

CENTRE FOR AFRICAN JUSTICE, PEACE AND HUMAN RIGHTS

CONFLICT-RELATED SEXUAL VIOLENCE AGAINST THE MALE GENDER

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**Are males
deserving of
protection too?**



**SEXUAL VIOLENCE AGAINST THE MALE GENDER IN
AFRICA: BARRIERS INHIBITING FORCIBLY
DISPLACED MALE SURVIVORS OF SEXUAL
VIOLENCE'S ACCESS TO AID SERVICES**
By Leonie Fach

Introduction

While many refugees and internally displaced persons (hereinafter IDP's) have experienced conflict-related sexual violence (hereinafter CRSV) or torture, only a few have been able to successfully access aid services and care. This is due to the many barriers that they have to overcome to access justice and receive medical, psychosocial and other assistance. In recent years, forced displacement has seen an unprecedented increase. Filippo Grandi, the UN High Commissioner for Refugees, estimates that the number of people that have been forcibly displaced has passed 80 million in mid-2020. He calls this "another bleak milestone that will continue to grow unless world leaders stop wars". On the African continent, during the last ten years, the majority of forcibly displaced persons originate from Afghanistan, Somalia, the Democratic Republic of the Congo, Sudan and Eritrea, highlighting the unresolved refugee crises in those countries. In many cases, boys and men experience CRSV in their home country, which can serve as the or one of the push factors why they decide to leave their home country. Among the many human rights violations they endure during their flight, sexual violence is commonly observed on their journey to a safer country. In this context, acts of sexual violence have been reported to take place at borders and checkpoints; during robberies by armed groups; for extortion and exploitation; subjugation; punishment and entertainment. Finally, refugees and IDP's, especially unaccompanied children, including boys are particularly vulnerable in refugee and IDP camps in the country of refuge. As forced displacement has reached an unprecedented peak and male survivors of sexual violence are overlooked by laws and policies, the silence about this issue needs to be broken.

This paper will focus on common barriers male survivors of sexual violence face during their struggle to access aid services and care. More specifically, it will illustrate the need to break through legal, societal and language barriers to access justice and medical assistance, including psychosocial assistance. Firstly, the article will elaborate on the difficulties in accessing justice by highlighting the challenges in implementing international norms and the shortcomings of the domestic system in this context. Secondly, it will engage in a detailed analysis of common societal barriers, including beliefs and values, faced by male survivors of sexual violence. By doing so it will illustrate why international law standards fail to have their envisioned effect. Thirdly, it will elucidate upon the important role language plays in accessing aid services. Finally, it will conclude by recommending a certain course of action.

CRSV and other forms of sexual violence are widespread, and evidence suggest that refugees and IDP's are repeatedly exposed to multiple forms of sexual violence by a variety of perpetrators that enjoy impunity in different contexts. Sexual violence against males is widely underreported, boys and men often decide not to disclose the violations against them, because they perceive the risks associated with reporting as too high. Most male survivors face insurmountable barriers in accessing justice, such as being subjected to arrest or threat of arrest due to domestic criminal laws. Other barriers are societal in nature, such as no recognition of male rape or the existence of stigmatization and ostracism within the society. In addition, not being able to understand the language of the country of refuge poses many difficulties in accessing aid services. The next part will discuss some of the barriers in more detail.



Legal Barriers

Research shows that when justice is inaccessible, seeking remedies becomes an intricate challenge. If existing laws do not promote institutional and procedural access to justice but rather hinder the effective exercise of such rights, individuals are left without a basis for their rights and are consequently unable to seek legal and medical assistance. As a result, male survivors are left without any form of redress.

In the international context, one of the fundamental issues is that the enforcement of international standards enshrined in international conventions and treaties remains difficult. Although, 123 States, thereof 33 African States, have signed the International Criminal Court's Rome Statute, which entails the most progressive framework related to combating CRSV and sexual and gender-based crimes, including a definition of rape that is broad enough to include male rape. Sexual violence in conflict continues to exist and is still being used by State and non-State actors as a tool to humiliate, instil fear and destruct.

Another challenge is that the implementation of international standards remains challenging and slow-paced. At this point, it is important to note that the actual delivery of justice is not solely dependent on the implementation of above-mentioned standards, but directly dependent on the institutional and material conditions in which the domestic judicial system operates. In other words, why do the international provisions fail to have the effects promised in their provisions in domestic legal systems? There are several possible responses to this question which will be discussed below.

In the domestic context, the law can be a curse for male survivors seeking justice. The same is true in relation to legal procedures, processes and mechanisms. Many penal codes of domestic legislations define rape as involving the penetration of the vagina by the penis. As a result, male rape will not be classified as rape, but sexual assault; a less serious offence. In addition, anti-migration legislation can adversely affect the male survivors' access to care.

Stephen, who fled from the DRC to Uganda, explains his struggle to access justice. "When I asked the police, they said that if it has anything to do with penetration between a man and a man, it is gay" Uganda is not the only African country that criminalises same sex relations, 32 African countries criminalise sex between two men. According to Human Dignity Trust, globally 71 countries criminalise private, consensual, same-sex sexual activity. A common problem is that instead of revolving around consent or lack of consent, the laws revolve around penetration of the male body.

This formulation of the law has an adverse effect on male survivors' access to justice, reporting rape to the police is not an option for many male survivors of CRSV as they would be subjected to arrest or threat of arrest. Stephen expresses his frustration about this insurmountable obstacle created by the Ugandan legislation.

"If it happens to a woman, we listen to them, treat them, care and listen to them - give them a voice. But what happens to men?"

Women's Refugee Commission, "More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy' (2019) 3 ICC, 'State Parties to the ICC Rome Statute' (2021)

Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3 (ICC Statute) arts 7 and 8.

UNCHR 'Report of the Special Rapporteur on the Independence of Judges and Lawyers' (2011) UN Doc A/HRC/17/30 para 28.

UNCHR 'Report of the Special Rapporteur on the Independence of Judges and Lawyers' (2008) UN Doc A/HRC/8/4 para 15. Paragraph 15 states "States have an obligation to guarantee the exercise of the rights required under domestic law and in international treaties to which they are parties. This means that they must unreservedly respect the rights established therein and set up institutional mechanisms to prevent or remedy acts that violate those rights. All States governed by the rule of law have a positive obligation to eliminate obstacles that impair or restrict access to justice."

Another central issue observed is a conceptual gap between law and society. Due to this divide, legal and institutional mechanisms fail to achieve their objectives and consequently create insuperable barriers to the promotion and protection of human rights. The gap also exists in relation to the recognition and implementation of male survivor's rights. For instance, where international standards are codified without general societal consent, the judiciary will continue to apply the dominant social code. The biased mindset of the justice personnel and society dominates judicial action. It is commonly assumed that the formal amendment of a law, such as altering the rape laws in the domestic penal code, or the State becoming a state party to an international treaty will solve the issue. In reality, it is far harder for international standards to pierce and alter the existing legal and societal structures that also shape individual justice personnel's actions. Ultimately, codification and implementation of international rights can prove ineffective in reforming societal norms denying male survivors of sexual violence access to legal and medical assistance.

In addition, laws only have the envisioned effect when the judiciary interprets and enforces the provisions in accordance with the rule of law. Thus, a commitment to upholding the rule of law is necessary. Finally, one essential prerequisite for the realisation of legal remedies for male survivors of CRSV is an impartial, independent judiciary who delivers judgements upholding fair trial principles.

Social Barriers Inhibiting Male Survivors Access to Non-Legal Assistance

It does not suffice to solely look at the legal barriers. At the heart of the issue, both in international and domestic law, lies the fact that laws do not function in isolation.

They are an integral component of the country's society and culture. Whether male survivors of sexual violence can access aid services, heavily depends on the society's values, socio-cultural norms and beliefs, political attitudes and beliefs. Philipp Schulz uncovered through empirical research in Northern Uganda, what it is commonly believed in other African societies where hegemonic masculinity prevails, which is based on heteronormativity, patrilineality and patrilocalty. A man that has been raped is believed to have been stripped off his masculinity. It is believed that through the rape he was "feminised" and is now weak and unable to protect and provide for his family.

One survivor that Schulz interviewed explains "a lot of stigmatization of us by the members of the community and that has really broken our hearts because everywhere we go, people are pointing at us." Due to prevailing cultural and societal stigmata, many boys and men decide not to seek any medical assistance for fear of ostracism or accusations of the involvement in criminal same sex relations. A Ugandan survivor explains how he was treated by health care professionals

"it was not possible for you to go to the clinic with this violation and explain what happened. They would have laughed at you, called you a homosexual or even reported you to the government."

Unfortunately, the described incident is not a rare occurrence. 62 countries, representing almost two-thirds of the world's population, only recognise females as rape victims. None or limited recognition of male rape leads to a scarcity of support networks to treat their physical and psychological wounds. Due to the scarcity of support networks, male survivors of CRSV are often left to cope with the psychological and physical consequences of their abuse on their own.

¹We need to talk about male rape: DR Congo survivor speaks out' (BBC News, 2 August 2017)

Humanity Dignity Trust, 'Map of Countries that Criminalise Sex between Two Men' (2021)

²We need to talk about male rape: DR Congo survivor speaks out' (BBC News, 2 August 2017)

Savitri Goonesekere, 'National Implementation of International Human Rights, Social Inclusion and the Empowerment of People' (2013) UN Documents.

Women's Refugee Commission, "More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy' 3 (2019)

Philipp Schulz, *Male Survivors of Wartime Sexual Violence: Perspectives from Northern Uganda* (UC Press, 2020) 69

It is therefore common that boys and men who fled from CRSV in their own country remain silent and isolated out of fear of stigmatisation and fear for their own life in the country where they sought refuge. In most cases, male survivors of CRSV decide to not seek assistance, because they perceive the risks associated with seeking medical and psychological assistance as too high. Medical and social services that do not recognise men as victims, the fear of being labelled “female”, the widespread fear of stigmatization and not being taken seriously the majority of male victims leads discourage male survivors of CRSV from reporting to the authorities.

After having shed light on the insurmountable social and societal barriers male survivors of CRSV face, it is necessary to explain the relationship between theoretical laws and societal realities. Revising formal laws to benefit male survivors of CRSV will not automatically lead to survivors being able to access legal remedies and receive medical and other assistance. Deeply ingrained societal and cultural values are a stronger determinant of practice than the law. Social change is important to achieve the successful implementation and enforcement of laws. If society does not recognise the implemented norms, they have no power to influence change. Consequently, only when society is committed to eliminate CRSV in the public and private sphere and recognises male survivors as such, together with the formal laws; change is achievable.

Language Barrier

Another barrier that most forced migrants face is the ‘language barrier’. In addition to the barriers mentioned above, such as fear and shame, language is an important barrier to emphasise. Not being proficient in the language of the country they sought refuge in, hinders the male survivors’ from accessing all kinds of services, such as medical, psychological, legal, psychosocial and other services. Many of the refugees and IDPs are illiterate. One fundamental challenge is that many male survivors do not open up about their experiences when a translator is in the room, because of lack of trust, shame and fear. According to the Refugee Law Project, who initiated a project teaching English to adult refugees, firstly, teaching English to refugees improved the refugees’ situation by “bridging the information gap”. They were able to understand that there were services available for them to access. Secondly, “it breaks the culture of silence among survivors of sexual violence” and thirdly, it “reinforces self-esteem of the survivors”. The Refugee Law Project observes that the “continued interaction leads to increased social cohesion and creates a sense of belonging among survivors. This fosters the level of self-belief and worth among survivors.”

It has been demonstrated that not knowing the language of the destination country, or a common tongue like English, is a serious barrier inhibiting the male survivors’ access to assistance. Therefore, language projects such as the one mentioned can benefit the survivors in many possible ways.



Conclusion

Male survivors of sexual violence need to break through many barriers to access justice, medical and other services. Such barriers can be legal; language and lack of information about services; social barriers and cultural and economic barriers. It has been demonstrated that even though in theory, the ICC Rome Statute criminalises CRSV perpetrated against the male gender. In reality, male survivors of sexual violence struggle to successfully seek legal redress in the domestic context. In other words, the extent to which international law norms benefit male survivors of sexual violence is limited by the norms' application, interpretation and enforcement in practice. In summation, solely implementing laws will not guarantee that male survivors live without fear and stigmatisation from now on.

In addition, male survivors of sexual violence face a multitude of other barriers, such as social and language barriers, that make it extremely difficult to obtain medical and other assistance. Male survivors frequently experience disbelief, stigmatization and discrimination when seeking for help. The lack of adequate health care and support networks amounts to a clear form of revictimization. In order for male survivors to be able to access adequate help, the barriers need to be torn down through holistic efforts promoting social change, recognition, implementation and enforcement of non-discriminatory laws.

The Threat Behind Sexual Violence Against Men and Boys in Refugee and Displacement Settings

By Emelie Samuelsson Herrera



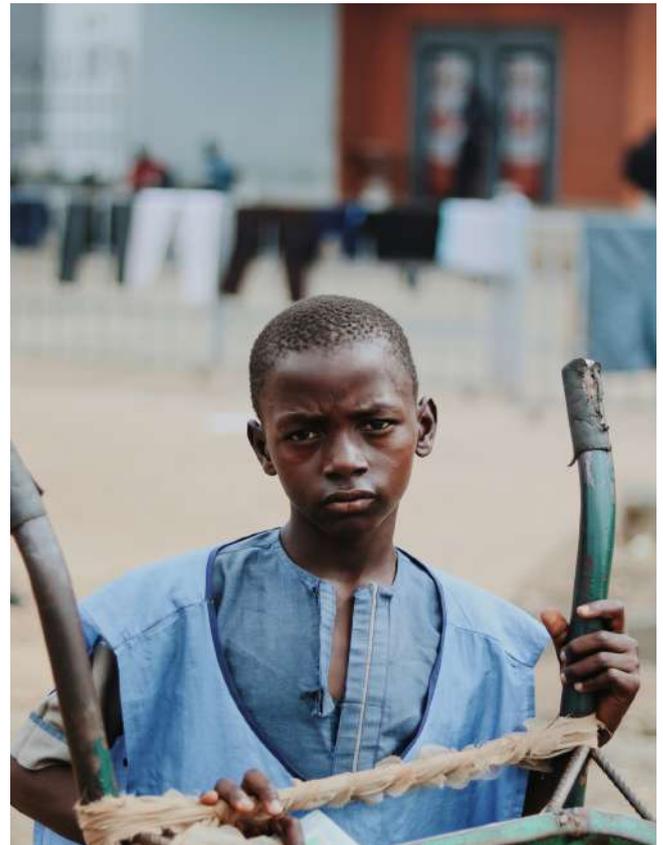
Sexual violence against men and boys is a common threat in situations of displacement. In such situations they face serious livelihood challenges, where men are at risk of sexual exploitation and abuse in return for shelter, food, and payment of illegal work, along with other forms of survival sex. Men who are, by cultural norms and society, the ones to financially maintain their family may be forced to carry out sexual favours in order to receive their payment. Though asylum and displacement situations are different, the essential protection needs of survivors are essentially the same. This article discusses how men and boys experience rape and sexual violence in situations of displacement and discusses the measures needed to take care of male survivors.

