignored and forgotten by social control institutions.<sup>12</sup>

Through the research background, the following problems can be formulated:

1. What is the justification of ISIS thinking to make women as sexual slaves?
2. What is the role of international organizations and international conventions in providing legal protection efforts for women victims of ISIS sexual slavery?

The purpose of this research was to find out the justification of ISIS thought to make women as sexual slaves and analyze legal protection efforts that international organizations and international conventions can provide to women who are victims of sexual slavery by ISIS.

Based on the search for the title of the research, the authors found two previous researches that resembled the author's research so that the authenticity of the research could be accounted for by the author, namely (1) Research by Catharina Ida Ayu Putri Renyut in 2015 with the title Role of UNICEF in Protecting Children Against Violence Done by ISIS Separatist Groups (Islamic State Of Iraq And Syria) whose research objective is to find out the role of UNICEF in efforts to protect children who are victims of violence perpetrated by ISIS separatists.<sup>13</sup> (2) Research on Vidra Febrika in 2016 with the title Legal Protection of ISIS War Prisoners Judging from Geneva Convention III in 1949 and Additional Protocols to Geneva Convention I in 1977 whose research objective was to find out the legal protection of ISIS prisoners of war according to Geneva Convention III in 1949 and Additional Protocol to Geneva Convention I 1977.<sup>14</sup>

The author finds the similarity of this research with the two previous studies, which are both reviewing the legal protection of victims of ISIS crime. A prominent difference is in research (1) emphasizing the legal protection of children as victims of ISIS violence according to UNICEF, in research (2) emphasizing more on the legal protection of ISIS prisoners of war, especially soldiers and civilians according to the conformity of the 1949 Geneva Convention III and Supplementary Protocols to Geneva Convention I 1977, while the author's research emphasizes more on legal protection of women as victims of ISIS sexual slavery according to international organizations and

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<sup>12</sup> Gosita, A. (2009). *Masalah Korban Kejahatan*. Cet. I. Jakarta: Universitas Trisakti. h. 332.

<sup>13</sup> Renyut, C. I. A. P. (2015). Peran UNICEF (*United Nations International Children's Emergency Fund*) Dalam Melindungi Anak-Anak Terhadap Kekerasan Yang Dilakukan Oleh Kelompok Separatis ISIS (*Islamic State of Iraq And Syria*). S1 thesis, UAJY.

<sup>14</sup> Febrika, V. (2016). Perlindungan Hukum Terhadap Tawanan Perang ISIS Ditinjau Dari Konvensi Jenewa III Tahun 1949 Dan Protokol Tambahan Konvensi Jenewa I Tahun 1977. *Fatwa Hukum Prodi Ilmu Hukum Fakultas Hukum Untan (Jurnal Mahasiswa S1 Fakultas Hukum) Universitas Tanjungpura*, 5(1).

conventions, but first describes the justification (justification reasons) of ISIS thinking used as a legal basis for ISIS to commit sexual slavery against women.

## 2. Research Methods

This research uses a type of normative or doctrinal legal research. This type of research is research with discovery the truth of coherence, namely whether there are legal rules that are in accordance with legal norms and is there a norm in the form of orders or prohibitions in accordance with legal principles, and whether a person's actions are in accordance with legal norms (not just according to the rule of law) or legal principles.<sup>15</sup> The approach used a legal conceptual approach. A legal concept approach departs from the views and doctrines that develop in law. In using a conceptual legal approach it is necessary referring legal principles that can be found in the view of scholars or legal doctrines.<sup>16</sup>

## 3. Result and Discussion

### 3.1. The Justification of ISIS Thought to Make Women as Sexual Slaves

The justification of ISIS thought to make women as sexual slaves is a woman who is made as sexual slavery is considered clean so that can enter the heaven. The female slave child born to his master becomes Muslim because he has the status as his father. In addition, the justification of ISIS thought to do sexual slavery against women is by abusing the Islamic doctrine in the Al-Quran, through Qs 4:24 which declares:

“All women who are married, forbidden for you except women who have been enslaved, it's yours, this is the law of Allah for you”.

