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CENTRE FOR AFRICAN JUSTICE PEACE AND HUMAN RIGHT

SEXUAL VIOLENCE AGAINST THE MALE GENDER IN CONFLICT AND POST
CONFLICT SITUATIONS.

*Special Feature: Understanding the
phenomenon of child soldiers*

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ADDRESSING CONFLICT-RELATED SEXUAL VIOLENCE AGAINST MEN AND BOYS



90% of men in conflict-related countries are in situations where the law provides no protection for them if they become victims of sexual violence

62 COUNTRIES

which represent almost two-thirds of the world's population, only recognise female victims of rape.



67 STATES

criminalise men who report abuse

IN 28 COUNTRIES

only males are recognised as perpetrators of sexual violence – not females



VICTIM-PERPETRATOR DICHOTOMY OF CHILD SOLDIERS: THE STRUGGLE TO DETERMINE THEIR LEGAL STATUS

By Jessica Patterson De Oliveira Pereira,
Legal Researcher



The phrase child soldier is almost oxymoronic – our perception of the innocence that accompanies childhood seems so far removed from the thought of the gruelling conditions of violence and suffering that is associated with being a soldier. But for many children, this perception is shattered, and the idea of innocence within childhood is solely an illusion. Child soldiers have a complex status, the dichotomy of their victim-perpetrator roles makes it an ambiguous area in jurisprudential discourse, as well as their status as minors.

[1]

[1] Myriam Denov, 'Coping with the trauma of war: Former child soldiers in post-conflict Sierra Leone', Sage Publications (2010) <https://journals.sagepub.com/doi/pdf/10.1177/0020872809358400> Accessed 20 February 2020

The troubles that the international community face when dealing with seeking justice concerning child soldiers, highlight the issue of the binary distinction between victim and perpetrator-hood.[2] Moreover, the vulnerable status of children, as well as the brutal treatments and indoctrination that these children suffer, add another layer to the already complicated issues surrounding the legal status of child soldiers. Customary international law enshrines the innate vulnerability of children and the victimisation of child soldiers as well as general discourse taking a rights-based approach that renders all forms of children's military participation barbaric and abhorrent, however to ignore the acts committed by the child soldiers themselves proves harmful to the process of their recovery, reintegration into society and accountability within transitional justice.[3] By refusing to tackle child soldier's liminal position, which breaks down the simple dichotomy of victim and perpetrator, programs and approaches to child soldiers remain ill-adapted to their reality.[4]

The issues behind trying to determine the legal status of child soldiers and their actions is due to the intricacies that render the current justice system insufficient when dealing with the aftermath of the atrocities faced by the child soldiers and their victims. Child soldiers are created from a place of vulnerability: war torn environments, poverty and fear. Once abducted or coerced by militia, these children are brainwashed into following the commands of their superiors and face severe consequences should they not comply.

“
Seeing boys as perpetrators
rather than victims denies
them the protection they
need and ensures the cycle of
violence will continue.”

Methods including torture, beatings, rapes and even executions were used when the children failed to carry out their duties, or to install an amount of deep fear in the children to ensure they were loyal to their commanders. At already such a fragile period of their lives, these children are faced with the choice: kill or be killed. And even if they should choose to kill, they will be faced with undying guilt, shame as well as continued abuse by their superiors. If these individuals remain in the armed forces they can become the next generation of militia leaders and those most responsible for international crimes. Eventually, they may be vulnerable to indictment for war crimes, crimes against humanity, and genocide.[5] Therefore, the vicious and cruel cycle continues, from victim to perpetrator. Nonetheless, it is pertinent to accept that there is a degree of accountability these child soldiers must face, not just for their victims but also as a form of catharsis for the children who perpetrated crimes and the communities they will reintegrate. Holding perpetrators responsible helps to acknowledge the heinous atrocities committed, which is imperative within the emotional and psychological healing processes of both the victims and the perpetrators.[6] However, the child status of these soldiers adds to the already impossible question the international community faces – how do we correctly determine the accountability of a child combatant?

[[2] Derluyn, I., Vandenhole, W., Parmentier, S. et al. Victims and/or perpetrators? Towards an interdisciplinary dialogue on child soldiers. BMC Int Health Hum Rights 15, 28 (2015) <https://bmcinthealthhumrights.biomedcentral.com/articles/10.1186/s12914-015-0068-5#ref-CR25>> Accessed 20 February 2020

[3] Derluyn, I., Vandenhole, W., Parmentier, S. et al. Victims and/or perpetrators? Towards an interdisciplinary dialogue on child soldiers. BMC Int Health Hum Rights 15, 28 (2015) <https://bmcinthealthhumrights.biomedcentral.com/articles/10.1186/s12914-015-0068-5#ref-CR25>> Accessed 20 February 2020

[4] Emma Gordon, 'Victims and Perpetrators: The Implications of the Dual Status of Child Soldiers', ISSN 2053-8626, (2011) <https://www.e-ir.info/pdf/11783> Accessed 20 February 2020

[5] Lucia Seyfarth, 'Child Soldiers to War Criminals: Trauma and the Case for Personal Mitigation' (2013) Chicago-Kent Journal of International and Comparative Law, Vol 14 Issue 1 <https://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=1115&context=ckjicl>> Accessed 20 February 2020



CHILD SOLDIERS

There are 250,000
child soldiers in the
world and up to
90%
of them are boys.