Globally, people in displacement situations experience the full spectrum of sexual and gender-based violence (Hereinafter "SGBV"), which refers to harmful acts perpetrated against a person's will that is based on socially ascribed (gender) differences between males and females. For instance, it includes acts that inflict mental, physical, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty against a person's will and is based on gender differences.

SGBV is a human rights violation that, in displacement settings, can be both the cause of forced displacement and an intolerable part of the displacement experience. Refugees, asylum seekers, returnees, stateless persons, and internationally displaced persons (Hereinafter "IDPs") suffer disproportionately from SGBV as a form of persecution, as an outbreak of a conflict, and as part of the human mobility process. Although most research focuses mainly on SGBV against female refugees and IDPs, men and

boys experience it as well, with little to almost no support, acknowledgment, services, protection, and more. This issue will be further addressed in this article. In addition to discussing the types of SGBV against men, this reflection presents the United Nations High Commissioner for Refugees' (UNHCR) action plan and strategy to address SGBV in displacement settings. In patriarchal societies, SGBV is a sensitive topic.

This has caused the discussion around it to be vague and scarce, and thus improperly addressed. Communities and individuals ignore most occurrences, fail to properly address such crimes, hold individuals accountable, and to acknowledge the existence that these crimes can happen to men. Due to the lack of information and awareness, there are unsubstantiated prejudices around the issue. It is, for instance, believed that men cannot be raped, and that if they are raped, it's because they are homosexuals. This is related to the wide range of cultural stigma, misconceptions, and entrenched stereotypes around masculinity in the African region. When a man or boy is raped, society and most communities do not interpret it as forced/non-consensual sexual acts, but rather as voluntary intercourse that resulted in injuries. Likewise, male victims are not seen as such, but as men who are ashamed to acknowledge they are homosexuals and thus claim they were raped. These gendered misconceptions, stereotypes, and cultural perceptions obscured the rape of women and girls for centuries, and now it continues to mask the fact that these crimes also occur to men and boys.



As rape against women was constructed as a violation due to women being regarded as property, it has caused a dilemma on male rape, as men cannot be categorized as property in these societal and cultural contexts, making it difficult for society to see them as victims. Further, social and cultural norms in patriarchal societies, as is the case in many locations in Africa, reinforce the idea that men are strong and the protectors of the family, so attacks on them are attacks on their families and communities, in order to weaken the men and their familial link. Consequently, attacks on their gender identity through rape and other forms of sexual violence is often a powerful weapon, in particular in the context of war. Where social norms and taboos on sexuality and sexual orientation stigmatise same-sex relations, acts and attacks of sexual nature against men serve to diminish their masculinity in their own eyes and the eyes of the community, and to additionally question the sexual orientation and/or gender identity of the survivors. In light of this social reproach, men and boys often feel stigmatized and judged when they come forward.

The cultural and social misconceptions cause many men to hide their stories and refuse to report the sexual violence they've experienced. The reasons are many. They may fear being categorized as homosexual and arrested in such countries that enforce laws criminalizing same-sex intimacy. Victims may also feel discouraged to report their sexual abuse because of social and familial ostracism, as in many instances victims have been abandoned by their wives and family members. Lack of access to proper aid also plays a role in disincentivizing men and boys to report the incidents. Plus, many victims may not see any benefits in reporting the abuse. Lastly, many stereotypes and norms also impede reporting of SGBV by men, often because they experience shame, confusion, guilt, fear, and stigma from their own communities, feeling left out and unsupported.

Forms of SGBV against men and boys in displacement situations

Sexual violence against men can take many forms, including anal and oral rape, genital torture, castration and forced sterilization, gang rape, sexual slavery and in some situations, they are compelled or forced to rape others. In refugee and displacement settings, SGBV can also include other situations, such as being sexually exploited in work settings. Since gender roles dictate that men are the providers of the family, pressure is put upon them to work in settings where they may be exposed to threats of sexual violence, perhaps even facing sexual exploitation due to inadequate humanitarian financial support and increased debt. In a context of forced displacement, it is difficult for men to find secure employment, which leads them to work informally, often under difficult and exploitative conditions.

"Further, poverty rise is pushing refugee families to enlist their children to work, increasing the risk for sexual exploitation of boys."

There have been reports that refugees are only paid half of their wages, and that sexual exploitation occurs when they request their full compensation as their superiors demand "sexual favors" in return. One survivor shared that, in Lebanon, one friend works with an older man who refuses to pay his employee until he performs a sexual favor. Since this person supports his family and needs to pay his debts, he is forced to stay, plus, he fears telling his family.

The worrying combination of informal work, increasing poverty, cultural norms, and familial pressure in conjunction with the culture of silence around SGBV against male victims, increases the vulnerability of boys and men to SGBV. One study also reported forced nudity, with almost one third of 434 South Sudanese male refugees as victims. Men can also experience sexual violence at checkpoints and in detention centers and boys can also experience such violence by their immediate family members.

There are also many instances where men and boys associated with armed groups experience sexual violence throughout their time as soldiers. There is also enforced sexual violence, where men and boys are forced to rape women and girls, in particular their family members, which is often seen by refugees as "normal" and "common".

Several surveys and investigations have been carried out to identify how many men and boys have suffered SGBV in displacement settings. Reported data shows that, in the Democratic Republic of the Congo (Hereinafter "DRC") 23.6% of 399 males disclosed to having suffered sexual violence. In Libya, of 55 male migrants who had transited through Libya to Europe since 2017, 78.2 % reported witnessing sexual violence and 18.9 % disclosed experiencing sexual violence. In Myanmar, out of 70 Rohingya refugee men surveyed in 2013, 20% reported experiencing some type of sexual abuse, sexual humiliation, or sexual exploitation. In Uganda in 2018, out of 434 South Sudanese refugee men, 29% disclosed experiencing forced nudity, 9.7 % genital harm, 3.7 % rape, and 1.6 % sexual slavery.

Although the research shows that there is a significant amount of SGBV survivors, this data is incomplete, as many men do not report the incidents. Thus, more research needs to be conducted to determine the prevalence of SGBV against men and boys, and advance in the identification and documentation of the issue.

UNHCR STRATEGIES AND ACTION AGAINST SGBV

Building a Strategy

The UNHCR's action plan against SGBV in displacement contexts currently promotes a multi-sectoral approach to tackle SGBV at the country level. This approach includes health care, protection (including safety, security, and legal support), and psychosocial support.

The plan attempts to provide protection interventions to complement coping mechanisms and community responses, and include safety and security measures in all contexts, both in camp and non-camp settings. According to the plan, health is the first service that should be afforded to SGBV survivors, addressing and taking into consideration the physical, mental, and psychological consequences of SGBV survivors. Health services should also provide education and valuable preventive information to everyone at force displacement settings and working personnel. Psychosocial care should provide survivors with the support and tools needed, for men and boys and other SGBV survivors, to deal with personal trauma, stigma, and possible exclusion from their families and community. Another crucial step is providing legal support activities, which include training and capacity-building to strengthen law enforcement and the judicial system, as well as the provision of legal advice and representation for survivors..

The UNHCR has strengthened their institutional response to SGBV through several complementary initiatives, which has increased the support in urban areas for SGBV survivors by more than 28% in the past 3 years. Today the UNHCR has established prevention and response mechanisms in nearly every refugee and displacement camp and urban area in which they operate. With its partners, UNHCR provides support to community-based organisations working on SGBV, with police forces to increase knowledge and response capacity, and with local and international partners to coordinate the provision of services for SGBV survivors.

Building UNHCR's capacity

UNHCR is usually the first respondent and protector of individuals in forced displacement contexts, such as SGBV. UNHCR has committed to collect data and analysis, develop tools to assist with knowledge management, and build the capacity and expertise of their staff and partners to program for SGBV interventions. It is critical to the effectiveness of targeted service delivery, advocacy, policy development, accountability and monitoring. Whilst the nature and prevalence of SGBV has increased in recent years, not enough information is available to the humanitarian community, which has impacted the progress report, the intervention, the scale of SGBV, and the analysis and data.

It is recommended that data collection or sharing must strictly adhere to confidentiality requirements to prevent men from experiencing any more trauma. The data collection or research on SGBV can have harmful social, physical, psychological or legal consequences if the information is inadequately disclosed. Thus, the UNHCR needs to adopt and maintain appropriate data collection tools, support the systematic capture of data, and develop interagency information-sharing protocols to ensure safe and ethical data management confidentiality and respect for the wishes of the survivors.

A main issue with collecting data of SGBV against males is that many survivors choose to remain silent, due to the socio-cultural norms and stigma addressed before. This silence causes survivors to experience further trauma, depression and isolation, post-traumatic stress disorder (Hereinafter "PTSD"), and more, all without receiving any structural help, such as counseling or psychosocial support, as most services are women-focused as well. Due to lack of services and trained personnel at displaced settings, male survivors are often forced to live with this trauma in silence. A male survivor in a study the Refugee Law Project in Kampala shared his story stating "*Other male survivors are in hiding, they won't access services and they will die in shame and fear*". For this reason, it is necessary that the collected data is kept confidential, respecting the wishes of the survivor and ensuring the survivor shares their story without judgement.

Further, UNHCR aims at enhancing partnerships and coordination. Preventing and responding to SGBV, requires a multi-sectoral approach in which different organisations working in the health, legal and protection (including safety and security and psychosocial) fields cooperate to ensure timely referral mechanisms and appropriate services and coordinated preventive actions. Inter-agency mechanisms and task forces are therefore important for developing joint strategies and projects. To enhance this, UNHCR operations need to, first, assess and revise cooperation agreements with partners to improve SGBV advocacy and programming in displacement contexts, and add to any gaps there may be with SGBV against men and boys. Second, to explore more possibilities for expanding partnerships with governments, UN agencies, local and international NGOs, and communities

of persons of concern need to assemble the expertise required to address SGBV. Lastly, to actively participate in UN Action to enhance the joint effort to combat SGBV.

Establish a policy for treating male survivors of sexual abuse

The UNHCR should also have an “open door” policy for treating men. As most policies and protocols are women focused, there should be a specific one for men, so they feel safer and less judged. Having tailored policies and protocols in place is essential because men and boys face significant barriers to accessing information about SGBV-related services. For instance, having a men’s centre in conjunction with a women’s centre, which would guarantee services for male survivors of SGBV such as, proper health care, protection, and acknowledgement of the existence of SGBV against men. To that end, policies and protocols should involve male religious and traditional leaders in processes that bring different perspectives on gender roles to their community. Also, such a policy should identify risk areas by using protection monitoring mechanisms and data collection methods. Further, this policy should identify men and boys who are survivors of SGBV by analysing their wounds, psychological behaviour, and more, to discreetly help them when they wish to stay quiet.

Support groups at refugee camps

A commonly proposed solution by scholars is to establish support groups exclusively for men and boys, with the purpose to guide them and provide support from the sexual trauma endured. This measure will ensure that men and boys are afforded the right professional and communal support, which will also help acknowledge that male victims need assistance and affirm that both women and men experience SGBV. This will hopefully change the discussion, alleviate the stigma on rape and other forms of sexual violence against men. Moreover, with time, this can help tackle the issue behind the stigma in such communities, since many see that this issue is one of the biggest barriers as it prevents men and boys from seeking treatment and reporting.

Effective medical assistance

Survivors of SGBV often face physical injuries, sexual, and reproductive health (Hereinafter “SRH”) concerns, including but not limited to HIV, other sexually transmitted diseases, sterility, psychological and emotional suffering such as, depression, anxiety, and PTSD. It is essential for refugee camps and other displacement settings to ensure that there is access to adequate health care services for both men and women. Due to lack of policies and referral pathways, some local agencies and other local organizations have made decisions based on assumptions that have harmed more male survivors than helped them. Some survivors are referred to local hospitals, where they are humiliated based on their wounds, usually being rectal trauma, whereas doctors and nurses have no expertise in treating male survivors and thus end up humiliating them in the process. Further, male survivors are also referred to the police to report their incidents of violence, where they are met with disgust, stigma, and are accused of being homosexuals. It is important that proper medical assistance is given for free to refugee and displaced men and that such care is separate from that provided to women, so that they do not feel ashamed and can be treated without being discriminated against.

Although there are several UNHCR policies addressing SGBV, these have not had enough effect in preventing and addressing SGBV against men in refugee and displacement settings. There is a deficiency in the government’s commitment, and clear lack of political will and cooperation of the global community to support comprehensive prevention programs, rather than focusing on targeted interventions in response to SGBV acts. Further to this, there are socio-cultural barriers that exclude support to men and boys, impacting proper and efficient policies that focus solely on helping male victims. The current proposed strategies, by the UNHCR and other NGOs, focus on community and civil society engagement, government support, and international participation, when tackling SGBV in refugee and displacement settings, which has in fact improved the international approach on SGBV. But it is clear that cultural norms, taboos, and misconceptions need to change for more advancement on SGBV against men, and for them to feel safe enough to tell their stories, seek help, and reintegrate themselves back into society.



Conclusion

Although there are several UNHCR policies addressing SGBV, these have not had enough effect in preventing and addressing SGBV against men in refugee and displacement settings. There is a deficiency in the government's commitment, and clear lack of political will and cooperation of the global community to support comprehensive prevention programs, rather than focusing on targeted interventions in response to SGBV acts. Further to this, there are socio-cultural barriers that exclude support to men and boys, impacting proper and efficient policies that focus solely on helping male victims. The current proposed strategies, by the UNHCR and other NGOs, focus on community and civil society engagement, government support, and international participation, when tackling SGBV in refugee and displacement settings, which has in fact improved the international approach on SGBV. But it is clear that cultural norms, taboos, and misconceptions need to change for more advancement on SGBV against men, and for them to feel safe enough to tell their stories, seek help, and reintegrate themselves back into society.

Much improvement and consideration on cultural norms and misconceptions should be paid, as this can be a way to tackle gender and sexual violence misconceptions. Although the UNHCR does enforce efforts to prevent and respond to SGBV, they are mostly women focused, which has dramatically affected men. Whilst this article provides for several proposed plans to tackle SGBV to refugee and displaced men, in addition to the UNHCR policies, there are more considerations to be made to prevent SGBV in refugee and displacement settings and provide correct services to all victims.

COMMENTARY ON THE 12TH REPORT OF UN SECRETARY- GENERAL ON CRSV

BY SOFIA SIDERIDOU

2020 has definitely turned out to be a landmark year, which signaled the beginning of a life-changing course of events. The Coronavirus pandemic dramatically redefined everyone's course of life worldwide. SARS-CoV-2, being called as the modern world's invisible enemy, compounded the humanitarian crisis, inhibited essential progressive steps, and put everyone's life at risk.

Today, over a year from the onset of the pandemic, humanity still faces an unprecedented outburst and an ongoing global threat of the COVID-19 disease and still struggles to find the proper way out of this deadlock. To put numbers on it, as of 10 May 2021, the World Health Organisation has confirmed more than 158 million cases and unfortunately this is one of the deadliest pandemics that has cost the lives of more than 3.29 million people [1].