The Islamic doctrine through Qs 4:24 which have been abused by ISIS, used as a basis the law of women slavery. There is also another ISIS justification to do sexual slavery against women, through the Fatwa Number 64 which have been published by the ISIS committee dated January 29, 2015. The Fatwa Number 64 declares:

“One grace that Gods give to the Khilafah (ISIS) state is can control this area which has been vast and one thing that becomes a consequence of jihad is that women and infidel children will become Muslim slaves”.<sup>17</sup>

The Fatwa issued by ISIS committee is also basis the law which aims to regulate the treatment against infidel slaves who have been permitted become sexual needs satisfier of militants ISIS. There are also several other Fatwas issued by ISIS, such as:

1. The Fatwa which declares “For those who are not Islamic and for a government that declares themselves to be Muslims but does not make Islamic law as the basis of policy is called an “infidel”. So that ISIS considers them to be part of the Hizb Al-Syaithan (the path of Satan).<sup>18</sup>

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<sup>15</sup> Marzuki, P.M. (2016). *Penelitian Hukum*. Cet XII. Jakarta: Kencana Prenada Media Group. h. 47.

<sup>16</sup> *Ibid.* h. 177-178.

<sup>17</sup> Vania C, R. (2016 January 7). *ISIS Membuat 15 Aturan Yang Menjijikan Dengan Budak Wanita*. Retrieved from <http://wartakota.tribunnews.com/2016/01/07/isis-membuat-15-aturan-yang-menjijikan-dengan-budak-wanita?page=3>

<sup>18</sup> Mubarak, M. Z. (2015). *Dari NII ke ISIS: Transformasi Ideologi dan Gerakan dalam Islam Radikal di Indonesia Kontemporer*. *Epistemé: Jurnal Pengembangan Ilmu Keislaman*, 10(1), h. 87. Retrieved from <https://doi.org/10.21274/epis.2015.10.1.77-98>.

2. The Fatwa which declares "Prisoners or children's slave and infidel women is the grace of Allah that given for ISIS". So between ISIS jihadist and women who have been captured applied special rules, namely that ISIS allowed to rape prisoners;
3. The Fatwa which declares "The life or organs of an infidel do not need to be respected and can be taken through impunity". So that ISIS is allowed to use infidel's organs for the Muslims survival; and
4. The Fatwa which declares "Disabilities children or who are born with mental retardation must be killed". So that as many 38 of children who are born disable or have down syndrome from 1 week until 3 months, even who are newly born have been killed by lethal injection.<sup>19</sup>

Regarding the Islamic doctrine, the Islamic doctrine is the doctrine which has been to teach the peace and not to teach violence in life between human beings. Actually, nothing religious doctrine in this world which allowing slavery against humans, especially against women because it violates the Godhead and humanity value. For those who are indeed contra-Islamic, very sure that ISIS is a symbol of the Islamic doctrine. However, the world community certainly already realize that sexual slavery against women in any religion including Islamic, not justified.

Regarding the Fatwa, the Fatwa is decisions of Islamic matters given by muftis or cleric about a problem. The Fatwa is also interpreted as pious advice, good lessons or advice.<sup>20</sup> The position of the fatwa as a source of law can be equated with doctrine and of course, the power of the fatwa is not absolute and non-binding, as applicable to the provisions of the law or the judge's decision which is binding.<sup>21</sup> The thought of a cleric who gives the fatwa may be different from the thoughts of other clerics in responding to a particular problem. The definition of the fatwa shows that fatwas do not have a legal binding capacity and do not have to be followed by certain institutions or the public if the contents of the fatwa are not in accordance with humanity values adopted and contrary to the law.

If the Islamic doctrine and the Fatwa associated with the justification of ISIS thought to make women as sexual slaves, actually the doctrine in Al-Quran through Qs 4:24 which have been abused by ISIS as a basis the law of women slavery and Fatwa Number 24 dated January 29, 2015 which also have been used by ISIS as a basis the law of women slavery, classified as the heresy doctrine.

The heresy doctrine by ISIS is the religious radicalism doctrine because marked by:

1. The tendency to interpret the doctrine Islamic (Al-Quran or Hadith) textually and ignoring the actual context; and

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<sup>19</sup> Rachel. (2015 Desember 15). *Fatwa Gila ISIS: Anak-Anak Cacat Harus Dibunuh*. Retrieved from <http://liputanislam.com/terorisme/fatwa-gila-isis-anak-anak-cacat-harus-dibunuh/>

<sup>20</sup> Sabri, F. A. (2018). Membangun Fiqih Toleransi: Refleksi Terhadap Fatwa-Fatwa Aliran Sesat Di Indonesia. *Al-Ihkam Jurnal Hukum dan Pranata Sosial*, 13(1), h. 148-149.

<sup>21</sup> Riadi, M. E. (2011). Kedudukan Fatwa Ditinjau Dari Hukum Islam Dan Hukum Positif (Analisis Yuridis Normatif). *Ulumuddin*, 7(1), h. 475.