Various legal instruments prohibit the recruitment of children as soldiers, such as the Convention on the Rights of the Child and the Statute of the International Criminal Court. Moreover, the Cape Town Principles state that due to the status of a ‘child’, a child cannot and must not be a soldier. Further, it mentions that child soldiers should retain their right as a child, meaning that regardless of their title as ‘soldier’, the innate vulnerability of the ‘child’ aspect should be respected. The recruitment of child soldiers is also prohibited within customary international humanitarian law. When looking at child soldiers from a perpetrators perspective, the Statute of the International Criminal Court sets out 18 years as minimum age of liability for the commission of crimes under its jurisdiction. Article 40 of the Convention on the Rights of the Child, emphasizes the importance of using alternatives to judicial proceedings when dealing with children who have violated the law, provided that human rights and legal safeguards are respected.[7]

Despite being well encoded within international law that the concept and recruitment of child soldiers is entirely iniquitous, it is not yet to be considered a mitigating factor when sentencing former child soldiers turned adults. This was shown in the Dominic Ongwen case, where he was the first person to be charged of a war crime of which he is also the victim.[8] Ongwen is known for the brutal acts committed as he served as a high ranking member of the Lords Resistance Army, his case has set a record in terms of the number of charges attributed to a single defendant at the ICC.[9] The victims of his heinous crimes seek justice, however it is impossible to ignore the fact that Ongwen himself was a child soldier – subject to abduction and abhorrent treatment which moulded him into the high ranking, unforgiving leader that he was. There is an incredibly fine and fragile line when cultivating empathy for an individual who was responsible for so many atrocities, however to not to so would be to blindly disregard the factors that lead Ongwen into the position he is in now. The field of transitional justice is not only concerned with the consequences of atrocities for victims, but also aims at establishing the accountability of the perpetrators of serious crimes and human rights violations. The case of child soldiering hereby raises a particular issue, namely that these children cannot only be regarded as victims of armed conflict, but are also perpetrators of serious crimes.[10] At what point does the paradigm shift from victim to perpetrator, and can we ignore the steps that have essentially put Ongwen in the position he is in today?

[6] Ismene Zarifis, ‘Sierra Leone’s Search for Justice and Accountability of Child Soldiers’, Human Rights Brief, (2002) Vol 9 Issue 3 <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1459&context=hrbrief> Accessed 20 February 2020

[7] Ismene Zarifis, ‘Sierra Leone’s Search for Justice and Accountability of Child Soldiers’, Human Rights Brief, (2002) Vol 9 Issue 3 <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1459&context=hrbrief> Accessed 20 February 2020

[8] Emma Gordon, ‘Victims and Perpetrators: The Implications of the Dual Status of Child Soldiers’, ISSN 2053-8626, (2011) <https://www.e-ir.info/pdf/11783> Accessed 20 February 2020

[9] < <https://www.ijmonitor.org/category/lra-trials/> > Accessed 20 February 2020

“As a child soldier, our only motive to exist was killing.” [11] These were the words spoken by a young girl who was recruited by the Revolutionary United Front during Sierra Leone’s long civil war. Acts of violence including verbal, sexual and physical abuse would be used to terrify the children into doing as they were commanded. These children have witnessed and experienced things most adult people will never understand - in the face of persistent violence, threats of assault, and death, a primary compulsion was to survive. This generally meant obeying whatever command was issued. Invariably, therefore, the line between being a victim and a perpetrator of violence becomes extraordinarily blurred when the heinous acts come from the hands of a coerced child. So therefore with time, the acts of violence assume a semblance of normality and the once felt guilt shifts to a mode of survival and disassociation with the acts perpetrated – the child soldiers would repeatedly experience abuse which simultaneously they themselves were forced to hand out. The transition from victim to perpetrator is evidently an evolving process, but as the title shifts, so does the perception of those children. It is hugely problematic that victim-hood changes once the child is no longer legally deemed a child due to turning eighteen. The status from victim to perpetrator shifts so dramatically that it is detrimental to the way the world views them as well as how they view themselves resulting in severe stigmatization.



Child soldiers repeatedly experience sexual abuse and assault which simultaneously they themselves were forced to hand out.



Similarly, in the case of Ongwen, it is a vicious cycle of children being groomed into merciless combatants, only for them to do the same some years later. The international community recognizes the need for holding child combatants responsible for their actions to provide acknowledgement of the events that occurred, yet it contradicts itself by not acknowledging the factors which contribute to the crimes committed by the now adult combatants. It is unconceivable that this altered world-view combined with memory of atrocities committed does not have a bearing on a child’s psychosocial development, which circles back to the vulnerability and the malleable nature of children. Accountability is essential when attempting rehabilitation or reintegration into society - child soldiers’ perpetrator-hood is not only part of the way child soldiers are perceived in the communities they return to, but equally of the way they see themselves.[12] Therefore, the international community must seek alternative methods of providing accountability, and the focus may have to shift from the prohibition of the recruitment and begin focusing on the rehabilitation, re-integration and responsibility aspects which could provide education on the matter for the future. The Courts must attempt to balance the interests of both the child combatants and their victims through non-punitive measures and from a healing perspective. By allowing children to tell their own stories of war, rather than assuming the right to speak for them, we can begin to understand the internal battles they face which could provide the international community with insight on how to cope with the complex issue of seeking accountability. As stated by Ambassador Oluyemi Adeniji, “Truth is a prerequisite to genuine reconciliation...revealing the truth leads to the addressing of impunity.”[12]