Undoubtedly, such a tremendous global phenomenon would not leave the United Nations' work pertinent to conflict-related sexual violence (hereinafter CRSV) unaffected. Before delving into CRSV specifically, it is worth mentioning that sexual violence incidents and the rapid increase of domestic violence in general contexts have been put in the spotlight even during the first months of the pandemic. It is worth mentioning that sexual violence incidents and the rapid increase of domestic violence in general contexts have been put in the spotlight even during the first months of the pandemic.

Along with all the other aspects and domains of everyday life which got extremely affected by the pandemic, data from organisations, media and researchers showed that the intensification of the pandemic's imposed measures has been closely linked to an alarming increase of sexual violence.

Likewise, intimate partner violence, domestic violence and gender-based violence has also been intensified [2]. Unfortunately, this unprecedented health crisis has been developing in tandem with an already disturbing image of physical and sexual violence being detected around the world [3].

Besides the increased pathways of risk concerning violence in domestic settings, the impact of COVID-19 pandemic and the restrictions which were implemented by all states was also tangible in CRSV. The implications of COVID-19 for the prevention of and response to CRSV, for the protection and support of victims, and for the implementation of carefully designed policies and programmes dealing with sexual violence in conflict-related settings, are more than obvious but yet quite predictable and expected [4]. Such times of harsh societal conditions, strict lockdowns, curfews, quarantines, and overall unrest served as an insurmountable obstacle to previously promising efforts and "hard-won progress" recorded in this area over the last years [5].

2. Elisabeth Roesch, Avni Amin, Jhumka Gupta, Claudia García-Moreno, 'Violence against women during covid-19 pandemic restrictions' [2020] BMJ
3. FRA – European Union Agency for Fundamental Rights survey, Violence against women: an EU-wide survey - Main results (Luxembourg: Publications Office of the European Union, 2015) 21
4. Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 'Implications of COVID-19 for the Prevention of and Response to Conflict-Related Sexual Violence' [2020] <<https://www.nsvrc.org/resource/implications-covid-19-prevention-and-response-conflict-related-sexual-violence>> accessed 15 May 2021
5. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General' 1, <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021



The effects of COVID-19 on CRSV are tremendous and multifaceted. This unprecedented phenomenon highlighted the fragility and instability of organisational, institutional, and societal mechanisms put in place especially by the United Nations which unveiled the gloomiest side of CRSV. The reality has been captured already since the first months of 2020 by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict [6] , while only a few months ago the Secretary-General of the UN Security Council released the 12th Report on CRSV covering the year of 2020 [7]. Both achieve to delineate the CRSV landscape and intend to collect all data available on the altar of better results-based policies and solutions [8]. A series of worth-mentioning steps and commitments have been reversed at these times and remained unable to serve their scopes, while new concerns and obscure settings elevating the risk of sexual victimisation appeared [9].

Among the greatest impacts of COVID-19 on victims and survivors of CRSV is the minimisation of numbers of victims reporting incidents and bringing their cases in the light of justice [10]. The already existing problem of underreporting has been exacerbated, increasing the impunity of CRSV perpetrators. Additionally, the imposed curfews, restrictions and closures of services left victims with limited options of support and an increased fear of asking for professional help, given the stretched situation of health care facilities [11]. All the more important, though, as the Report of the Secretary-General recently pointed out, the judicial system dealing with CRSV was detrimentally influenced by the pandemic. More precisely, the pursuit of justice has been found before great barriers, law enforcement has been petrified, many investigations have been stalled, putting at risk hundreds of victims and necessary pending law reformulations have been ceased [12]. Finally, in the context of the pandemic inequalities and power exploitation, these have led to more extreme conflict-related violations and situations, in which certain categories of people, especially refugees, migrants and internally displaced people (IDPs), unfortunately faced particular risk [13].

6. Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 'Implications of COVID-19 for the Prevention of and Response to Conflict-Related Sexual Violence' [2020] <<https://www.nsvrc.org/resource/implications-covid-19-prevention-and-response-conflict-related-sexual-violence>> accessed 15 May 2021

7. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General' , <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021

8. Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 'Implications of COVID-19 for the Prevention of and Response to Conflict-Related Sexual Violence' [2020] 1-2, <<https://www.nsvrc.org/resource/implications-covid-19-prevention-and-response-conflict-related-sexual-violence>> accessed 15 May 2021

9. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General' , 1-2 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021

As the Secretary – General pinpointed in the UN Security Council Report, CRSV victims should not be neglected and their needs “cannot be put on pause”[14].

The UN Report at hand offers an analytic overview in numbers of the current situation pertinent to CRSV and especially the implication of COVID-19 for the institutional responses to CRSV. It delineates all the affected areas of CRSV and it proceeds to a solid description of progression and evolutionary efforts, coordinating steps within the UN as well as all the projects at place to secure the effective response, support and protection of sexual violence survivors [15]. The Secretary – General draws the attention to 18 countries [16] and shifts the focus to what should be strategically done from now on given the special circumstances.

The report intends to adopt a neutral and holistic point of view, covering CRSV in all observed settings and offering term definitions which mirror all possible scenarios of direct or indirect forms of CRSV against women, men, girls and boys [17]. It reflects upon the entire period under review and presents a range of recorded cases and shockingly disturbing incidents. Nonetheless, the UN Security Council Report at hand still seems to be female-oriented at its biggest part and this of course is not ungrounded. It is well-founded and generally accepted that this form of violence disproportionately affects women and girls, especially in the context of refugee and IDPs' camps [18].

Both the UN Security Council Report on CRSV and the 2020 Report by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict focus on women and girls, who experience predominantly the unpleasantly rough reality of sexual violence in the context of war or post-conflict situations. According to the aggregated data of the UN Security Council Report women and girls account for more than 2.400 of the reported cases, which means 96%. This is indeed an astronomical number, which explains why when the discussion comes to sexual violence, most people automatically portray women as the weak, helpless victims and men as the strong, brutal perpetrators [19]. The Report clearly makes special reference to women shelters, clinics and protection advisers, alarming the dire need for monitoring, support and contribution due to gender inequality.

Therefore, it is observed that the language used is not neutral, since the rationale behind the text is female-oriented. The words used, the examples expressed, and the incidents mentioned, even in the parts of a neutral reference to CRSV, allude solely to female victims and situations that merely portray women as the victims and men as the perpetrators. This indirect reference can more powerfully weaken male survivors of sexual violence to report, and consequently this brings us to totally disorienting numbers of male sexual victimisation, which most probably do not mirror the reality. This phenomenon is similarly detected in The Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence [20].

10. UN Peacekeeping, 'The impact of COVID-19 on survivors of conflict-related sexual violence' <<https://unpeacekeeping.medium.com/the-impact-of-covid-19-on-survivors-of-conflict-related-sexual-violence-36f13317fa30>> accessed 13 May 2021.
11. Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 'Implications of COVID-19 for the Prevention of and Response to Conflict-Related Sexual Violence' [2020], 3-4 <<https://www.nsvrc.org/resource/implications-covid-19-prevention-and-response-conflict-related-sexual-violence>> accessed 15 May 2021.
12. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General', 1-2 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021.
13. Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 'Implications of COVID-19 for the Prevention of and Response to Conflict-Related Sexual Violence' [2020] 6-8, <<https://www.nsvrc.org/resource/implications-covid-19-prevention-and-response-conflict-related-sexual-violence>> accessed 15 May 2021.
14. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General', 2 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021.
15. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General', 3-4 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021.
16. Afghanistan, Central African Republic, Colombia, Democratic Republic of Congo, Iraq, Libya, Mali, Myanmar, Somalia, South Sudan, The Sudan, Syrian Arab Republic, Yemen, Bosnia and Herzegovina, Côte d' Ivoire, Nepal, Sri Lanka, Nigeria

Women and girls remain the central reference point, a fact that unfortunately leaves the male victims going unnoticed one more time. The focus on women indeed empowers and secures more effective prevention, protection and prosecution of sexual violence cases against women and girls. Simultaneously, though, this worsens the status of male survivors of sexual violence, who roll back in reporting and seeking help.

However, especially in the context of war and conflict, sexual violence is not merely “a women’s issue”. This moment serves as a great chance to underscore that male sexual victimisation exists as an equally degrading phenomenon and therefore the voices of all victims, regardless their gender, should be heard and respected. No victims of sexual violence, as a cruel and inhumane tactic of war and political oppression, should be left alone and unprotected, especially under the extreme circumstances of the pandemic.

Having said that, it is considered necessary to conclude with a brief mapping of male sexual victimisation during the crucial year of 2020, as this is recorded by the 12th UN Report. The total incidents of CRSV amount to 2,542 cases in the 18 countries of concern (13-conflict settings, 4-post-conflict situations, 1-situation of concern), a number which already triggers the esteem of concern [21]. Although the greatest percentage of incidents is still covered by female victims (more than 2,400), male victimization is not invisible.



The humanitarian situation worsened, and the atmosphere of insecurity was enhanced in many countries [22] leading to the augmentation of both victims and impunity of perpetrators. More than 58 cases of sexual violence were reported against the male gender (young boys were the main target), while refugee and IDP’s camps concentrated the most heinous cases. As a concluding remark, although the numbers are already disturbing, the true severity of male sexual victimisation, according to what has already been discussed above, can be beyond these numbers and a much more alarming situation.

17. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General', 3 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021
18. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General', 6 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021
19. Chris Dolan, 'Has Patriarchy been Stealing the Feminists' Clothes? Conflict-related Sexual Violence and UN Security Council Resolutions' [2014] IDS Bulletin 45.1 80, 81
20. United Nations Department of Peace Operations (DPO), 'The Handbook for United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence' <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2020/06/2020.08-UN-CRSV-Handbook.pdf>> accessed 16 May 2021
21. Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, 'Factsheet: 12th Annual Report of the SG on Conflict-Related Sexual Violence (CRSV)' <<https://www.un.org/sexualviolenceinconflict/factsheet-12th-annual-report-of-the-sg-on-conflict-related-sexual-violence-crsv/>> accessed 14 May 2021
22. UN Security Council, 'S/2021/312 Conflict-related sexual violence Report of the Secretary-General', 9 <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/2020-report-of-the-secretary-general-on-crsv-english/2103724E.pdf>> accessed 12 May 2021



POST-CONFLICT SEXUAL VIOLENCE AGAINST THE MALE GENDER IN SOUTH AFRICA

By Catia Trevisani

“Regrettably, sexual violence continues to occur in most conflict and post-conflict situations, and this remains a subject of grave concern for my country and must be of this [Human Rights] Council too. Ending this scourge, addressing the resulting trauma, stigma and holding those responsible for committing these heinous acts accountable as well as to attending to the needs of the victims and survivors, should remain our priority.”

Statement of the Republic of South Africa to the United Nations Security Council regarding the Open Debate on Women, Peace, and Security: Sexual Violence in Conflict by Dr. GNM Pandor, Minister of International Relations and Cooperation, 17 July 2020 [1].

INTRODUCTION

Since the beginning of war-time, sexual violence have been used as a weapon of war, a tool to achieve military objectives such as ethnic cleansing, genocide, spreading political terror, breaking the resistance of a community, intimidation or extraction of information [2]. According to the International Committee of the Red Cross's advisory service, rape and other forms of sexual violence are prohibited by numerous international treaties. However, no international treaty, including the four Geneva Conventions of 1949 and their Additional Protocols of 1977, contains precise and universal definitions of rape or sexual violence [3].

Conversely, under the Rome Statute of the International Criminal Court, the international law saw the recognition of gender violence as human rights and humanitarian law among the gravest international crimes (crimes against humanity and war crimes). Following this, ad hoc international tribunals recognised in their jurisprudence gender crimes as a war crimes, crimes against humanity and genocide. In spite of the recognition of gender violence during armed conflict, several issues and limitations still remain. At the national level, for instance, every statute provides different definitions and policies to address this.

Taking into account limitations and problems, this research attempts to revitalize the Centre for African Justice, Peace, and Human Rights' discussion on sexual violence and male victims in South Africa, where evidence on conflict and post-conflict situation shows that both men and women have been victims or perpetrators of rape or others sexual violence.



1. <http://www.dirco.gov.za/docs/speeches/2020/pand0717.htm>

2. Agnieszka Szpak, Gender and sexual crimes before ad hoc international criminal tribunals, in International Journal of Public Law and Policy, January 2011.

3. International Committee of the Red Cross, Advisory Service on International Humanitarian Law, 2015.

SOUTH AFRICA AND SEXUAL VIOLENCE

Notwithstanding having one of the most inclusive and progressive constitutions in the world, South Africa has also one of the highest rates of sexual offenses globally [4]. Thousands of victims have experienced different types of sexual violence acts, such as rape, forced marriage, sexual enslavement, among several others. Understood as both a public health and human rights problem, sexual violence will affect the lives of the civilian populations at many levels, in the short and long term, irrespective of the age and gender of the victims. The burden of sexual violence has been well described in children of both sexes and women, but there is minimal literature on adult male rape victims. Studies of adult male rape victims have mainly been conducted among incarcerated males or military personnel and in high-income countries [5].

As stated by L. Vetten, not all forms of sexual violence are defined as crimes in South Africa. Many sexual harassment acts, for example, fall within the ambit of behavior treated as misconduct and are dealt with in terms of labor law and institutions' disciplinary codes. The different laws involved make it difficult to achieve a comprehensive overview of the nature and extent of reported sexual victimization in South Africa. Although the South African Police Service provides figures for some sexual offenses once a year, educational institutions and workplaces are not compelled to report on their disciplinary proceedings. As a result, some cases of sexual victimization will be hidden. There is also very little nationally representative data on all types of sexual offenses, and in some instances, there is no information at all regarding the experiences of particular categories of victims. [6].



4. Deane, Tamechnie (2019). Sexual Violence and the Limits of Laws' Powers to Alter Behaviour: The Case of South Africa. *Journal of International Women's Studies*, 19(2), 84-103.

Available at: <http://vc.bridgew.edu/jiws/vol19/iss2/6>

5. R. Jina, M. Machisa, G. Labuschagne, L. Vetten, L. Loots, R. Jewkes, Unspoken victims: A national study of male rape incidents and police investigations in South Africa, *South African Medical Journal* 2020;110(9):926-931.

Available at: <http://www.samj.org.za/index.php/samj/article/view/13065>

6. L. Vatten, Rape and other forms of sexual violence in South Africa, Institute for Security Studies, Policy Brief 72, November 2014. Available at: <https://www.files.ethz.ch/isn/185885/PolBrief72.pdf>

REPORTING THE TRAUMA

In general terms, barriers to reporting the crime of sexual assault are based on a lack of trust in the criminal justice system and the medical services. Despite systematic reforms in health policy, there has been no significant change in the quality of services offered to rape survivors. As highlighted by studies, rape is one of the most devastating personal trauma. Survivors experience feelings of shock, disbelief, numbness, fear, anger, guilt, self-blame, sadness, and sometimes elation, as well as behavioral changes such as withdrawal, sleep disturbances, hypervigilance, mood swings, and poor concentration. Furthermore, lifestyle changes and avoidance are common [7].