2. There is contra-pluralism tendency.<sup>22</sup>

It's known that the justification of ISIS to do sexual slavery against women only based on their own interpretation. The interpretation through the religious doctrine which has been abused and Fatwa which have been issued by the ISIS militant committee, only to justify their action against women. That action aims in order to the parties who are contra indeed against ISIS, not mention the sexual slavery against women as a rights violation against womankind.

### **3.2. The Role of International Organization and International Convention in Giving The Legal Protection Effort Against Women as ISIS Sexual Slavery Victim**

The legal protection is a protection of human dignity and also recognition of human rights that are owned by legal subjects based on the legal provisions of arbitrariness.<sup>23</sup> Sexual slavery is a form of ISIS abuse that makes the fate of women, especially the Yazidis very sad, regarding activities that encourage them to enter sexual slavery. For this reason, legal protection is needed by women victims of ISIS sexual slavery. These legal protection efforts can be carried out through study of the international organization's theory and the international cooperation's theory

The international organization's theory declares that the existence of international organizations will make the benefits of an international collaboration more effective and facilitate cooperation in conflict resolution.<sup>24</sup> International organizations have an organizational culture, namely the basic patterns accepted by the organization in acting and solving problems. For this reason, it must be taught to its members as a correct way of studying.<sup>25</sup> International organizations also have a role as a forum or forum for activities where members can discuss, argue and argue.<sup>26</sup> In this case, it is an activity to provide protection to women victims of ISIS sexual slavery as serious concerns of countries and respect for the dignity, dignity and human rights of women in the world.

Through the international organization's theory mentioned above, these legal safeguards can be carried out through the role of the United Nations as an international organization. One of the objectives the United Nations in *Article 1 Paragraph (3)* of the UN Charter is:

*"To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect*

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<sup>22</sup> Rahmat, M. (2018). Model Perkuliahan Pendidikan Agama Islam Yang Damai, Moderat, dan Toleran. *Nadwa*, 12(1), h. 42. <http://dx.doi.org/10.21580/nw.2018.12.1.2180>

<sup>23</sup> Subekti, R. P. (2018). Urgensi Ratifikasi Konvensi *International Labour Organizations*: Perspektif Perlindungan Pekerja Anak Pada Sektor Rumah Tangga. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)*, 7(1), h. 28. <https://doi.org/10.24843/JMHU.2018.v07.i01.p03>

<sup>24</sup> Muhammad, A. (2018). Analisa Meningkatkan Kasus *Food Piracy* Dalam Fenomena Italian Sounding. *Journal Of International Relations*, 4(2), h. 235.

<sup>25</sup> Dyah, T., Minarsih, M. M., & Fathoni, A. (2018). *Effect Of Style Of Leadership, Organizational Culture, Employees Motivation To Employee Performance With Work Satisfaction As Intervening Variables (Case Study On PT. Apparel One Indonesia Semarang)*. *Journal Of Management*, 4(4), h. 4.

<sup>26</sup> Shabrina, A. A. (2018). Peran *United Nations High Commissioner For Refugee (UNHCR)* Dalam Menangani Pengungsi Suriah Korban *Sexual And Gender-Base Violence (SGBV)* Di Lebanon. *Journal Of International Relations*, 4(1), h. 86.

*for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”.*

Based on these objectives, the role of the United Nations in protecting women victims of ISIS slavery is:

1. Through the United Nations Human Rights Council, it seeks to overcome the problem by outlining reports on human rights conditions in Syria and proclaim the protection of human rights with its annual review;
2. Collaborate with the Iraq government to limit and closing all ISIS access to the financial system through efforts to prevent and stop ISIS actions in using local banks under their control as a source of funds;
3. Proclaim the UN members to prevent recruitment of radical ISIS groups against their respective citizens; and
4. Through the UN Security Council, issued the UN Security Council Resolution 2170 of 2014 on 15 August which expressed strong condemnation of ISIS for its actions and called on member states to take national steps to suppress ISIS inflows.<sup>27</sup> This is in accordance with *Article 24 Paragraph (1) UN Charter*:

*“In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf”.*

According to *Article 24 Paragraph (1)* of the UN Charter, the responsibility of the Security Council is to maintain international peace and security. Therefore, to maintain international peace and security from the crime of sexual slavery against women conducted by ISIS, it can be done by issuing a decision in the form of UN Security Council resolutions.

5. Collaborate with Iraq to ensure that women who are victims of sexual slavery by ISIS have access to justice and recovery.
6. Proclaim the UN members to enact laws prohibiting individual citizens traveling to ISIS and applying them officially.