[10] Derluyn, I., Vandenhoe, W., Parmentier, S. et al. Victims and/or perpetrators? Towards an interdisciplinary dialogue on child soldiers. BMC Int Health Hum Rights 15, 28 (2015) <https://bmcinthealthhumrights.biomedcentral.com/articles/10.1186/s12914-015-0068-5#ref-CR25>> Accessed 20 February 2020

[11] Myriam Denov, ‘Coping with the trauma of war: Former child soldiers in post-conflict Sierra Leone’, Sage Publications (2010) <https://journals.sagepub.com/doi/pdf/10.1177/0020872809358400>> Accessed 20 February 2020

[12] Derluyn, I., Vandenhoe, W., Parmentier, S. et al. Victims and/or perpetrators? Towards an interdisciplinary dialogue on child soldiers. BMC Int Health Hum Rights 15, 28 (2015) <https://bmcinthealthhumrights.biomedcentral.com/articles/10.1186/s12914-015-0068-5#ref-CR25>> Accessed 20 February 2020

[13] Ismene Zarifis, ‘Sierra Leone’s Search for Justice and Accountability of Child Soliders’, Human Rights Brief, (2002) Vol 9 Issue 3 <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1459&context=hrbrief> Accessed 20 February 2020

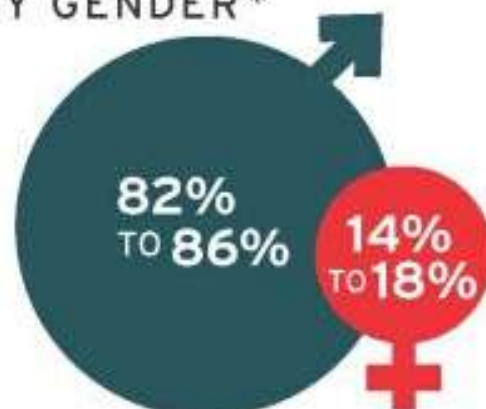
MILITARY MAKEUP, 2012

1,427,490

total members of the armed services

- 539,191 – Army
- 332,786 – Air Force
- 317,054 – Navy
- 196,024 – Marines
- 42,435 – Coast Guard

BY GENDER*



SEXUAL VIOLENCE IN THE MILITARY

UNWANTED SEXUAL CONTACT

26,000

ESTIMATED VICTIMS



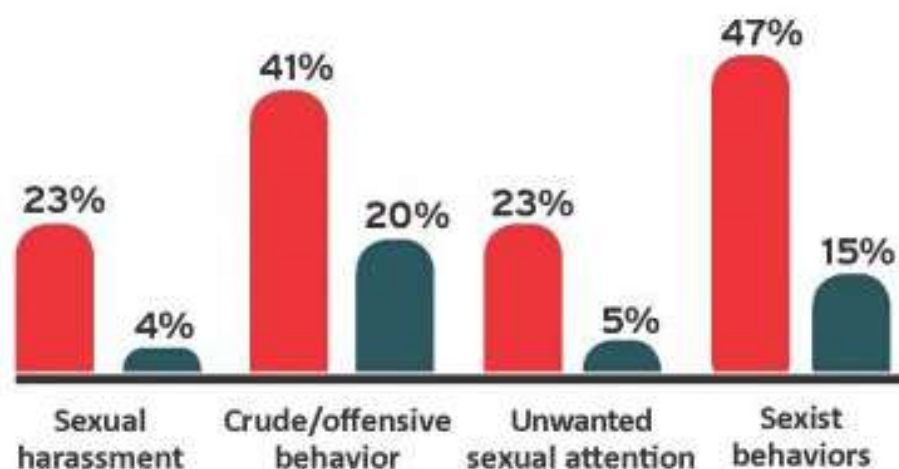
14,000



12,000

■ = Male ■ = Female

SERVICE MEMBERS WHO EXPERIENCED OTHER FORMS OF SEXUAL VIOLENCE



PROSECUTION RATES

Of the 1,714 cases that qualified for possible disciplinary action:



REPORTING STATISTICS



*Data from 2010. See reverse side for citations. This is a rapidly evolving issue. For up-to-date info, follow us on twitter.com/NSVRC and facebook.com/NSVRC. Infographic by Mallory Gricoskie & Tracy Cox © National Sexual Violence Resource Center 2013. All rights reserved.



SEXUAL VIOLENCE AGAINST CHILD SOLDIERS IN CENTRAL AFRICAN REPUBLIC: THE OBSTACLE OF STIGMAS AND LACK OF DOCUMENTATION

Julia Miragall Mas, Legal Researcher

Central African Republic (CAR) has long been subjected to civil conflict which has resulted in it being one of the poorest countries in the world [1]. According to UNICEF, this situation causes that it is one of the most dangerous countries in which to be a child [2].