For male victims, this aftermath situation is exacerbated from the gender perspective of masculinity. Indeed, as H. Gertie Pretorius and Richard M. Hull affirmed, the emotional responses exhibited can range from appearing calm and rational to expressing anger, depression, and hysteria. Some individuals react to trauma primarily in terms of their own identity, culture, and background. Male victims of rape experience the assault as either the impetus that takes their life in a completely new direction or the vice that clamps them into a position of little movement. The rape, therefore, seems to have incredible power which forces victims to re-evaluate what is most important and to make decisions that will take their life in a completely new direction [8].

SEXUAL VIOLENCE IN THE PRISONS CONTEXT

As already affirmed, sexual violence in prisons is a national widespread problem. Understandings and experiences of sexual violence in men and juvenile prisons are strongly influenced by a dominant inmate culture. The rape of men in prison can be seen as a good example of the type of violence that functions in excluding victims from the category of “man”. On one hand, the violence of rape is seen as destroying the victim's claim to masculinity, which in turn causes a fundamental loss of respect and identity amongst peers. On the other hand, once an initial rape has occurred, the result of the supposed loss of masculinity and enforced feminized identity is that the victim is viewed as sexual property, therefore paving the way for further sexual abuse [9]. Sexual violence in prisons remains an invisible issue in today's society. The stigma of rape, when perpetrated against men and boys, contributes to making sexual abuse in prisons a taboo subject [10]. Victimization in prison has the contrary effect of causing trauma, which brings with it numerous negative consequences. Among others, it contributes to the normalisation of violence and making violence part of how inmates understand themselves and each other [11]. Social acceptance or tolerance of various forms of violence is a major factor in the continued perpetuation of violence.

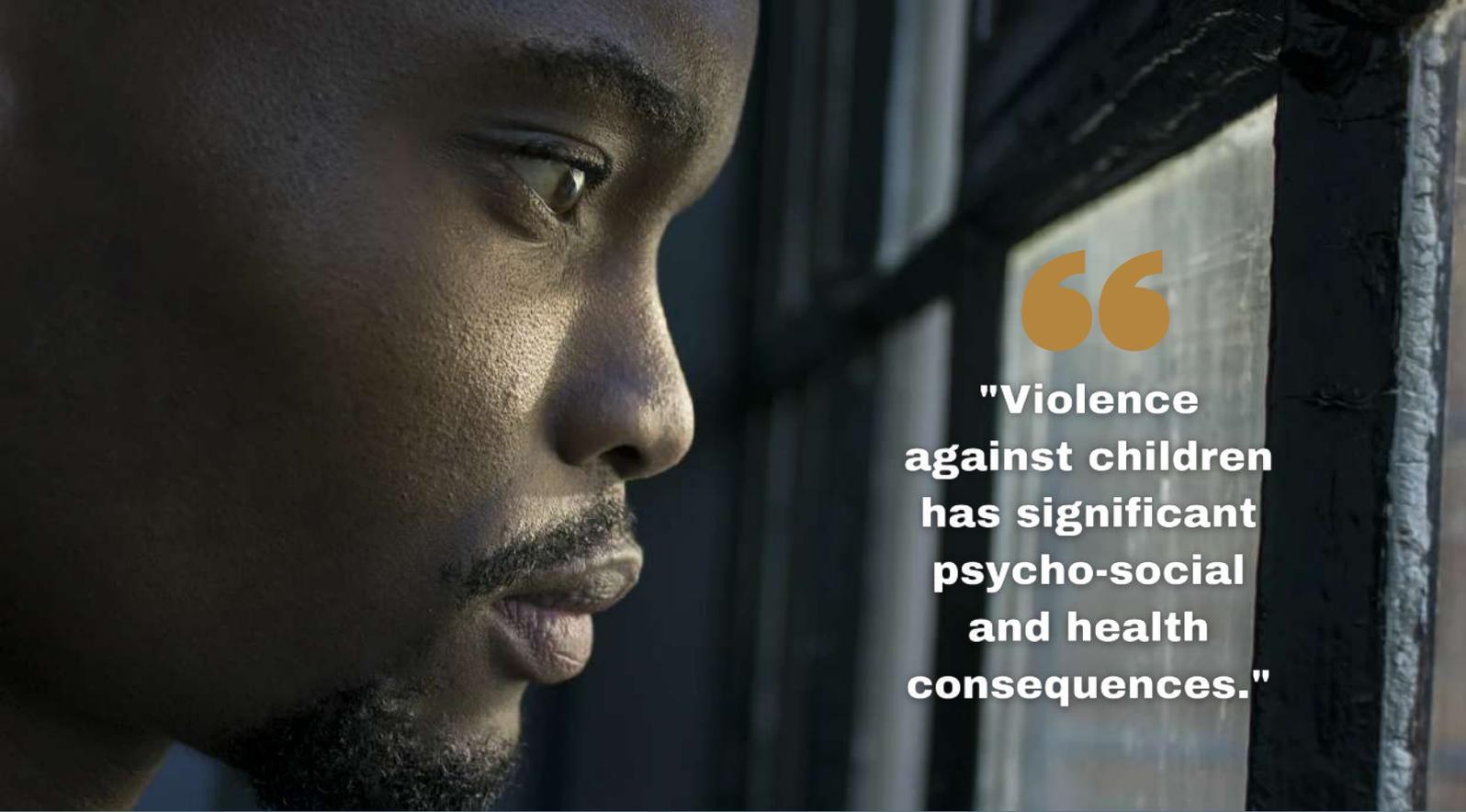


7. <http://www.samj.org.za/index.php/samj/article/viewFile/6802/4945>

8. H. Gertie Pretorius and Richard M. Hull, The Experience of Male Rape in Non-Institutionalised Settings, Indo-Pacific Journal of Phenomenology, Volume 5, Edition 2 December 2005.

9. S. Gear, Imprisoning men in violence. Masculinity and sexual abuse: a view from South African prisons, Institute for Security Studies, SA Crime Quarterly No. 33, September 2010.

10. <https://genderjustice.org.za/article/inmates-rights-a-sexual-abuse-in-south-african-prisons/>



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"Violence against children has significant psycho-social and health consequences."

As mentioned, different forms of violence are more prevalent at different stages of a child's life, and it is important to understand how violence impacts children's psycho-social functioning at different developmental stages and across their life course. This life-course perspective also highlights how early experiences of violence may increase the risk of children becoming victims or perpetrators later in life, and how the cumulative effect of violence has negative outcomes for the child [12]. Violence against children has significant psycho-social and health consequences. Its impact goes beyond the physical injuries and visible scars, and evidence has shown lasting emotional and social consequences. Abuse and neglect in early childhood affect brain development and impact cognitive and psycho-social adjustment, resulting in an increased risk of violent and anti-social behavior [13].

Paradoxically, rape and other gender-based crimes and acts of violence are occurring in a South African context in which gender empowerment and gender equity are firmly on the state's public agenda [14].

CONCLUSION

In conclusion, it may be affirmed that the high rate of sexual violence and oppression in South Africa is a problem that has arisen out of the complex dynamics that have accompanied the country's transition to democracy. The main related consequence is systematic underreporting due to race and gender. These few pieces of information aimed to show a contemporary reality of the South African country; where currently South Africa's legal definition of rape does not include boys or men as potential victims. Rather, male rape has been categorized as "sexual assault" and has resultantly been considered a lesser offense.

Additionally, the patriarchal and male-centered society legitimizes and normalizes violence against women and children, while maintaining men in a position of power and control. However, with the Criminal Law (Sexual Offences) Amendment Act passed by Parliament in 2007, new obligations on law-enforcement officials and courts have been imposed and the gender bias of the legal definition has been removed.

11. S. Gear, Fear, Violence & Sexual Violence in a Gauteng Juvenile Correctional Centre For Males, CSVR Criminal Justice Programme, Briefing Report No. 02, September 2007. Available at: http://menengage.org/wp-content/uploads/2014/06/Young_mens_reports_of_fear_and_violence_in_a_South_African_prison.pdf

12. http://ci.org.za/depts/ci/pubs/pdf/general/gauge2014/ChildGauge2014_preventionagenda.pdf

14. <http://globaldialogue.isa-sociology.org/sexual-violence-and-corrective-rape-in-south-africa/>

Dichotomy Of Gender Stereotypes: Consequences And The Impact On Male Victims Of Conflict Related Sexual Violence In Africa

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Historically, sexual violence during conflict can be used to destabilize a region, society or country. It may be directed at particular groups for reasons that may be political, religious, tribal, racial, cultural or economic. Conflict-related sexual violence is commonly used to exhibit power and control over the victims by humiliating and degrading them. It is a violent act of a sexual nature, not often about 'sexual desire', but wielded as a "weapon of war". Perpetrators have been known to use this violence to commit genocide or ethnic cleansing, by brutally damaging the reproductive organs of their victims to prevent procreation. Conflict related sexual violence (CRSV), can be anything from penetrative rape, sexual torture, forced rape of another, gang rape, forced incest and sexual genital mutilation. It can also comprise any act that targets a persons' sexual function or sexual identity, and perpetrated against all genders.

When picturing a sexual assault, our learned social construct conjures up an image of a male perpetrator and a female victim. Most literature on CRSV focuses on female victims and male perpetrators, "What is not commonly known or accepted and contradicts the traditional stereotype, is the existence of male victims and the actuality of female violators'. It is evocative that the dichotomy of gender stereotypes is skewed, victims and perpetrators of CRSV, can be both male or female. However, certain societies to date do not recognise or accept this fact.

1. Elise Feron, 'Wartime Sexual Violence Against Men: The Hidden Face Of Wartime' [2018] Tampere Peace Research Institute
2. Heloise Goodley, 'Ignoring Male Victim Of Sexual Violence In Conflict Is Short-Sighted And Wrong' <<https://www.chathamhouse.org/2019/01/ignoring-male-victims-sexual-violence-conflict-short-sighted-and-wrong>> accessed 1 June 2021.
3. Anne-Marie De Brouwer, 'The Importance Of Understanding Sexual Violence In Conflict For Investigation And Prosecution Purposes' [2015] Cornell International Law Journal.
4. Centre for African Justice, 'A Conversation On Sexual Violence Perpetrated Against The Male Gender' <<http://centreforafricanjustice.org/men-and-boys-as-hidden-victims-of-sexual-violence-a-conversation-on-sexual-violence-perpetrated-against-the-male-gender-organised-by-centre-for-african-justice-peace-and-human-rights/>> accessed 1 June 2021.
5. Turchik, Jessica A., et al. "An Examination of the Gender Inclusiveness of Current Theories of Sexual Violence in Adulthood: Recognizing Male Victims, Female Perpetrators, and Same-Sex Violence." *Trauma, Violence & Abuse*, vol. 17, no. 2, 2016, pp. 133–148. JSTOR, www.jstor.org/stable/26638391
6. Elise Feron, 'Wartime Sexual Violence Against Men: The Hidden Face Of Wartime' [2018] Tampere Peace Research Institute

INTRODUCTION

This article aims to highlight the existence of male conflict related sexual violence (MCRSV) while identifying gender stereotypes that exist throughout Africa. Focusing on the way these constructs contribute to how the victim and perpetrator are perceived and treated.

Male stereotypical gender constructs revolve around heterosexuality and machismo. This then means that if he is a victim of sexual violence, society and also the victim himself, may feel that he is 'stripped' of this heterosexual status. This is of course not the case. However society - including the victims' community, may view him otherwise. Traditionally men and women have specific roles among their families and communities. Men are typically the head of the household, the protectors and providers; women are largely seen as the care-givers, nurturing, and domesticated. Nevertheless, in some instances there are deviations to these constructs where the roles may be reversed, or shared, depending on the societal or cultural gender norms of that community. What is inconsistent with these stereotypical roles is the prevalence of MCRSV by female perpetrators. Gender norms do not recognise this prevalence that women can be perpetrators of such heinous crimes.

Disclosure after male sexual violation suggests that the mans' traditional role is frequently distorted. His family and community may no longer see him in the same way, for instnace victim-hood and masculinity are conflicting constructs

Distorted stereotypes can be confusing, as most societies do not provide a narrative for male victims. Generally narratives are only provided for male perpetrators. These constructs, as a result, cause a lack of understanding or complete denial of the violence that takes place. Significantly, and often negatively, this can influence the recovery process of the male victim, who loses the confidence to disclose, due to these stereotypes. It may be that he doesn't recognise the brutal acts as sexual. Instead he perceives them as a form of torture.



Consequently, he possibly lacks the education or correct language to describe events. The language used when describing incidents of MCRSV need to be accurate so it can reinforce a global understanding of these horrific crimes. In turn, this perplexity or disbelief can hinder the notion that the male victim may require emotional support or physical help; that he will need access to vital resources such as medical help, psychological therapies, as well as legal recognition to enable him to seek justice, without retribution and stigmatization of being a male victim. Notably, some countries do not recognise the rape of a man. Furthermore, consensual sexual relations between men remain illegal in many societies, another barrier for disclosure.

DEFINITIONS OF GENDER STEREOTYPES

Genders are usually defined as either male or female. In agreement with other academics gender is a human invention created out of social human interaction, by building social constructs, which can vary in different societies and can change over time. It is important to note, a person's gender identity may differ from his physiology or biological sex. Stereotype is a belief or idea about the traits of a particular person, group, or thing. Gender stereotyping as such is how we expect men and women to behave in certain situations and specific characteristics we as a society attribute to the roles of those individuals.

As mentioned above, these social constructs that form the gender stereotypes, has led society to think that only men can be the perpetrators of sexual violence and women are always the victims; research demonstrates this is not the case.

HISTORY OF MALE CONFLICT-RELATED SEXUAL VIOLENCE

Evidence collated through humanitarian aid, non-governmental organisations (NGOs), as well as testimonies of survivors and witness statements, reveals an increasing number of men reporting as victims of sexual violence during conflict. However, this phenomenon is not a new one. History shows it has always existed, although it is so taboo, that its male victims stay hidden, silent, and too fearful to reveal the atrocities they have been subjected to. Fearful of the stigmas that will be attached to them like being labelled as homosexual, and then being rejected from their families and communities. Looking back historically, countries such as Greece, China, Persia, Egypt and northern Europe traditionally used their captives during conflict as sex slaves, they were known to castrate and expose their captives too. These ancient acts of violence were used as effective ways to control captive men and destroy their sense of manhood, to intimidate and enforce dominance upon them and their communities. In 2010, a study by a team of medical doctors revealed that nearly a quarter of the male population have been victims of sexual violence in Eastern Congo.



7. Dara Kay Cohen, *Female Combatants And The Perpetration Of Violence* (Cambridge University Press 2013)

8. S. Sivakumaran, 'Sexual Violence Against Men In Armed Conflict' (2007) 18 *European Journal of International Law*.

10. Overseas Development Institute London, 'into The Mainstream: Addressing Sexual Violence Against Men And Boys In Conflict' (2014).

11. Paula Gerber, 'Living A Life Of Crime' (2014) 39 *Alternative Law Journal*.

12. Helen Durham and Katie O'Byrne, 'The Dialogue Of Difference: Gender Perspectives On International Humanitarian Law' (2010) 92 *International Review of the Red Cross*.

13. 'Gender And Health' (Who.int, 2021) <https://www.who.int/health-topics/gender#tab=tab_1> accessed 1 June 2021.