The international cooperation's theory declares that international cooperation is carried out for the sake of equal interests, even though each country certainly has different interests. International cooperation is a form of agreement on certain problems that occur between 2 or more countries in order to utilize equality of interest or conflict of interest.<sup>28</sup> International cooperation is also carried out by participating countries that are bound by an international convention. When linked to legal protection efforts against women victims of sexual slavery by ISIS, international cooperation can be said to be a form of agreement made by international organizations, between international organizations and several countries, or between participating countries in certain

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<sup>27</sup> Adyta, F. (2017). Peran PBB Dalam Menanggulangi *Violence Against Women (VAW)* Oleh Kelompok Ekstrimis ISIS Di Negara Konflik Suriah Tahun 2013-2016. *JOM FISIP Universitas Riau*, 4(2), h. 13-14.

<sup>28</sup> Sari, I. P. (2017). Dinamika Kerjasama *Littoral States* Dan *User States* Dalam Penanganan Kasus Perompakan Kapal: Studi Kasus Selat Malaka Dan Selat Singapura (2010-2014). *Journal Of International Relations*, 3(1), h. 151.



international conventions to resolve slavery problems sexually by ISIS on the basis of equality of interest, namely the interest in protecting women victims of sexual slavery.

Through the international cooperation's theory mentioned above, the legal protection effort against women as victim sexual slavery by ISIS are carried through:

1. UNHCR (*United Nations High Commissioner for Refugees*)

UNHCR was established with the aim of providing protection and assistance to refugees based on the request of a government or UN and then accompanying the refugees in the process of moving to a new place. In UNHCR Statute, *Chapter I General Provisions Part (1)* declares that:

*"The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities".*

According to *Chapter I General Provisions Part (1)* UNHCR Statute, UNHCR holds the function of providing international protection to refugees and finding a permanent solution to the problem of refugees. Women who have managed to escape from the area of ISIS's sexual slavery will certainly be refugees who need help and protection. The legal protection which has been given by UNHCR to refugees who are become sexual slavery's victim is:

- a) Collaborate with the Canada government of carrying Yazidi's women to Canada in 4 months period to be given a government emergency response assistance program to save those who experience despair over their lives and in the face of an uncertain future;
- b) Collaborate with the Germany government to provide psychological education and counseling to Yazidi women who leave home forcibly because their home country is in conflict;
- c) Collaborate with the with local NGOs and UN partners by provide assistance such as tents, plastic sheets, blankets, cleaning equipment, heating, wheelchairs, and providing medicine through the Kurdish Red Crescent; and
- d) Collaborate with the United Nations *World Food Programme* to provide food assistance for Yazidi refugees.<sup>29</sup>

2. UNICEF (*United Nations Children's Fund*)

UNICEF is the UN organization that provides humanitarian assistance and the development of long-term welfare for children in developing countries. Through UNICEF, Yazidi women who are still classified as children, namely under the age of 18 years are given the following protection measures:

- a) Provide psychosocial support services shape training to overcome their problems;

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<sup>29</sup> Cinthya, M., & Fachri, Y. (2017). Peran United Nations High Commissioner for Refugees (UNHCR) Dalam Menangani Pengungsi Yazidi Di Irak (2014-2017). *Jurnal Online Mahasiswa Fakultas Ilmu Sosial dan Ilmu Politik Universitas Riau*, 4(2), h. 10-11.

- b) Facilitate training in child-friendly spaces to improve planning and design activities, raising awareness about child protection, identifying and integrating children with special needs;
- c) Provide access to services basis and sustaining life and to protect them from acts of violence that surround them;
- d) Establish social programs in Iraq shape child protection, education, and communication programs for development in various communities; and
- e) Strengthening the capacity of the Iraq government and Iraq civil society to monitor and report serious violations against children and strengthen response mechanisms for children affected by the violation.<sup>30</sup>

3. CEDAW (*Convention on the Elimination of All Forms Against women*)

CEDAW is the international convention that specifically regulates women's rights and strongly opposes all forms of discrimination against women. There are 3 principles underlying CEDAW as contained in Part I, namely the principle of non-discrimination (*Article 1 and Article 4*), the principle of equality (*Preamble and Article 2,3,4,5*), and the principle of state liability (*Article 2,3,4,5*). In this regard, the sexual slavery committed by ISIS against women, especially the Yazidis, is a form of racial discrimination and must be abolished. This declares in the CEDAW Preamble:

*"Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women".*

Women as victims of sexual slavery conducted by ISIS must be given the legal protection. This in accordance with *Article 2*, especially *Part (c)*:

*"To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination".*

Through the *Article 2 Part (c)* CEDAW, the legal protection which has been given to women as victims of sexual slavery by ISIS can be done by:

