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CENTRE FOR AFRICAN JUSTICE, PEACE AND HUMAN RIGHTS

REPORT ON SEXUAL VIOLENCE AGAINST THE MALE GENDER: SUDAN

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INTRODUCTION

Sexual violence has been known to be one of the main fears inducing methods used to oppress enemies in the context of conflict.

Victims of such a crime tend to be vulnerable persons such as children and women in destabilized regions. However, sexual violence is not only limited to the female gender but extends to the male gender as well. Unfortunately, men who have undergone such traumatic experiences are much less likely to report the matter due to stigmas embedded in their communities which “undermine their manhood”. Furthermore, the lack of access to aid services as well as the lack of accuracy to the needed response from NGOs and international bodies also poses obstacles to male survivors of sexual violence.

Sudan is a current example of a context in which numerous cases of sexual violence against the male gender are taking place, for which this report will center around its current situation.

South Sudan has been subject to instability due to conflict, as it is currently going through a civil war in which the central Sudanese government and the Sudan People’s Liberation Army have cost the country approximately 2 million deaths, famine and ongoing violence.

In such a context, high numbers of crimes of conflict-related sexual violence (CRSV) have originated, directed against political and ethnic groups with brutality.

Furthermore, CRSV has been present in the country since 2013, which has rapidly increased along the years, while the access to reporting such cases has also increased as the conflict has progressed.

This has taken place regardless of the Agreement of Cessation of Hostilities between the parties involved, and the Revitalized Agreement on the Resolution of the Conflict in the Republic of Sudan prohibiting sexual violence.



Helen Liebling, Hazel Barrett, Lilly Artz, ‘South Sudanese Refugee Survivors of Sexual and Gender-Based Violence and Torture: Health and Justice Service Responses in Northern Uganda’ [2020] International Journal of Environmental Research and Public Health page 3.

2 ‘South Sudan’, Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict (United Nations)

3 Helen Liebling, Hazel Barrett, Lilly Artz, ‘South Sudanese Refugee Survivors of Sexual and Gender-Based Violence and Torture: Health and Justice Service Responses in Northern Uganda’ [2020] International Journal of Environmental Research and Public Health page 7.

4Ihris Dolan, ‘Hidden Realities – Screening for Experiences of Violence amongst War-Affected South Sudanese refugees in Northern Uganda’ [2017] Working Paper 25, Refugee Law Project

6 UNMISS United Nations Human Rights Office of the High Commissioner, ‘Access to Health for Survivors of Conflict-related Sexual Violence in South Sudan’ [2020]

CONFLICT-RELATED SEXUAL VIOLENCE AGAINST THE MALE GENDER IN SUDAN

According to the UN Secretary General Report on the Situation in South Sudan, the Cessation of Hostilities Agreement itself provided for the prohibition of sexual violence, while calling parties to taking specific measures for the protection of vulnerable persons. This is so, as sexual violence is one of the primary threats against civilians, for which it is a key element of the UN Mission implementation in South Sudan (UNMISS).

The UNMISS observed a concerning rise of CRSV in which the parties of the conflict have been engaged. Namely, UNMISS documented 224 cases of CRSV, 19 of which were against men and 6 against boys until 3 January 2020.

Furthermore, continued attacks and clashes between the parties to the conflict in areas of concentration of civilian population continue to create a risk for CRSV to originate.

Most of these cases were found to be in Central Equatoria, a region where confrontation between government forces and armed opposition groups remain constant and continue to intensify. In such situations, rape, sexual slavery and sexual torture are actively used as mechanisms for intimidation, punishment and as means to further political affiliation, and are directed against ethnic groups to bring about a demographic change.

Other areas with similar incidents include Unity, Upper Nile, Western Bahr el-Ghazal, and Western Equatoria, which have also been gravely affected by conflict.

37% of the mentioned cases have been brought about by the South Sudan People's Defense Forces, according to UNMISS. However, members of the South Sudan National Police Service, National Security Services, the South Sudan People's Liberation Army in Opposition (SPLA), the National Salvation Front, community-based militias and other unidentified armed individuals have taken part in the reported incidents.

For instance, in the Upper Nile region four men were beheaded in August 2019 after suffering mutilation of their sexual organs. However, these actions do not stop on torturing individuals but go far as gang-rapes alongside the victims' wives. 27-year-old Thomas who fell victim to SPLA soldiers in Unity in 2014 is still being haunted by that experience.