14. Elise Feron, 'Wartime Sexual Violence Against Men: The Hidden Face Of War' [2018] Tampere Peace Research Institute



In Liberia 32.6 % of male fighters reported some form of sexual violence. In addition incidents of MCRSV have been reported in many countries, including Burundi, Central African Republic, Democratic Republic Congo (DRC), Kenya, Liberia, Rwanda, Sierra Leone, South Africa, Uganda, and Zimbabwe, during these last few decades. The sexual violations towards men and boys included rape, forced sterilization, forced nudity, forced sexual slavery, forced marriage and sexual genital mutilation (causing excessive bleeding) which often led to fatal consequences. It is evident that combatants today continue the brutality of the past using equally cruel techniques as “weapons of war” to commit sexual violations towards its male victims. Demonstrating a long and continuing history of the prevalence of male sexual violence. More importantly what is fairly recent however, is the attention and recognition of these incidents, the newly documented reports from witnesses and victims through NGOs and aid agencies. This vital work of the agencies is necessary to break down these stereotypes and myths “that men can’t be raped” while bringing international-level attention so global policy and law makers can contribute to ending these historic and present-day wartime atrocities.

CONSEQUENCES OF DISCLOSURE

In communities where stereotypical and patriarchal views are perpetuated, men are unable to reveal their pain, unable to talk about it because the gender roles are strictly defined in African societies, no man is allowed to be vulnerable, nor should he break down and cry. Being overpowered by the perpetrator, is incompatible with one's perceived masculinity traits and incompatible with being a man.

Statements from both victims and attackers talk about the women's lesser status in society, so when a man is raped, the perception is that he is being turned into a woman. Therefore his status has been lowered, confused and bewildered as to where he stands within the group, and he can begin to feel ostracised. The male victim may question his own sexuality, especially if he had an erection or ejaculation during the rape (normally an uncontrolled reflex of stimulation), he may see this as proof of homosexuality or bisexuality.

17. Anne-Marie De Brouwer, 'The Importance Of Understanding Sexual Violence In Conflict For Investigation And Prosecution Purposes' [2015] Cornell International Law Journal.

19. Ligia Kiss and others, 'Male And LGBT Survivors Of Sexual Violence In Conflict Situations: A Realist Review Of Health Interventions In Low-And Middle-Income Countries' (2020) 14 Conflict and Health.

20. Wynne Russell, 'Care And Support Of Male Survivors Of Conflict-Related Sexual Violence' [2011] Sexual Violence Research Institute

24. David Eichert, "Homosexualization" Revisited: An Audience-Focused Theorization Of Wartime Male Sexual Violence' (2018) 21 International Feminist Journal of Politics

25. S. Sivakumaran, 'Sexual Violence Against Men In Armed Conflict' (2007) 18 European Journal of International Law.

26. Helen Durham and Katie O'Byrne, 'The Dialogue Of Difference: Gender Perspectives On International Humanitarian Law' (2010) 92 International Review of the Red Cross.

27. Conor Friedersdorf, 'The Understudied Female Sexual Predator' (The Atlantic, 2021) <<https://www.theatlantic.com/science/archive/2016/11/the-understudied-female-sexual-predator/503492/>> accessed 1 June 2021

28. Turchik, Jessica A., et al. "An Examination of the Gender Inclusiveness of Current Theories of Sexual Violence in Adulthood: Recognizing Male Victims, Female Perpetrators, and Same-Sex Violence." Trauma, Violence & Abuse, vol. 17, no. 2, 2016, pp. 133–148. JSTOR, www.jstor.org/stable/26638391

Sometimes men may not have the right words to express themselves - the language needed to describe sexual violence is alien to him. This can be shown through examples of men thinking that their rape was a form of torture, rather than a sexual crime.



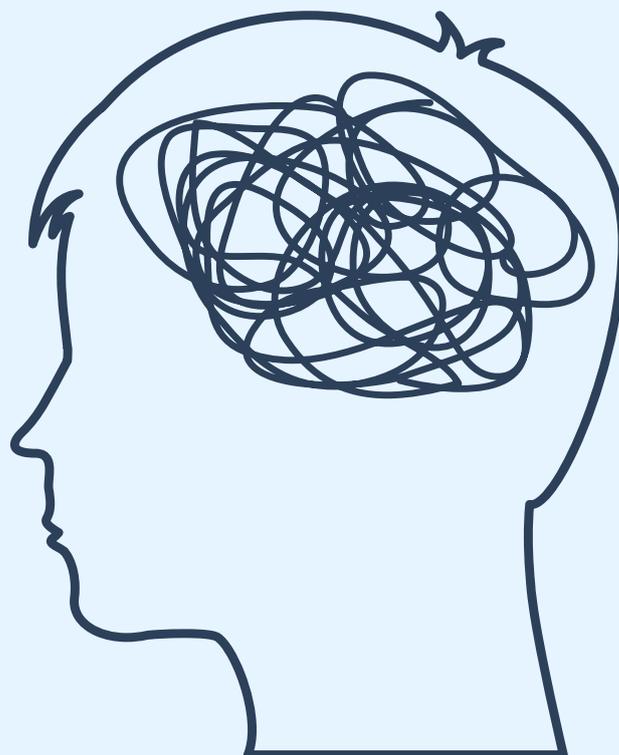
LABELLING SEXUALLY VIOLENT WORDS ACCORDING TO THE GENDER OF THE VICTIM IS CONTROVERSIAL AND NEEDS TO BE ADDRESSED. SO THAT MALE SEXUAL VIOLENCE CAN BE SAFELY REPORTED AND PROPERLY PROSECUTED.

It is imperative that:

- the definitions of male sexual violence are explained;
- accurate phrases are necessary to describe male rape in order to help breakdown stereotypes; and
- correct classifications are made. This helps to give the victim a voice by arming him with the right vocabulary to tell his story.

Lawyers and judges may not accept male rape, so the language used when describing events can sometimes be suppressive. Instead of stating the victim was 'castrated' the term 'mutilated' would be used. Another example is changing the word 'rape' to 'torture in relation to a man.

A huge obstacle to men reporting is fear of being treated like a criminal. In at least 70 countries consensual same-sex acts are criminalised, therefore, the victim could be subject to arrest and jailed if he reports the crime, especially if he is unable to prove the rape, which is so often the case. In some jurisdictions the death penalty is the punishment as Geber reports. 'The poisonous legacy of British colonialism has led to at least 4 out of 5 commonwealth countries where consensual homosexuality is illegal. It's worth noting commonwealth countries make up at least 30% of the population highlighting a huge task to change this discrimination. The scars are not always physical, there are lasting psychological scars too. In the end without the reinforcements of the aid agencies, and other representatives the victim suffers in silence which can lead to serious mental health issues.



29. Ligia Kiss and others, 'Male And LGBT Survivors Of Sexual Violence In Conflict Situations: A Realist Review Of Health Interventions In Low-And Middle-Income Countries' (2020) 14 Conflict and Health.

30. Overseas Development Institute London, 'into The Mainstream: Addressing Sexual Violence Against Men And Boys In Conflict' (2014).

31. Paula Gerber, 'Living A Life Of Crime' (2014) 39 Alternative Law Journal

32. Wynne Russell, 'Care And Support Of Male Survivors Of Conflict-Related Sexual Violence' [2011] Sexual Violence Research Institute

33. David Eichert, "'Homosexualization' Revisited: An Audience-Focused Theorization Of Wartime Male Sexual Violence' (2018) 21 International Feminist Journal of Politics

34. Wynne Russell, 'Care And Support Of Male Survivors Of Conflict-Related Sexual Violence' [2011] Sexual Violence Research Institute

35. Toro-Morn M.I. (2008) Beyond Gender Dichotomies: Toward a New Century of Gendered Scholarship in the Latina/o Experience. In: Rodríguez H., Sáenz R., Menjivar C. (eds) Latinas/os in the United States: Changing the Face of América. Springer, Boston, MA. https://doi.org/10.1007/978-0-387-71943-6_1

36. S. Sivakumaran, 'Sexual Violence Against Men In Armed Conflict' (2007) 18 European Journal of International Law

Psychological obstacles causing gender confusion, such as mentioned above, and seeking help may re-enforce his perceived idea of being feminised and losing his heterosexual status; hence preventing him from disclosing the violence.

The focus of the perpetrator is not about the individual victims, it is about destruction, demoralisation, and breaking down the gender norms of the region. They aim to cause physical and psychological trauma and as much devastation as possible, by inflicting sexual violence as a weapon of war to break down the family units and the community groups that they target. Through rape and other sexual brutality, male victims are emasculated, destroying their manhood and status. Furthermore, often once communities are aware that a male member has become a victim, community consensus suggests that: 'if he can't protect himself how can he protect us'. The perpetrator achieves his goals by sullyng his heterosexual status, taking away his power and leadership, resulting in a demoralising effect in a male-dominated society.

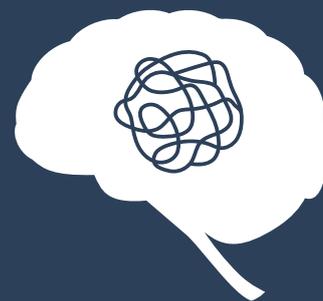
These consequences stereotypically have a negative impact on how they are perceived by others and how they perceive themselves. One such example was a man raped by numerous men for nine consecutive nights. Afraid that he would no longer be seen as a man, he refused to disclose the rape to his relatives. As mentioned, the repercussions of non-disclosure are psychologically damaging, and will leave lasting traumas on victims and those close to them. The perpetrator succeeds in leaving the community scarred and scared.

FEMALE PERPETRATORS

According to new research, sexual victimisation by women is more common than gender stereotypes would suggest. During the 1994 genocide in Rwanda, it was reported that women combatants were active in sexual violence and killings as they were instrumental in orchestrating rape of both men and women. Existing stereotypes generally consider females to be inherently non-violent, as peacekeepers; they are typically conceived as victims of war rather than combatants.

During a 2010 survey in DRC which measured sexual violence in conflict settings which included Liberia, Timor-Leste, Sierra Leone, and Uganda, it emphasized gender stereotyping by assuming the perpetrators were male, omitting the question as to the sex of the perpetrator in all zones apart from DRC, where the question was included. Statistics revealed 40% female and 15% male survivors reported female perpetrators.

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THOUGHTS.**



37. Anne-Marie De Brouwer, 'The Importance Of Understanding Sexual Violence In Conflict For Investigation And Prosecution Purposes' [2015] Cornell International Law Journal.

38. Conor Friedersdorf, 'The Understudied Female Sexual Predator' (The Atlantic, 2021) <<https://www.theatlantic.com/science/archive/2016/11/the-understudied-female-sexual-predator/503492/>> accessed 1 June 2021

39. Dara Kay Cohen, *Female Combatants And The Perpetration Of Violence* (Cambridge University Press 2013)

40. Anne-Marie De Brouwer, 'The Importance Of Understanding Sexual Violence In Conflict For Investigation And Prosecution Purposes' [2015] Cornell International Law Journal.

41. Elise Feron, 'Wartime Sexual Violence Against Men: The Hidden Face Of Wartime' [2018] Tampere Peace Research Institute

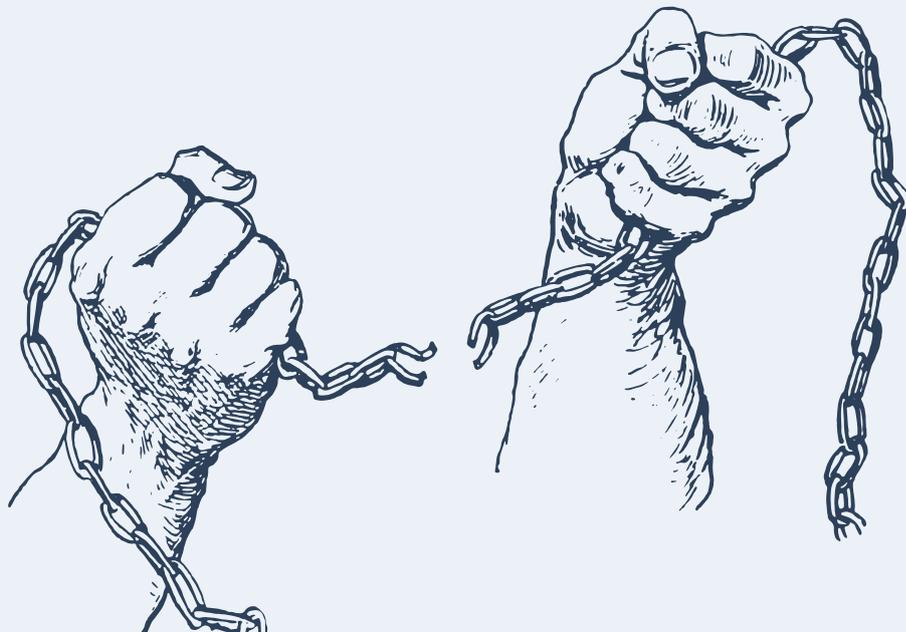
42. Heloise Goodley, 'Ignoring Male Victim Of Sexual Violence In Conflict Is Short-Sighted And Wrong' <<https://www.chathamhouse.org/2019/01/ignoring-male-victims-sexual-violence-conflict-short-sighted-and-wrong>> accessed 1 June 2021

Ordinarily female violators are not held accountable for their actions. Courts tend to focus on prosecuting the leaders and women are not thought to hold leadership positions during conflict. One notable case that contradicts this notion is of Pauline Nyiramasuhuko, who was found guilty in 2011 of mass rape and encouraging attacks as a leader. Relying on her gender as a defence, she claimed as a mother she would be incapable of ordering such atrocities and as a woman was powerless in a male dominated government, so consequently could not stop the genocide. It seems she was using her female characteristics to sway the judgements. With such low reporting, it is evident that far more research is needed, as the prevalence of female perpetrators extends farther than imagined

CONCLUSION

Far too little research has been carried out in terms of male conflict-related sexual violence even though its prevalence is historical. The stereotypes impede agencies' abilities to tackle this phenomenon as there is a need to first recognise and accept men are raped, in order to address the victim's needs. Under-reporting does not help and the existing taboos prevent men coming forward. The shame they feel - similar to that of female victims, precludes reporting. They also tend not to seek health treatments unless their situation is critical. Often this can be too late and result in fatal consequences. As such, these taboos need to be challenged and de-stigmatized. Infrastructures need to be set up to accommodate victims and better training is needed identify signs of male rape. As a consequence of afore-mentioned cultural paradigms, it is very difficult for men to get the help they need.

By understanding these realities we can then set about offering medical and psychological help as well as educating the communities to break the gender cycle. Discrimination needs to be shifted from the victim to the perpetrator so families and communities can offer support rather than rejection. It is important to acknowledge the suffering of both genders can dispel the misconception that men are immune from sexual violence. The current emphasis on the women, peace and security agenda discriminates against male victims. They exclude men and perpetuate the notion that only women are victims of sexual violence. Lastly, legal settings can be a great vehicle for change. By modifying attitudes and training judges and legal representatives to hear and understand victims' stories, this may encourage more male victims to step forward, and let their voices be heard.