- a) CEDAW participant countries are required to make regulations relating to the prohibition of sexual slavery against women in their respective countries, especially sexual slavery by ISIS and include general deterrent effect sanctions if ISIS dares to violate these regulations;
- b) CEDAW participant countries establish social cooperation by encouraging the International Government to strengthen security in an area whose women are the most victims of ISIS sexual slavery;
- c) CEDAW participant countries determine security goals and indicators for the prevention and handling of ISIS sexual slavery against women;
- d) CEDAW participant countries makes the monitoring strategies for ISIS-prone areas so that ISIS will always feel supervised and women who are subjected sexual slavery will feel protected.

4. CRC (*Convention on the Rights of the Child*)

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<sup>30</sup> Renyut, C.I.A.P. (2015). *Op.cit.* h. 8.

CRC is the international convention that enforcing children's rights and the best interests of children. In the CRC there are 4 main principles listed, namely the principle of non-discrimination (*Article 2*), the best principle for children (*Article 3 Paragraph (1)*), the principle of the right to life, continuity and development (*Article 6*), and the principle of appreciation against the opinions of children (*Article 12 Paragraph (1)*). In this regard, ISIS's sexual slavery is not only carried out for adult women, but also for women who are immature (children). ISIS's sexual slavery against children, of course, contradicts the 4 main principles in the CRC. Children as an adult, both physically and mentally if they are victims of ISIS sexual slavery must be given proper legal protection. This declares in the *Preamble* of CRC:

*"Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the Child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth""*.

Futhermore, ISIS's sexual slavery against women who are immature (children), is also included as sexual exploitation because of selling children sexually and forcibly to slave masters to fill the ISIS militant cash. Therefore, CRC participant countries are trying to protect children from sexual exploitation. The legal protection effort by CRC participant countries manifested in *Article 34* CRC:

*States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:*

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;*
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;*
- (c) The exploitative use of children in pornographic performances and materials.*

In addition, CRC participant countries also can give the legal protection effort against children as victims of ISIS sexual slavery in a way:

- a) Take steps nationally, bilaterally, and multilaterally to create child shelter programs for those who do not have a place to live after the occurrence of sexual slavery;
- b) Give the physical and mental therapy services for children to restore conditions after the occurrence of sexual slavery; and
- c) Facilitate clothing, food and medicine needs for children.

Based on the legal protection efforts against women as victims of ISIS sexual slavery through the role of international organizations and conventions, it's known that the international organizations and conventions, which include the United Nations, UNHCR, UNICEF, CEDAW, and the CRC have a great concern for women who are victims of sexual slavery by ISIS. The spirit of optimization and seriousness of international organizations and conventions in providing full the legal protection to women as explained above shows that both highly uphold the dignity of women, oppose all forms of discrimination, and of course strongly oppose sexual slavery against the women carried out by ISIS. Through the role of international organizations and conventions in providing the legal protection for women, at least it can weaken the strength of ISIS militant groups and reduce the level of crime they commit, especially sexual slavery against women.

#### **4. Conclusion**

The justification of ISIS thought to make women as sexual slaves is a woman who is made as sexual slavery is considered clean so that can enter the heaven. Another the justification is by abusing the Islamic doctrine in Al-Quran through Qs 4:24 and using the Fatwa Number 64 which have been published by the ISIS committee dated January 29, 2015 as a basis the law of women slavery to regulate the treatment against infidel slaves who have been permitted become sexual needs satisfier of militants ISIS. The role of international organization and international convention in giving the legal protection effort against women as ISIS sexual slavery victim, one of them is proclaim the protection of human rights with annual review, closing all ISIS access to financial system, prevent recruitment of radical ISIS groups against their respective citizens, working with several countries, especially Canada and Germany in the emergency countermeasures relief programme for the victim, such as provide shelter, food, medicine, education, psychological counseling to overcome their problems, and other victims' needs equipment (plastic sheets, blankets, cleaning equipment, heaters, and wheelchairs), provide psychosocial support services shape training to overcome their problems, proclaim of UN members to enact laws prohibiting individual citizens traveling to ISIS and applying them officially, and establish social cooperation by encouraging the International Government to strengthen security in an area whose women are the most victims of ISIS sexual slavery.

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### **International Convention**

*Convention on the Elimination of All Forms Against women (CEDAW)*

*Convention on the Rights of the Child (CRC)*

*United Nations Charter (UN Charter)*

*United Nations High Commissioner for Refugees (UNHCR)*

*Rome Statute of the International Criminal Court*

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