In this context, armed groups make use of sexual violence as a weapon of war, thereby punishing and terrorizing civilians through rape [3]. This phenomenon shows to be worrying as it rapidly increases, targeting women and girls as their main victims[4]. However, men and boys have also increasingly become victims of sexual violence, although there seems to be a grave lack of documentation and awareness of such cases. This is so, as stigma of sexual violence, especially with regards to men and boys as victims, is deeply rooted in society [5].

[1]UNICEF, “Child and Refugee Migrant Crisis: Central African Republic”, (2020) available at: <https://www.unicefusa.org/mission/emergencies/child-refugees-and-migrants/central-african-republic> <accessed 16 February 2020>.

[2] Ibid

[3] HRW (Human Rights Watch), “Central African Republic: Sexual Violence as a Weapon in War”, (2017)available at: <https://www.hrw.org/news/2017/10/05/central-african-republic-sexual-violence-weapon-war>, <accessed 6 February 2020>.



SEXUAL VIOLENCE

73 million

boys under 18 years
experienced sexual
violence.

Data of 2017 and early 2018 of the Williams Institute “All Survivors Project” [6] showed that acts of sexual violence against men and boys are primarily committed by non-state armed groups. In Basse-Kotto, where a significant amount of fighting has been present between armed groups especially throughout 2017, there were some 41 cases in which adult males were “subjected to rape or other forms of sexual violence by members of nonstate armed groups”[7] were documented [8]. Additionally, in Obo, 121 male survivors of sexual violence were recorded, 35 of which were boys most of whom had been abused by nonstate armed group members, namely of the Lord’s Resistance Army (LRA) [9]. This shows the fact that men and boys are vulnerable to become victims of sexual violence in locations where ongoing violence and conflict are present[10][11].

Namely, the use of sexual violence against men and boys seems to be used as a mechanism for inducing terror and humiliation perceived “enemies”, sometimes, as a method of revenge for attacks by opposing armed groups even [12][13]. However, the highest number of cases fall on child soldiers, who increasingly become vulnerable to be victims of sexual violence, especially while in the ranks of armed groups[14]. According to the OHCHR, “these abuses and their inadequate response constitute a violation of the [International] Covenant [on Civil and Political Rights]’s obligations of non-discrimination, equal rights of men and women, and the right of everyone to the enjoyment of the highest attainable standard to physical and mental health enshrined in Articles 2, 3 and 12, respectively”. Furthermore, “Most of the abuses documented are not only crimes under Central African law, but also constitute war crimes. In some cases, they may constitute crimes against humanity. But to date not a single member of any armed group is known to have been arrested or tried for committing sexual violence”, as stated by Human Rights Watch.[15]

[4] Ibid

[5] Ibid

[6] Amnesty International, “Report: Central African Republic”, (2018) Available at: <https://www.amnesty.org/en/countries/africa/central-african-republic/report-central-african-republic/> Accessed 16 February 2020

[7]HRW (Human Rights Watch), “Central African Republic: Sexual Violence as a Weapon in War”, (2017) available at: <https://www.hrw.org/news/2017/10/05/central-african-republic-sexual-violence-weapon-war>, <accessed 16 February 2020>.

[8] Ibid

[9] Ibid

[10] Ibid

[11] Ibid

As put forward in the “All Survivors Project”, four survivors were interviewed, where they seemed to have recounted similar stories; they were captured during armed attacks by members of ex-Séléka armed groups and were taken to makeshift military camps[16]. There, they were held in inhuman conditions while they were repeatedly raped and subjected to additional kinds of sexual violence during days. Furthermore, the four victims stated that they were forced to watch the aggression. Some of them were even forced to commit sexual violence against other boys and men detained with them.[17] A similar pattern was also documented by the UN in 2017 with regards to the treatment of captive men and boys by the anti-Balaka and other armed groups[18]



A report from the UNICEF states "that most sexual violence witnessed against the child soldier in conflict situation are often carried out within the armed groups themselves."

This phenomenon is used by self-defence groups as a tactic to cause shame to victims by forcing them to engage in homosexual acts.[19] It becomes an especially effective way of humiliation in the Central African Republic, where there is a widespread homophobic attitude amongst society.[20]



However, despite the increasing cases of sexual violence against males, and especially against child soldiers, they have not so far been the focus of investigations, thereby causing that there is significant underreporting and lack of documentation of such cases. This represents a big obstacle in addressing sexual violence against men and boys as a whole. Additionally, lack of documentation of cases results in difficulty for victims to access justice, as the social environment in which they find themselves does not enable them to speak up against their aggressors nor to bring a case against them and acquire justice. Furthermore, according to Aboubacar, Youth Ambassador for Mali, “Sexually abused children are marked both physically and psychologically. They are vulnerable to sexually transmitted diseases and to drug consumption, in order to forget the abuse they endure”.[21]



[12] ISS Africa, “Sexual Violence Against Men and Boys i CAR”, (2018) Available at: <https://issafrica.org/iss-today/sexual-violence-against-men-and-boys-in-car> Accessed 16 February 2020

[13] Ibid.