SOCIO- CULTURAL NORMS SURROUNDING SEXUAL VIOLENCE AGAINST MEN AND BOYS IN THE CENTRAL AFRICAN REPUBLIC.

BY TAMIA BRITO



The Central African Republic (CAR) has endured over sixty years of armed violence. Yet, after thirteen peace agreements between different actors and a United Nations (UN) peacekeeping mission active since 2014 - the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) - CAR has not experienced sustainable peace.

THE LONG- TERM CONFLICT

CAR has struggled with conflict and violence since its independence in 1960 [4]. The young republic is one of the poorest in the world, it has been among the ten most under-reported humanitarian crises for the last five years, and has suffered an increasing number of deaths and forced displacements [5]. CAR's attempts to stabilize and institutionalize order and the rule of law have failed to land in reality, as evidenced by a tumultuous history and numerous regime changes [6].

With CAR's lack of progress in state-building, political instability, violence and armed conflict continue to advance [7].

This situation is affected by a variety of actors, including state security forces and opposing armed groups, as are the Séléka and anti-Balaka. With the upsurge of insecurity of 2012 and 2017, armed groups started apprehending roles and spaces left vacant by the state [8]. By the last quarter of 2020, around 80% of the country's territory was under their control, and with it, a wide array of violent human rights breaches perpetrated in conflict, as is sexual violence [9]. Sadly, the situation in CAR has only worsened in time [10].

A SHATTERED EXPECTATION

This is also the case for CRSV against men and boys. Research has shown that the increasingly complex nuances of the conflict in CAR have increased the number of sexual violence incidents against men and boys, which have also diversified in intent and practice [11]. Such aims can only be understood upon reflection of the socio-cultural context. CAR is also a complex country to assess and address gender equality, as social norms are quite diverse. Religions play a role in determining social norms [12], and, due to CAR's cultural variety, different forms of stigma differ among ethnic, sectarian and geographical communities [13]. For men and boys in CAR, there is a general socio-cultural expectation of hegemonic masculinity. The Central African society tends to operate under patriarchal societal roles that put the male members of the community above others, as authority and power figures [14]. Men are often perceived as stronger and more resilient, putting them as natural heads of their households and as main actors in society at large [15].

5. UNHCR, 'Central African Republic situation' (2021) www.unhcr.org/central-african-republic-situation.html accessed 13 May 2021.

6. Henry Kam Kah, 'History, External Influence and Political Volatility in the Central African Republic (CAR)' (2014) 3(1) *Journal for the Advancement of Developing Economies*, at 20 <<https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1004&context=jade>> accessed 13 May 2021.

7. Mohamed M. Diatta, 'New approach to peace needed in the Central African Republic' (2021), Institute for Security Studies, at 4 <<https://issafrica.org/research/central-africa-report/new-approach-to-peace-needed-in-the-central-african-republic>> accessed 16 May 2021.

9. International Crisis Group, 'Avoiding the Worst in Central African Republic' (28 Sep 2017) <www.crisisgroup.org/africa/central-africa/central-african-republic/253-avoiding-worst-central-african-republic> accessed 13 May 2021.

10. Council on Foreign Relations, 'Violence in the Central African Republic' (2021) www.cfr.org/global-conflict-tracker/conflict/violence-central-african-republic accessed 13 May 2021.



As a male in CAR, a person is expected to live up to dominant forms of masculinities, for instance, to be tough, to be a provider and a protector. Such expectations are also reflected in sexual behaviors, as men are often condoned and even praised by sexual behavior that demonstrates toughness and dominance [16].

Thus, when a male becomes a victim of CRSV, the illusion of male invulnerability is shattered. The rigid social norms and expectations for males in CAR and the clash with their victimization through sexual violence forge levels of stigma that make the issue a taboo. CRSV against men and boys is often hidden under different layers of shame, dishonor, disgrace and rejection, forcing them to deal with a significant psychological burden. There is the community's rejection that comes from the crack in social norms, and also the individual identity crisis that comes from the same divergence. As a result, victims are more reluctant to speak up and ask for help [17]. Even when male victims gather the strength to report the incidents, law and policy are mainly directed at female victims, failing to acknowledge CRSV affects males too [18]. Further, due to the security challenges in CAR, the general insecurity situation, the institutions weakened by conflict and the fact that the perpetrators are mainly armed, there is a culture of impunity followed by a conspiracy of silence. According to UN officials, 'no one has ever been arrested and convicted for CRSV' in CAR [19], leading to a normalization of sexual violence [20].

BREAKING THE NORM

The rigid social norms, practices and attitudes related to masculinities in CAR are perpetuating voicelessness regarding CRSV against the male gender. Despite laudable efforts from both the national and international community, CRSV against men and boys remains unknown and under-reported in CAR. The rigid traditional socio-cultural norms forge levels of stigmatization and rejection that force the victims to remain hidden and allow society to make it a taboo subject. The conflict and its negative impact on the governmental authorities and justice system perpetuate impunity for the perpetrators. And, the lack of available means for male victims, to both report incidents and receive adequate assistance, keep the issue unspoken, making it even harder to obtain reliable data on the subject [21]. Men and boys have been continuously ignored, rejected and silenced in this conspiratory cycle. Breaking the shattered illusion of rigid socio-cultural expectations of what it means to be a man is thus a step forward towards their acknowledgement, acceptance and protection.



11. Hendrew Lusey, 'Gender Norms, Violence and Concepts of Masculinity' (2016), at 11 www.google.com/url?sa=t&rc=1&q=&esrc=s&source=web&cd=&ved=2ahUKEwiP69zNodHwAhWP3OAKHYi7CaQQFjACegQIAxAD&url=https%3A%2F%2Ftearfund.org%2F-%2Fmedia%2Flearn%2Fresources%2Freports%2Fgender-norms-violence-and-masculinity.pdf&usq=AOvVaw3Wbz9EdjGLPhwXppL2_FDu accessed 13 May 2021.

13. Cordaid, 'Tackling Sexual Violence in Central African Republic' (2020), at 5 www.cordaid.org/en/publications/tackling-sexual-violence-in-central-african-republic/ accessed 13 May 2021.

14. Hendrew Lusey, 'Gender Norms, Violence and Concepts of Masculinity' (2016), at 25 www.google.com/url?sa=t&rc=1&q=&esrc=s&source=web&cd=&ved=2ahUKEwiP69zNodHwAhWP3OAKHYi7CaQQFjACegQIAxAD&url=https%3A%2F%2Ftearfund.org%2F-%2Fmedia%2Flearn%2Fresources%2Freports%2Fgender-norms-violence-and-masculinity.pdf&usq=AOvVaw3Wbz9EdjGLPhwXppL2_FDu accessed 13 May 2021.

16. In 1998, an instruction was given to prosecutors to de-criminalize rape and treat it as an indecent assault ("attentat à la pudeur"). According to CAR's Penal Code, rape charges carry a sentence of 10 years of imprisonment, requiring a session to determine the sentence. Yet, criminal sessions are infrequent. In 2016, a new instruction was given to cease decriminalizing rape, but magistrates and prosecutors have continued downgrading the crime.

17. Doctors without borders, 'Sexual violence remains a public health crisis in the Central African Republic' (2021) <https://reliefweb.int/report/central-african-republic/sexual-violence-remains-public-health-crisis-central-african> accessed 13 May 2021.

18. See, e.g., the Sectoral Policy of Justice 2020–2024, at 68 and Decree 15.007 of January 8, 2015 establishing L'Unité Mixte d'Intervention Rapide et de Répression des Violences Sexuelles Faites aux Femmes et aux Enfants — UMIRR.

19. Cordaid, 'A Drop of Water on a Hot Stone': Justice for Victims in the Central African Republic' (2021), at 15 www.cordaid.org/en/publications/a-drop-of-water-on-a-hot-stone-justice-for-victims-in-the-central-african-republic/ accessed 13 May 2021.

Victim participation in the criminal proceedings: what are the effects of delivering a victim impact statement both for victims of sexual violence and the outcome of criminal justice?

By Aikaterini Morali

Historically, crime victims and victims of sexual violence were excluded from the criminal justice proceedings and were considered to be the forgotten party, while the victim status was not regarded as an “important” matter during criminal justice procedure [1]. Victims’ participation during the criminal proceedings was not only neglected but also limited rendering victims as “private parties” whose role was restricted to that of witnesses [2]. In the middle of the 20th century though, victims’ rights, remedies, and reparations for victims were in the centre of attention, while an active role for victims during the criminal proceedings was more than needed, as many scholars and especially Margery Fry stressed out the importance of compensation for victims of crime by the state [3].

New welcomed reforms, such as The Youth Justice and Criminal Evidence Act 1999 which presented a range of particular measures for witnesses to testify in courts (live televised links, courts in “closed doors” for sexual offenses cases, an alternative to live testimony) and the public nature of decision-making procedures have influenced the concept of “participation” during the criminal justice proceedings [4].

One of the most crucial forms of victim participation during the criminal justice proceedings is the Victim Personal Statement, mostly known as Victim Impact Statement (VIS). The Victim Impact Statement was introduced in 2001 emerged by a commitment in the 1996 Victims’ Charter (Home Office 1996) [5].

“

One of the most crucial forms of victim participation during the criminal justice proceedings is the Victim Personal Statement.

1 J. Wemmers, “Where to they belong? Giving victims a place in the criminal justice process”, *Criminal Law Forum*, 20, 2009, pp 395-16.

2 J. Doak, “Victims’ Rights in Criminal Trials: Prospects for participation”, *Journal of law and Society*, 2005, pp. 249-316.

3 J. Wemmers, “Where to they belong? Giving victims a place in the criminal justice process”, *Criminal Law Forum*, 20, 2009, pp 395-16

4 J. Doak, “Victims’ Rights in Criminal Trials: Prospects for participation”, *Journal of law and Society*, 2005, pp. 249-316.

5 I. Edwards, “An ambiguous participant, The Crime Victim and Criminal Justice Decision-Making”, 2004, pp. 967-982.

as a result of the crimes, they have endured [6]. Delivering a Victim Impact Statement allows victims to actively participate in the criminal proceedings, while VIS promotes a way for victims to express their experiences and opinions, giving them a “voice” and an active role during the proceedings as well [7]. Victims explain with their own words the consequences of the crime, the impact of harm, give information on how they are affected by the crime, help the court realize their views, and make the offender aware of how the crime affected them [8]. Thus, the Victim Impact Statement has both decision-making and an information-providing role for victims [9]. Victim Impact Statement can be either an oral or a written statement and it is a highly controversial issue given the fact that many opponents believe that it can influence the offender’s sentence rather than promoting “liberating” feelings for the victims [10]. In the Netherlands, for instance, the use of VIS is restricted since victims are allowed to speak only about the consequences of the crime and not about facts or desired punishment [11].

"Delivering a Victim Impact Statement can have many beneficial effects for victims of sexual violence"

6 A. L. Wevodau, R.J. Cramer, A. Kehn, J.W Clark III, "Why the Impact? Negative Affective Change as a Mediator of the Effects of Victim Impact Statement, *Journal of Interpersonal violence*, 2014, pp.1-20.
7 Lens, K.M.E, "Do these words give rise to doubts?": Unraveling the effects of delivering a victim impact statement, 2014, p-19.
8 I. Edwards, "An ambiguous participant, *The Crime Victim and Criminal Justice Decision-Making*", 2004, pp. 967-982.
9 *Ibid.*
10 Lens, K.M.E, "Do these words give rise to doubts?": Unraveling the effects of delivering a victim impact statement, 2014, p-19.
11 *Ibid.*
12 J. Muraszkiwicz, "Fulfilling Aspirations for Victims Participation in Criminal Trials?", *Article 12 of the EU Sexual violence Directive*, *New Journal of European Criminal Law*, Vol. 7, Issue 3, 2016, p. 340.

Effects on Victims

Sexual violence victims are passing through many stages. Thus, victims face physical and psychological traumas [12]. Delivering a Victim Impact Statement can have many beneficial effects for victims of sexual violence.

First of all, delivering a VIS can have positive effects on reducing victims' vulnerabilities by promoting victims' rights [13]. Victims have the opportunity to present the consequences of the crime to them by delivering a VIS, which can be used as a way for victims to claim compensation [14]. Given their vulnerable position, victims have the right to file for their legitimate interest in compensation and reparation [15].

Victim Impact Statements provide to the court information and evidence about the extent of the harm that victims experienced, which can lead to effective assistance and remedies for the victims [16]

VIS is an expression for victims facilitating the closure and the catharsis [17]. When victims are fully respected during the criminal proceedings and their statements are taken into account, "customer satisfaction" ensues [18]. The latter has as a result the alleviation of emotional and psychological symptoms related to victimization [19].

By including victims in the criminal justice proceeding and being able to deliver a mouthpiece is highly associated with feelings such as security and dignity [20].

Empirical research has shown that victims who delivered a VIS experienced satisfaction facing fewer difficulties and they had gained more confidence, while they were also more receptive to treatment [21]. In general, courtrooms are an unfamiliar environment for victims, while the criminal justice procedure is considered to be a really stressful process. This is absolutely true for victims of sexual violence having faced brutality, violence, manipulation, and abuse. For them, the justice proceeding is a system of investigating and scrutinizing their traumas, so including them in the criminal proceedings and giving them the right to be heard is at least a human perspective [22].



13 J. Muraszkievicz, "Fulfilling Aspirations for Victims Participation in Criminal Trials?", Article 12 of the EU Human Trafficking Directive, *New Journal of European Criminal Law*, Vol. 7, Issue 3, 2016.
14 A. Pemberton, S. Reynaers, "The controversial nature of victim participation", *Therapeutic jurisprudence and victim participation in justice*, 2011.
16 Trey Hill, *Victim Impact Statements: A Modified Perspective*, 29 *Law and Psychology, Rev* 211, 2005.
17 I. Edwards, "An ambiguous participant, The Crime Victim and Criminal Justice Decision-Making", 2004, pp. 967-982.
19 G. Roberts, J. Holmes, "Healing Stories: Narrative in Psychiatric and Psychotherapy", 1999.
21 I. Bacik, C. Maunsell and S. Grogan, "The Legal Process and Victims of Rape, Dublin: The Dublin Rape Crisis Center", 1998.
22 J. Muraszkievicz, "Fulfilling Aspirations for Victims Participation in Criminal Trials?", Article 12 of the EU Human Trafficking Directive, *New Journal of European Criminal Law*, Vol. 7, Issue 3, 2016, p. 342.

A VICTIM IMPACT STATEMENT IS QUITE A CONTROVERSIAL ISSUE.



Moreover, VIS is related to the fact that it gives victims a “voice”. By delivering a VIS, an active role during the criminal proceedings is given to victims, rather than just testifying and answering only questions which may enhance their vulnerability and passive role [23]. Related to this, VIS is also associated with the reduction of secondary victimization. Victims feel dissatisfied when their role during the proceedings is restricted, while social awareness concerning the harm and the vulnerability of victims is always a limiting factor in traumatic complaints [24]. Furthermore, delivering a VIS has many therapeutic benefits for the victim itself, as VIS is considered to reduce anxiety, fear, and help victims to move forward with their lives [25].