James, another young victim subject to the same fatality describes the impact on him as he is no longer able to have normal sexual intercourse since then as the traumatic experience triggers vivid flashbacks. Another male refugee in Adjumani described the torture he had escaped which included removing fingernails, being shot and tying their penises. Other instances of sexual violence included the witnessing of other men being sexually tortured.

Moreover, many of them were simply not able to work as the injuries followed by the sexual violence disabled them physically and psychologically.



CHALLENGES TO COMBATING CRSV IN SUDAN

The stigma that is attached to men being sexually violated is the main reason why most of the sexual violence cases go unreported. **Given the strong sociocultural influence and definition of manhood many men feel ashamed of reporting such instances.** Men who experience sexual violence against them, such as rape are afraid of being classified as homosexuals which is against the section 248 of the Sudanese Code which criminalizes “carnal intercourse against the order of nature”.

However, rape is defined as gender-neutral in the Penal Code Act 2008 and could not make the victims liable under section 248. Nonetheless, the sociocultural stigmatization of being referred to as a homosexual prevails.

Moreover, male survivors are faced with limitations to which access to medical care including sexual and reproductive health care, treatment to prevent further physical and psychological deterioration and other services to which victims need access to are subject.

According to the UN, such measures are essential to ensure that survivors rehabilitate from the attacks, as well as for acquiring social accountability.



THE ICC IN COMBATING CRSV IN SUDAN

The situation in the Republic of the Sudan was referred to the International Criminal Court (ICC) by the UN Security Council (UNSC) in March of 2005 due to alleged crimes of genocide, war crimes and crimes against humanity since 1 July 2002. This took place through Resolution 1593 (2005), despite the fact that the country is not a state party to the Rome statute, whereby focus was put on the territory of Darfur and the crimes against Sudanese nationals from 1 July 2002 onwards.

According to the UNSC, this is a situation that poses a threat to international peace and security, for which there is a great need to address the crimes occasioned including violations of international humanitarian law and human rights law.

Furthermore, the impact of the conflict has resulted in 1.65 million internally displaced persons in Darfur, as well as 200,000 refugees from Darfur reaching Chad for refuge, further denoting the importance to address such a situation.

The ICC's investigation has centered around cases involving Sudanese Government officials, Militia or Janjaweed leaders, as well as leaders of the Resistance Front for charges of genocide, war crimes, and crimes against humanity, which include cases of sexual violence in the context of conflict.

So far, 5 warrants of arrest have been issued, 1 suspect is in custody, and 6 cases have been started by the ICC. This includes the cases against Omar Al Bashir, Ahmad Harun, Allah Banda, Abu Garda, Abdel Raheem Muhammad Hussein, and Ali Muhammad Ali Abd-Al-Rahman.

Furthermore, despite the difficulties that addressing the situation in Sudan brings, the grave consequences of the conflict so far show the great need for the ICC to address it, so as to bring about justice for victims while bringing perpetrators under the law.



ABOUT THE SV TEAM

Sexual Violence against the Male Gender (SVMG) was the first established team of CAJPHR. We believe in the establishment of just, peaceful and inclusive societies.

The project squarely falls under the **United Nation's Sustainable Development Goal 16** which clearly states that "people everywhere need to be free of fear from all forms of violence and feel safe as they go about their lives whatever their ethnicity, faith or sexual orientation". Furthermore, the Sexual Violence Team also propagates, in its objectives, the establishment of multi stakeholder's partnership in line with **SDG 17**. Goal 17 that calls for a "global partnership for sustainable development" includes as multi-tasked holders the national governments, civil society, scientists, academia and the private sector — to strive together to achieve the sustainable development goals. The Sexual Violence Team indirectly supports **SDG 5** that seeks to "achieve gender equality and empower all women and girls". A safe society for men will mean a safer society for women, too, which will, in turn, result in greater equality between men and women.

We strongly believe that the discourse and interactive sessions shared among the participants can provide and develop recommendations and action plans concerning how to address the stigma surrounding sexual violence against male child soldiers in situations of armed conflict.

Our mission is to break the silence and create awareness concerning the stigma surrounding sexual violence against the male gender by conducting research, publishing articles, as well as engaging stakeholders and policymakers in conversations on the subject and advocate for legislator change in domestic jurisdictions where sexual violence against men and boys is not recognised.

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