[14] All Survivors Project Foundation, “All Survivors Project: Submission to the United Nations Committee on Economic, Social and Cultural Rights”,(2018), pg. 2, available athttps://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/CAF/INT_CESCR_CSS_CAF_30535_E.pdf <accessed 16 February 2020>.

[15] Ibid.

[16] Ibid.

[17] Ibid.

[18] UN MISSIONS, MINUSCA: “Secretary General Reports on the Central African Republic” , (2019) UN Doc S/2019/147, Available at: <https://minusca.unmissions.org/en/secretary-general-reports> Accessed 16 February 2020

Such a rigid gender stereotyping which is unable to recognize men and boys as victims of sexual violence, has caused that human rights stakeholders have not always been proactive in investigating and giving a response to such incidents in Central African Republic.[22] According to the “All Survivors Project”, “Key informants and participants in focus group discussions expressed attitudes towards sexual violence against males that varied between lack of awareness, dismissal, denial and confusion”.[23]



Despite the lack of awareness and documentation of cases of sexual violence against men and boys, development seems to be taking place in that regard in Central African Republic. The National Strategy for Fighting Violence Based on Gender in the Central African Republic 2018-2021 policy framework is aimed at achieving an “integrated response and closer coordination by the government, the UN; humanitarian INGOs and other non-governmental stakeholders in all areas” so as to prevent and provide a response to gender-based violence. Through the implementation of this policy, the government aims at achieving the implementation of “zero-tolerance” of gender-based violence by 2021.

However, given that the implementation of the mentioned policy is primarily aimed at addressing cases of sexual violence against women and girls the problem of the lack of response for cases against men and boys remains the same. The deeply rooted taboo of men and boys being victims of sexual violence prevents adequate response and investigation to such cases, thereby representing an obstacle to the prevention of this phenomenon.

Nevertheless, given that the creation and implementation of this mechanism are very recent there may be grounds for optimism. Additionally, the establishment of a Special Criminal Court for the investigation of serious crimes under international human rights and humanitarian law, as well as the creation of the Joint Unit for Rapid Intervention and Eradication of Sexual Violence against Women and Children in 2015 [24] might pave the way for development and improvement in addressing cases of sexual violence against the male gender in central African Republic, and especially giving a response to the cases of boys and child soldiers.

[19] All Survivors Project Foundation, “All Survivors Project: Submission to the United Nations Committee on Economic, Social and Cultural Rights”,(2018),pg. 2,available at: https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/CAF/INT_CESCR_CSS_CAF_30535_E.pdf <accessed 16 February 2020>.

[20] Ibid

[21] Save the Children, “Report 2020: Gender Matters”, (2020) Available at: <http://www.ipsnews.net/2018/03/male-survivors-of-sexual-violence-suffer-in-silence-due-to-stigma/> Accessed 16 February 2020

[22] All Survivors Project Foundation, “All Survivors Project: Submission to the United Nations Committee on Economic, Social and Cultural Rights”,(2018),pg.2, available at: https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/CAF/INT_CESCR_CSS_CAF_30535_E.pdf <accessed 16 February 2020>.

[23] Ibid

[24] Ibid

1/4 OF MEN IN CONFLICT AFFECTED AREAS HAD EXPERIENCED SEXUAL VIOLENCE.

SEXUAL VIOLENCE MAGAZINE | 13

REDEFINING RAPE MAY SUPPORT COUNTER-TERRORISM EFFORTS IN AFRICA



The young boy pictured above was abducted by Boko Haram militants that broke into his family's home when he was fourteen years old. He was taken to a forest, forced to convert, threatened with execution, and assaulted along with his younger brother. Photo Credit: UNHCR.

**Michelle Caylee Human, Former
Legal Researcher**

“Eleven rebels waited in line and took turns raping me. I bled and bled, I could feel it like running water. Each of the male prisoners was raped 11 times that night and every night that followed,” recalled a seventeen year old boy who was abducted during the Second Congo War.

No longer described as a corollary of war, wartime sexual violence is now rightly understood to be a widespread and systematic weapon used to secure power during conflict. Although women and girls comprise the majority of victims of sexual violence, men and boys are affected too. This sizable minority of victims is especially vulnerable in conflict situations, such as during detention, when forcibly conscripted, and during military operations in civilian areas.

While sexual violence against women and girls is addressed in numerous United Nations Security Council resolutions and thousands of NGO reports, men and boys are largely ignored. Sixty countries penal codes do not recognize that men can be victims of rape. In a survey of over 4,000 NGO publications that address wartime sexual violence, only 3% of them mentioned the experience of male victims. When they did, it was typically only in a passing reference or footnote.



Rape is a War Crime

Sexual violence is a systematic weapon of war and torture used to secure widespread power over civilians, to intimidate and the recruit young soldiers, to interrogate, to mutilate and to ethnic cleanse.



Male Victims are Denied Access to Justice

Despite the growing concern with wartime sexual violence, sixty countries worldwide deny male rape victims access to justice—granting terrorists and war criminals impunity.