Delivering either an oral or written statement is an opportunity for victims to participate and it gives them a powerful sense of control in order to recover from harm and vulnerable position, having also a low risk of presenting post-traumatic stress disorder (PTSD) [26]. It goes without saying that the victims' psychological state plays a crucial role in delivering an oral or written victim impact statement. Victims of sexual violence who delivered an oral or a written impact statement faced higher levels of anxiety than those who did not [27]. It is relevant to the fact that the choice of delivering a VIS is associated with victims' recovery [28].

Victims of sexual violence who have a strong sense concerning their recovery are more focused on avenues for action, while such an avenue is participating in their cases, delivering a victim impact statement, and thus presenting fewer negative experiences [29]. It appears that more women choose to deliver a VIS, especially those who are more psychologically affected and have experienced lower levels of recovery and control [30].

Is a VIS crucial to victims' sense of control and emotional well-being?

For victims of sexual violence delivering a VIS is a way to close a chapter in their life as they want to move and start again. It is also important the fact between delivering a written or an oral VIS. It is evident that victims who make a written statement are experiencing higher levels of anger than victims who choose to deliver an oral statement [31].

Oral statements, though, lack most of the necessary therapeutic benefits regarding prevention of trauma without meaning that VIS has no therapeutic benefits [32]. When it comes to reporting the crime, research has shown that victims who have the right to be heard and they can deliver a VIS are more prone to report the crime and cooperate with the law enforcement contributing to the fight against sexual violence [33].

23 J. Wemmers, “Where to they belong? Giving victims a place in the criminal justice process”, *Criminal Law Forum*, 20, 2009, p. 399.

24 A. Pemberton, S. Reynaers, “The controversial nature of victim participation”, *Therapeutic jurisprudence and victim participation in justice*, 2011.

27 Lens, Pemberton, Brans, Braeken, Bogaerts, Lahlah, “Delivering a Victim Impact Statement: Emotionally effective or counter-productive?”, *European Journal of Criminology*, 2015.

28 A. Pemberton, S. Reynaers, “The controversial nature of victim participation”, *Therapeutic jurisprudence and victim participation in justice*, 2011.

30 Lens, Pemberton, Brans, Braeken, Bogaerts, Lahlah, “Delivering a Victim Impact Statement: Emotionally effective or counter-productive?”, *European Journal of Criminology*, 2015.



Nevertheless, risks also exist for victims of sexual violence. Victims of sexual violence who make a highly emotional Victim Impact Statement run the risk of being revictimized, followed by a pattern of secondary victimization both during the criminal proceedings and their environment as well [34]. This is also true for victims of a less severe crime, when they deliver a highly motivated VIS, they are treated with less sympathy [35].

Victims of sexual violence may face secondary victimization and be revictimized when they have to repeat several times their stories and relive their experiences during the criminal proceedings [36]. Another way of being revictimized is when the outcome of the case is not the expected one [37].

One of the victims' goals, when they choose to deliver a Victim Impact Statement, is because they want to present their desirable punishment for the offender. Consequently, when the sentence is undesirable victims may face revictimization, and also they may feel terrible during the parole hearings.

Effects on the outcome of the criminal justice

However, giving victims of sexual violence the opportunity to deliver a Victim Impact Statement is crucial to victims' sense of control and it leads to emotional well-being [38]. Scholars argue that delivering either a written or an oral statement can reduce the psychological traumas and "restore their emotional equilibrium" [39].

Giving them just the choice to either deliver on not a mouthpiece and being active members in their case, in the criminal justice proceedings is not only a sympathy message but recognition of the fact that they have been harmed [40].

IN CONCLUSION

Participating in criminal proceedings is important for victims of sexual violence, but also a balance between the sentencing process and criminal justice is needed.

In conclusion, victims who focus on their well-being by doing what they feel is better for them and present feelings of control during their recovery process have a reduced chance of developing mental health issues [41].

Delivering a Victim Impact Statement can have several benefits concerning both the criminal proceedings and the outcome as well, including retribution, rehabilitation, and incapacitation. To begin with, retribution can be improved by delivering a Victim Impact Statement from the victim because the judge or the jury is exposed to the harm that the victim suffered can punish the offender with an equal sentence [42]. This has a result in rehabilitation as offenders may realize the impact of the harm done to victims deterring potential offenders from committing a crime [43].

On the other hand, when we consider victim participation at parole hearings, concerns rise about fairness both for victims and offenders. There are several arguments against the use of the Victim Impact Statement. It is without a doubt that including emotion in the legal proceedings can influence the jurors and consequently the outcome of the criminal proceedings.

Delivering a VIS both by the victim and their family members (in some cases) and elaborating in great detail the pain, suffering, and loss can have an impact on the violation of the defender's rights [44].

Research has shown that emotion can influence jurors' opinions, while a VIS can affect a defendant's guilt and lead to negative interpretation [45]. Moreover, a statement that includes anger tends to increase punitiveness and it can have as a result of negative-biased information and evidence during the criminal proceeding [46]. Jurors present negative emotions when they are exposed to harmful information and this can lead to more punitive attitudes [47]. VIS leads to feelings of anger, vengefulness, and malevolence toward the offender, while it also affects the decision making [48]. In addition to this, Victim Impact Statement contributes to lengthier sentencing by jurors as they are more negatively affected and punitive towards offenders [49].

Following, jurors exposed to Victim Impact Statements are developing feelings of upset, they become nervous and this leads to punitive sentences [50].

32 A. Pemberton, S. Reynaers, "The controversial nature of victim participation", *Therapeutic jurisprudence and victim participation in justice*, 2011.

33 J. Muraszkwicz, "Fulfilling Aspirations for Victims Participation in Criminal Trials?", Article 12 of the EU Human Trafficking Directive, *New Journal of European Criminal Law*, Vol. 7, Issue 3, 2016, p. 342.

34 K.M.E. Lens, Doorn, Pemberton, Bogaerts, "You shouldn't feel that way! Extending the emotional victim effect through the mediating role of expectancy violation", 2013.

36 L. J. Moriarty, "Victim Participation at Parole Hearings: Balancing Victim, Offender and Public Interest", 2005.

38 Lens, Pemberton, Brans, Braeken, Bogaerts, Lahlah, "Delivering a Victim Impact Statement: Emotionally effective or counter-productive?", *European Journal of Criminology*, 2015

An important improvement has been done in the field of victims' rights, while victims of sexual violence have now the opportunity to be present in the courtrooms during the criminal proceedings having an active role and they are also able to state their opinions on how they are affected by the crime. Nonetheless, delivering a Victim Impact Statement is quite a controversial issue. Having examined the effects of delivering a Victim Impact Statement both for victims of sexual violence and the outcome of the criminal proceedings, this paper is in favor of using a VIS during the hearings parole. Statements "can work, do work" without doubt, but the issue is for which victims are appropriate to deliver a VIS and under which circumstances.

We should not pressure victims of sexual violence to deliver a statement, but it should be their desire. After examining the therapeutic benefits and effects of delivering a VIS, it is without a doubt that statements lead to therapeutic approaches to victimization for victims when they have used it as an expression. Including victims in criminal justice, the procedure is associated with therapeutic concerns, but it could increase the severity of the sentence.

So, to deal with victims' vs. offenders' rights, some recommendations are needed. Victim Impact Statements should be modified by changing the type of information that is delivered. Taking the Netherlands as an example, VIS should only include the type of information related to the consequences of the crime and not desire punishment, while prejudicial information against the offender should also be excluded [51]. Participating in criminal proceedings is important for victims of sexual violence, but also a balance between the sentencing process and criminal justice is also needed. Moreover, highly motivated statements should also be excluded from the criminal proceedings, because they could lead to secondary victimization dependent on the observer's expectations regarding the effects of the crime.

The delivery of a Victim Impact Statement in court contributes to the emotional recovery, but only for victims of sexual violence who choose to do so. "Allowing victims of crime to tell their story in their own words in a secure and relaxed atmosphere is not only necessary to protect the interests of individual victims, but it also has the potential to act as an indispensable aid to truth-finding. In doing so, this should serve not only the interests of victims but also the integrity of the criminal justice system as a whole" [52].



42 Trey Hill, Victim Impact Statements: A Modified Perspective, 29 Law and Psychology, Rev 211, 2005.

44 A. L. Wevodau, R.J. Cramer, A. Kehn, J.W Clark III, "Why the Impact? Negative Affective Change as a Mediator of the Effects of Victim Impact Statement, Journal of Interpersonal violence, 2014, pp.1-20.

45 Ibid.

51 Trey Hill, Victim Impact Statements: A Modified Perspective, 29 Law and Psychology, Rev 211, 2005.

52 J. Doak, "Victims' Rights in Criminal Trials: Prospects for participation", Journal of law and Society, 2005, pp. 249-316

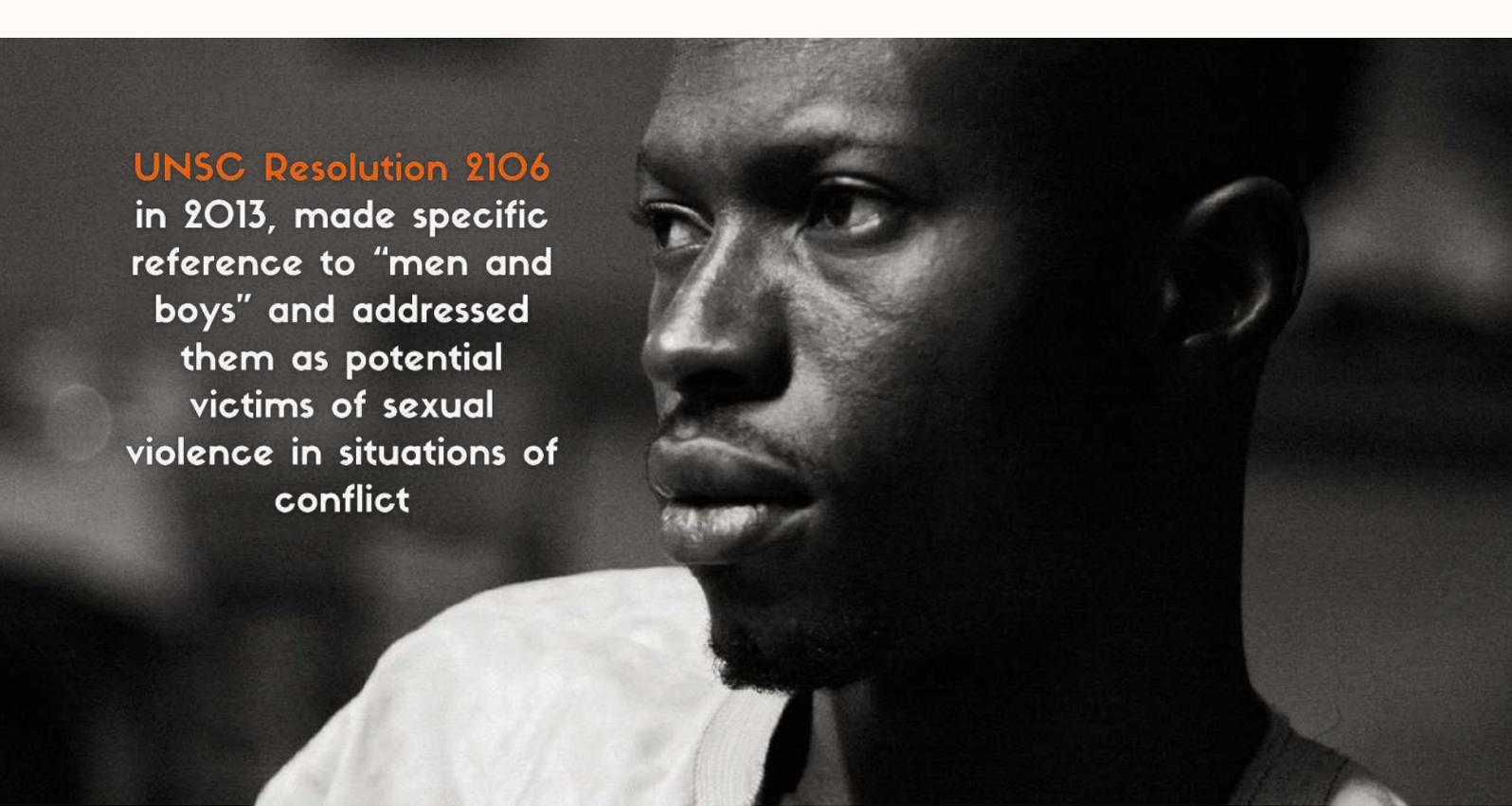
THE EFFECTS OF UNDER PROSECUTION OF MALE CONFLICT-RELATED SEXUAL VIOLENCE FOR INTERNATIONAL JUSTICE

By Júlia Miragall Mas

Conflict-related sexual violence has received international attention in recent decades, especially since progress was made in addressing the issue at the International Tribunal for the Former Yugoslavia (ICTY) and the International Tribunal for Rwanda (ICTR). However, such prosecutions mainly focused on female conflict-related sexual violence and, although many cases also involved male sexual violence, the latter was not addressed, which led to little development.

Despite the lack of attention and response to the matter, men and boys often become subject to sexual violence in conflict. According to 'Médecins Sans Frontières', men and boys amounted from a 4% to a 10% of all persons subjected to sexual violence seeking medical assistance in the Democratic Republic of Congo (DRC) in 2009. Moreover, according to a 2010 study in Eastern DRC, 15.2% of men reported to having been subjected to conflict-related sexual violence, compared to 29.5% of women. Such practices vary from "molestation, forced undressing, being stripped of clothing, raped, gang raped (...), being abducted and/or submitted to sexual slavery, and being forced to perform sexual acts with another civilian". It can also take the form of oral and anal rape, genital mutilation, and enforced masturbation, committed by state forces, armed opposition groups or private contractors.

1. A. DelZotto and A Jones, 'Male-on-Male Sexual Violence in Wartime: Human Rights' Last Taboo?', (2002), Annual Convention of the International Studies Association, available at <<http://adamjones.freeseervers.com/malerape.htm>> accessed 10/05/2021.
2. C. McGreal, 'Hundreds of thousands of women raped for being on the wrong side', The Guardian (12 November 2007), Showed a 4% of cases of men and boys subjected to sexual violence.
3. Medecins Sans Frontieres (MSF), "Shattered Lives: Immediate medical care vital for sexual violence victims", (March 2009), p. 11, Showed 6% of cases of men and boys subjected to sexual violence seeking medical assistance.
4. J. Gettleman, 'Symbol of Unhealed Congo: Male Rape Victims', New York Times, (5 August 2009), Showed 10% of cases of men and boys subjected to sexual violence.
5. K. Johnson et al, 'Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo' (2010) 304 Journal of the American Medical Association, pp. 553, 553.
6. H. Van Roosbroeck, "Neglected Bodies in International Law: Sexual Violence Against Boys", (2014), 1 SOAS Law Journal, p. 97.