Recommendations for Change

Recommendations include updating state, regional, and international legislation, developing survivor-based responses for all victims, normalizing screening, and including male victims in the conversation.

Where homosexuality is criminalized, men and boys remain silent out of fear of ostracism. More harrowingly, victims that come forward risk being charged and prosecuted themselves for engaging in a homosexual act.

In Nigeria, for example, the crime of merely “permitting a male person to have carnal knowledge of [you], against the order of nature” carries the same prison sentence that would be handed down to a perpetrator of forcible rape.



In 2014, celebrities across the world showed concern following a horrific incident where 200 schoolgirls were kidnapped by Boko Haram in Chibok, Nigeria. Meanwhile, more than 10,000 boys have been kidnapped by the militant group and forced to become child soldiers. There is no hashtag for the schoolboys.

In Romania, when a man reported that two men had raped him, prosecutors reasoned that "being gay, he must have wanted it." The victim was then sentenced to eighteen months in prison after being prosecuted for consensual homosexual activity.

Overall, sexual violence against men is shrouded in cultural taboos, which has a chilling effect on reporting abuse and forces victims into a conspiracy of silence with their abuser. Unfortunately, underreporting leads to underestimation of the problem. Due to the progressive nature of the International Criminal Tribunal for the Former Yugoslavia, however, male victims were able to come forward and share their experiences in that particular region of the world. A study of 6,000 concentration-camp inmates in Sarajevo found that 80% of men reported having been raped. Nevertheless, according to a survey of penal codes worldwide, 90% of men in conflict-affected countries still have no legal protection if they are to become victims of sexual violence.

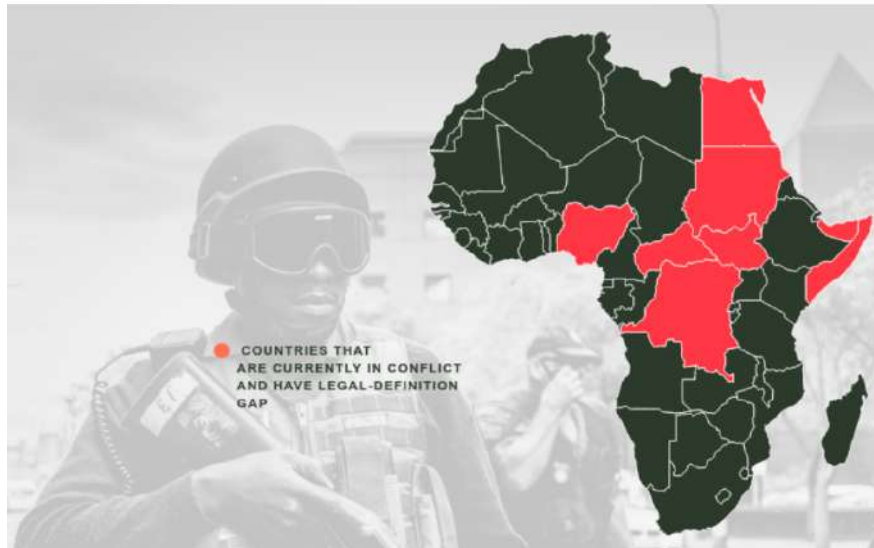
The situation is especially stark and under-researched on the African continent, which hosts a majority of the world’s current conflicts and where gender roles are strictly defined. Terrorist organizations and insurgent groups use forcible rape to secure control over civilians, to intimidate and then recruit young soldiers, to interrogate and torture those that do not share their ideologies, and to mutilate and sterilize their enemies as a form of ethnic cleansing.

ADDRESSING MALE SEXUAL VIOLENCE COULD PREVENT FORMS OF VIOLENCE AGAINST WOMEN, TOO.

Ignoring male rape not only neglects a sizable minority of victims and grants terrorists impunity, but it also harms women in a number of ways. First, it reinforces the same toxic gender norms that lead to severe forms of discrimination against women, such as honor killings. Second, the feminization of sexual violence dictates a viewpoint that equates 'female' with 'victim,' and thereby hampers women’s ability to be seen as strong and independent figures. Furthermore, a well-researched phenomenon called the “cycle of abuse” shows that victims of sexual abuse are more likely to become perpetrators of it later in life. Men raped during war come back home where they are denied treatment and services, and they ‘reclaim their masculinity.’



Change requires redefining rape in criminal codes, so that terrorists that choose male victims are not immune from prosecution. Where homosexuality remains criminalized, the laws must include interpretation provisions that distinguish between consensual homosexual acts and forcible rape. These changes should be supplemented by regional laws and international resolutions that need to be updated to include male victims in the conversation, rather than treating them solely as the perpetrating class



Above: the seven countries (and Somaliland) in red are currently in conflict and, as a matter of law, deny male victims of sexual violence access to justice. Of course, the criminalization of homosexuality and cultural taboos make the problem much larger.



Above: This interactive map highlights the plight of more than 300,000 child soldiers across the globe.

Survivor-based responses should be developed for men, similar to how human rights organizations have been developing them for women. Furthermore, screening must be normalized during conflict resettlement intakes in order to gain a better understanding of how many men and boys are affected, and evaluate their needs.

Rapists and terrorists must be held accountable for using sexual violence and torture as a widespread and systematic weapon of war. Perpetrators are currently shielded by a legal regime that does not recognize that all victims are victims—and all victims deserve justice. Wartime sexual violence will only be curtailed when the perception of victimhood broadens beyond one that groups all men together as the perpetrating class, and instead recognizes that men, women, and children should all be entitled to live free from violence and seek access to justice.

Sexual Violence against males in conflict-affected settings



The refugee law project in Uganda found that, of 447 adult male refugees, more than 38.5% had experienced sexual violence in their lifetime.



A survey of Sudanese refugees in Uganda revealed that 30.4% of men had experienced or witnessed the sexual abuse of a man.



50%-80% of male torture survivors in detention centres have reported sexual violence.

Myths of Sexual Violence Against Men & Boys

- Sexual violence against men and boys in conflict is rare.
- Male survivors are less affected by sexual violence than female survivors.
- Sexual violence, particularly in conflict always involves male perpetrators and female victims.

Photo sources: Transconflict; Al Jazeera; The Guardian
Information source: The UN Refugee Agency

REFUGEE MALE SURVIVORS OF SEXUAL VIOLENCE: CHALLENGES OF ACCESSING MEDICAL CARE IN UGANDA

This article reveals the debates surrounding male sexual violence victims and accessibility to medical care in Uganda. The opinion expressed within in this article is strictly that of the actor.

Mr. Charles Waddimba, Guest Writer

Uganda is host to large numbers of refugees and asylum seekers from neighboring countries in the Great Lakes Region, including South Sudan, Democratic Republic of Congo (DRC), Burundi and others. Under the Refugee Regulation Act 2010, Uganda offers the opportunity to anybody fleeing his or her country, who manages to enter Uganda, free access to health and the right to settle in a place of their choice, whether in camp settlements or urban centers [1]. Although they are entitled to health care, however, several reports have revealed that male survivor of sexual violence in Uganda have difficulties accessing medical and health care services in practice. This is because they fear persecution and stigmatization for being considered ‘homosexual’, despite their having been victims, or even being married.



Mr. Charles Waddimba is a human Rights Activists working for male survivors of conflict related sexual violence. He holds a Master's Degree in Human Rights, Gender and Conflict Studies. He holds a Bachelor's degree in Adult and Community Education

[1]PBS NewsHour, Why Uganda is the world's most hospital
refugeedestinations(https://www.youtube.com/watch?v=hDyp45ELPzQ&list=PLVEnIKMg_2WsZovKLMYdCEWzbGreS0gc4), 2016.

The environment in health care service places does not help these victims of sexual violence to open up about their traumatic and health-threatening experiences during war and displacement. My own study suggests that attitudes of medical staff and government officials with responsibility for addressing refugee-related problems should certainly be more receptive to the special needs of this especially vulnerable group of refugee men.



A lot of information about sexual violence against men has been hidden or silenced. These men do not fit dominant ideas that a man should be ‘strong’. Yet they are strong to even survive such violence and pain. To maintain the norms of ‘real men’ in Ugandan society, what is called masculinity, male victims of sexual violence are not taken seriously as men. A plethora of studies looks at how societal stigmatization of male survivors of sexual violence damages lives. This short blog takes a step further towards understand challenges of these male survivors, given that they are made invisible as men, because of dominant ideas about masculinity and what a ‘real’ man is.



Boys and men are always told ‘BE A MAN’. If a man or a boy cries due to suffering or pain, then he is told, don’t be weak. Norms of how a man should feel, look, talk, act spread through society and have done more harm in preventing others from realising how male victims, just because they are men, also can be brave, strong, and yet suffer at the same time from sexual violence. These men have survived, and that is their strength. They need understanding, not jokes and rude comments. Not only doctors and officials can have bad attitudes towards male refugees who are victims of sexual violence.



Society also, including media and religious institutions insist that men should be strong', are the leaders, the breadwinners, can take care of others, and do not need taken care of by others; they are not 'weak'. These attitudes really opened my eyes during my interviews with male victims. The UNHCR resettlement criteria which look after the weak, the vulnerable and those survivors of sexual violence, only recognise women and girl survivors, and do not include male survivors for resettlement opportunities[2]. Maybe men are not allowed to be victims, just as women cannot be too 'strong'? .

When it comes to experiences of survivors in accessing health care, barriers mean they often fear to disclose their health conditions until it has become worse or is too late for treatment, due to shame of being a victim of another man. This fear of being ridiculed or rejected hinders them accessing required health care, and alongside bad attitudes from staff. Even when eventually survivors pluck up the courage to go to the medical centre and talk about their condition, and their past medical problems, health care providers do not know how to listen to, treat and generally care for male survivors of sexual violence. Local village centres have inadequate medical supplies, but also the doctor or nurse may think the man is inventing his story; anything around sexual violence can bring out the worst in people, who may ‘blame the victim’, male as well as female.



Myths of Sexual Violence Against Men & Boys

- Sexual violence against men and boys in conflict is rare.
- Male survivors are less affected by sexual violence than female survivors.
- Sexual violence, particularly in conflict always involves male perpetrators and female victims.