UNSC Resolution 2106
in 2013, made specific
reference to “men and
boys” and addressed
them as potential
victims of sexual
violence in situations of
conflict

Namely, sexual violence is understood to be violence, “whether physical and/or mental, carried out through sexual means or by targeting sexuality”, as stated in a United Nations Commission on Human Rights Report addressing the issue at hand. This includes “all serious abuses of a sexual nature inflicted upon the physical or moral integrity of a person by means of coercion, threat of force or intimidation in a way that is degrading and humiliating for the victim’s dignity”.

Further, 140 cases of males, compared to 800 cases of females subjected to sexual violence were reported in Central African Republic, as stated by ‘L’Organisation pour la Compassion et le Développement des familles en Détresse’. This shows that despite the fact that women and girls usually comprise the largest numbers of victims, men and boys are also significantly subjected to such heinous acts, yet little documentation and reporting has so far been conducted on the matter.

Moreover, in an analysis of 407 non-governmental organizations centring their efforts on conflict-related sexual violence, only 3% mentioned male victims, including men and boys, in their research and programs. Most documentation is anecdotal, as it rarely receives a focus in research or on field studies. Therefore, the lack of reporting coupled with an extensive focus on female victims of conflict-related sexual violence, causes a severe lack of response to male cases, and a lack of available services for male survivors to access.

The International Response to Male Sexual Violence

The International Response to Male Sexual Violence

In 2000, the United Nations Security Council (UNSC) enacted its ground-breaking Resolution 1820. It addressed conflict-related sexual violence and recognized it as a weapon of war against civilians, which seemed to encompass men and boys in its definition of “civilian”, thereby marking a significant development. Nevertheless, despite the progress this resolution made, it still extensively referred to women and girls as victims of the crimes, while addressing them as the exclusive objects of the needed protection. This directed subsequent UNSC Resolutions in addressing sexual violence with a specific gendered approach.

8. Major General Antonio M. Taguba, ‘Article 15-6 Investigation Of The 800th Military Police Brigade’, paras. 8(e), (g), available at <<http://www.fas.org/irp/agency/dod/taguba.pdf>> accessed 15/05/2021.

9. D. A. Lewis, “Unrecognised Victims: Sexual Violence Against Men in Conflict Settings Under International Law”, (2009), Vol. 27 No. 1 Wisconsin International Law Journal, p. 3.

10. UNCHR, ‘Sub-Comment on Prevention of Discrimination & Prot. of Minorities, Contemporary Forms of Slavery: Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict: Final Report submitted by Gay J. McDougall, Special Rapporteur’, (June 22, 1998) UN Doc. E/CN.4/Sub.2/1998/13, p. 21.

Other international institutions adopted the same scope in designing their areas of research and response to conflict-related sexual violence. This, in turn, resulted in the exclusion of men and boys from the definition of “civilian” and the protection that it encompasses from gender-based violence.

UNSC Resolution 1889 caused a slight shift in this trend by more neutrally referring to victims of conflict-related sexual violence as “civilian population”, “children” and “survivors”, although still using gendered terms such as “women” and “girls”. This continued to perpetuate the exclusion of males, which left men and boys outside the scope of “civilian” status. Moreover, it failed to address the fact that men and boys are most often subjected to sexual violence and related practices under detention, and boys especially during conscription or abduction into armed forces.

UNSC Resolution 2106 in 2013, incorporated a more inclusive scope of the addressed atrocities and the victims affected. It made specific reference to “men and boys” and addressed them as potential victims of sexual violence in situations of conflict, while calling for efforts towards prevention of such violence to also be extended to men and boys. This resolution marked a very important improvement in providing a more accurate assessment of the reality of conflict, allowing for a better response in policies and practices.

Despite the described developments in recent years towards an accurate and needed response to the important issue at hand, most aid programs and response policies from international institutions greatly remain addressing the matter with a focus directed on women and girls.

Non-accurate documentation on the frequency of these crimes perpetuates the lack of measures available to men and boys tailored to their specific needs and physical and psychological damage, which can further worsen such suffering.

International Law Addressing Male Sexual Violence

Many domestic laws criminalize same-sex sexual relations, for which male survivors of sexual violence become more vulnerable in peacetime than they do in wartime, as they lack any legal protection. Instruments of International Human Rights Law such as the Convention Against Torture (CAT) and the International Covenant on Civil and Political Rights (ICCPR) provide inadequate protection for men and boys exposed to such behaviour. This is so, as they include a presumption that regards women and children as the only potential victims of sexual violence thereby excluding men.

However, International Humanitarian Law provides a significantly more adequate protection, as it does not discriminate on the basis of gender. The Additional Protocols to the Geneva Conventions afford male survivors protection against conflict-related sexual violence. Article 75 of Protocol I defines such abuse as “outrages upon personal dignity, in particular humiliating and degrading treatment, enforced prostitution and any form of indecent assault”, thereby including males. Article 4 of Protocol II employs gender-neutral language in prohibiting rape, thereby protecting male survivors. However, such Protocols have not been universally ratified, for which the protection they can afford remains limited.

11. S. Skivakumaran, “Lost in Translation: UN responses to sexual violence against men and boys in situations of armed conflict”, (2010), Vol. 92 No. 877 International Review of the Red Cross, pp. 259-277.

12. A. DelZotto and A Jones, (n 1).

13. H. Van Roosbroeck, (n 4).

14. UNSC Res 1325 (31 October 2000) UN Doc S/RES/1325.

15. H. Van Roosbroeck, (n 4), pp. 93-94.

16. UNSC Res 2106 (24 June 2013) UN Doc S/RES/2106.

17. H. Van Roosbroeck, (n 4).

18. International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS (ICCPR).

19. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted on 10 December 1984, entered into force 26 June 1987) 1465 UNTS.

International Criminal Law further provides this protection. The Rome Statute defines sexual violence including “rape, sexual slavery, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity”, constituting crimes against humanity or war crimes. It further addresses the issue in gender-neutral terms, thereby affording protection to men and boys, binding 108 State Parties.

The ICTY made significant developments in addressing sexual violence in conflict, which it stated in the Kunarac case that it could amount to torture. Other cases such as Tadic further depicted the atrocious nature and severity of the long-lasting effects such practices had on victims, as well as the circumstances in which such crimes were committed.

As stated by the World Health Organization, victims suffer severe pain, sexual dysfunction and sexually transmitted diseases, lasting trauma such as anxiety, depression, emotional distancing or desensitization and self-harm, as well as social exclusion and abandonment by family members.

The Appeals Chamber stated in Kunarac, Kovac and Vukovic that sexual violence can amount to torture due to its severity, where the perpetrator inflicts severe physical or mental suffering upon the victim(s). Moreover, the victim must be in custody or under the control of the perpetrator, and the pain must not be incidental. As stated, men and boys are most often subjected to sexual violence in detention or under the control of a military commander as part of an armed group. Such practices are widely enforced causing severe physical and mental suffering, thereby constituting crimes against humanity by torture. Further, the ICTR Akayesu case held that sexual violence can constitute genocide if committed with the intent of killing members of a protected group.

In addition, sexual violence can amount to serious bodily or mental harm as genocide, including rape, sexual violence or other inhumane and degrading treatment. As stated in this case, “rape and sexual violence certainly constitute infliction of serious bodily or mental harm on the victims and are (...) even one of the works ways of inflicting harm on the victim as he or she suffers both bodily and mental harm”.

Conflict-related sexual violence can consist of war crimes if constituting a grave breach of the Geneva conventions, such as amounting to torture or inhuman treatment. As stated in Delalic, the first requires inflicting severe mental or physical pain or suffering for a prohibited purpose. The latter requires causing great suffering or serious injury to the victim’s body or health. As it has been mentioned, men and boys are often subjected to sexual violence as a means of torture and punishment under detention, abduction or conscription in armed groups.

Therefore, male sexual violence can be regarded as a constitutive element of genocide, crimes against humanity, and war crimes under International Criminal Law. The gravity of such crimes shows the need and urgency to reduce and prevent conflict-related sexual violence against men and boys.

International Criminal Law and International Humanitarian Law provide legal protection for men and boys who are vulnerable to being subjected to conflict-related sexual violence. Nevertheless, such cases largely go unnoticed, resulting in underreporting, under prosecution and therefore, under punishment in perpetuation of impunity for such crimes.

Despite the inclusion of men and boys as victims under the definition of sexual violence under International Criminal Law and International Humanitarian Law mechanisms, there has been little development in prosecutions of cases of male sexual violence that may afford men and boys with a legal protection and access to justice for such atrocious violations of their basic human rights.

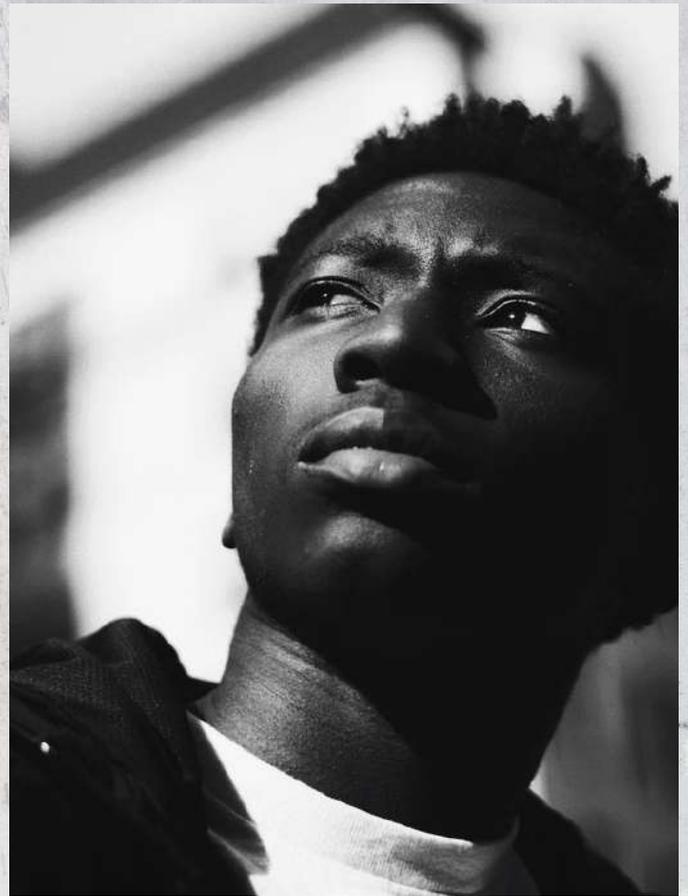
The Rome Statute defines sexual violence including “rape, sexual slavery, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity”

In conclusion, men and boys are largely vulnerable in situations of conflict and are often subjected to sexual violence. However, the often hyper-masculine African cultural context which does not view males as potential victims, the conflict situations and the lack of aid and response mechanisms tailored to their needs have allowed for an ongoing epidemic of such atrocities.

Despite the developments made especially in International Criminal Law and International Humanitarian Law in the last decades with regards to addressing conflict-related sexual violence, men and boys continue to be largely excluded from protection.

Male survivors are most often subjected to such violence in the context of detention, abduction or conscription of armed forces, for which they are most often not afforded the status of “civilian”.

Moreover, the lack of international prosecutions of cases of male sexual violence denotes the remaining lack of protection of male survivors under international law and denotes the need for improvement so as to afford victims with access to justice for such atrocities.



International Tribunals such as the International Criminal Court should actively prosecute male conflict-related sexual violence. This would effectively create a precedent for future similar instances, and would be a deterrent to the perpetration of such heinous crimes. Moreover, it would eventually likely lead to influencing domestic legislations, thereby creating change in legislation in addressing male sexual violence.

It would further promote an elimination of impunity for perpetrators of such crimes, striving towards justice for male survivors of conflict-related sexual violence.

24. D. A. Lewis, (n 7), p. 20.

25. International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 31.

26. International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, 1125 UNTS 609.

27. Rome Statute of the International Criminal Court (Rome Statute), (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS, art. 7(1)(g).

28. *ibid.*, arts. 8(2)(b)(xxii), 8(2)(e)(vi).

29. Prosecutor v. Kunarac et al., Case No. IT-96-23-A & IT-96-23/1-A, Appeal Judgment, 149-50 (June 12, 2002).

30. Prosecutor v. Tadić, Case No. IT-94-1-T, Opinion and Judgment, 206 (May 7, 1997) [hereinafter Tadić, Opinion and Judgment].

31. World Health Organization (WHO), “Reproductive Health During Conflict and Displacement”, (2000), Ch. 17, available at: <<http://who.int/reproductive-health/publications/conflict>> accessed 10/05/2021.

32. *Kunarac et al.*, (Appeal Judgment), Case No. IT-96-23 & 23/1-A, para. 149-50.

33. Rome Statute (n 24), art. 8(f).

34. *Prosecutor v. Akayesu*, (Judgment), Case No. ICTR 96-4-T, para. 733.

35. International Criminal Court (ICC) Elements of Crimes (2014), Article. 6(b).

36. *Prosecutor v. Akayesu* (n 31).

37. *Delalic et al.*, Judgment, Case No. IT-96-21-T, para. 442, 470-72.

39. D. A. Lewis (n 7).

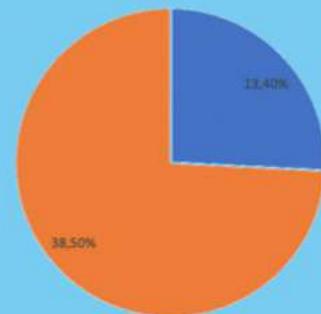
MALE CONFLICT- RELATED SV

IPD's and Forced Migrants

MALE REFUGEES FROM EASTERN DRC IN UGANDA

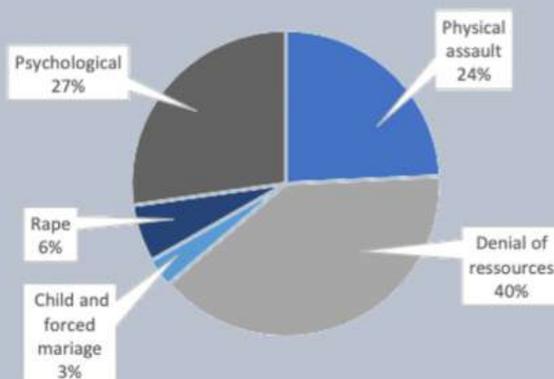
out of 447 males aged 18 or older:

- 13.4% experienced SV in the past 12 months during the refugee camp settlement
- 38.5% experienced SV when looking back at their whole lives



and in some refugee populations 1 in 3 men have experienced SV in their lifetime

TYPES OF REPORTED SV CASES ON MEN AND BOYS IDP'S AND RETURNEES



Moreover, the male survivors explained as well that due to the focus on female survivors, men feel deprived from other resources, especially livelihood.

Which only increases factors like psychological assault towards women, no means to support themselves, feeling useless, feeling of torture and stress.

NOT ONLY TABOO BUT ALSO NOT INTERESTED

Reasons why SV against males goes underreported:

- cultural taboo, e.g. depriving man of his manhood
- belief in that "men cannot be raped"
- might be seen as homosexual act, which is punishable by law in certain African countries, e.g. Uganda - which results in the fear of punishment.

Another reason is as well the non-recognition or non-interest in male SV. Out of 4076 non-governmental organisations that worked in the area of war rape and other forms of political SV, a mere 3% mentioned SV against men and boys in their programs and international literature.



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