Photo sources: Transconflict; Al Jazeera; The Guardian
Information source: The UN Refugee Agency

There are a whole series of myths that I found, which seem to make it very difficult for many people to simply acknowledge male victims of sexual violence as genuine victims, as having good reasons for feeling vulnerable, or in poor health and in need of care. The myths include these kinds of statements that those refugee male victims of sexual violence reported hearing.

- “A man cannot be raped”
- “A real man would defend himself against another man trying to rape him”
- “He must have consented”
- “A man who has been penetrated is a woman”
- “He must now be a homosexual”. [3]

These are just some of the horrible things that are said to such men, who are already suffering and so isolated that some of them even commit suicide. This not only further hurts the survivors of sexual violence. It also creates in them a real fear of seeking help in future. The profound harm suffered by most male survivor during conflict and during flight often requires months of medical attention which they often do not get, resulting in infections, illness and trauma that could have been avoided if medical care had been accessed soon enough. For the victims to recover and feel whole again, the many NGOs that deal with sexual violence, especially of refugees and in conflict areas, need to provide services for the lower number of male survivors of sexual violence as well as for women. These men as well as these women need special help in accessing medical and health care services.

Unfortunately, popular culture in Uganda is steeped in heterosexist ideology, more than before. This makes male victims of sexual violence invisible, and tends to support violence and discrimination against them, on the grounds of what is claimed to be their ‘homosexuality’. Another myth! Both victims and perpetrators should not be placed in the same category of ‘deviants’. Those men who attack other men violently, may not be homosexual either, but certainly the victims as a social category should be protected and given health care they need, not stigmatized and made to suffer once again through no fault of their own. Being raped does not make you a homosexual.

[3] Dr. Chris Dolan, Investigating Conflict-related sexual violence against men in Africa, (<https://www.youtube.com/watch?v=7ADpH7VkbBY>), 2014.

Culture and religious beliefs around what it means to be a 'real man' is a problem. Negative social judgments and strong cultural norms are attached to men, and men are not supposed to be victims. This makes men with problems stay in the culture of silence. Refugees are a kind of ethnic minority in Uganda, and they find it even harder to be 'real men' since they lack money, income, job opportunities and social contacts. What it means to be a woman or a what it means to be a man are defined by cultural expectations of each sex, male and female. When a man seems not to meet what is expected of a man, he may have a hard time. He may also turn his trauma inward, and hate himself. Social ideas about masculinity, gendered stereotypes, social taboos and other factors against masculinity norms elucidate why many male survivors take years, or even decades to open up and seek help. There are few reported cases. Their small numbers are then used to justify further neglect and ignoring the problem in the hope that it will go away. It will not go away. The same problems that women had more in the past, of being blamed for being raped, or being accused of consenting to the sexual violence, or being blamed for 'adultery', even though they were raped, are now all used against male victims of sexual violence.

Attitudes of health care providers have not been open enough for many male survivors of sexual violence. The widespread negative responses and subtle mockery towards them from nurses and doctors, is something they encounter, for example, in Mulago national hospital. Yet this is the main hospital that the Uganda government has dedicated to the treatment of survivors of forms of GBV (Gender-based violence), including especially rape and sexual torture and violence, in Uganda. If these men cannot feel comfortable seeking help in Mulago, where can they go?

The 1 in 6 Statistic

Yes, it's hard to believe. There's strong scientific evidence.



At least 1 in 6 men have been sexually abused or assaulted.



What captured my attention during my own study for my masters, was how the decision not to have a shelter program for male survivors was justified in relation to the Ministry of Gender, Labour and Social Development. Yet gender is about women and men, both, not just about women. The Ministry has a shelter provision program for the women who have experienced sexual violence, and this includes victims who are refugees. This program enables Ministry staff to monitor recovery of these women, and make sure they are regularly getting check-ups and following their medical treatment. Yet male victims of sexual violence are just as likely, and maybe more likely, to have to be treated, for example for HIV/AIDs or other diseases, injuries and infections. The government claims that having male victims in the shelter alongside women could prevent women from getting better. They can surely have a shelter for men. This would help their recovery.

The UNHCR sometimes hinted during the study that some male refugees who say they have been sexually violated may be claiming this because they think this way they can qualify sooner for resettlement in a third country. This is very unfair for a refugees who tries to open up and honestly present their problems. It can be painful for that person not to be believed by doctors, and by officials in the immigration system. Someone who is not believed will not disclose in future, and their levels of trust will be very low. All this damages their healing process. Survivors reported in this study that talking about their experiences of sexual violence is the hardest thing for them to do. They may never have told these things to anyone, not even their family. Yet someone they don't know thinks it is alright to laugh at this story. He can end up further traumatized when he is met with disbelief or ridicule. So not only the UNHCR but also the Government of Uganda immigration officials should become much more sensitive when it comes to casting doubt on refugee male sexual violence victims' and their accounts of what happened to them, and how their health is suffering. Otherwise doctors and officials will risk re-victimizing male survivors who come to their agencies to seek help, and instead feel stigmatised.[4]



Male survivor risks the chance of being doubted of their experience especially by doctors and officials in immigration system



[4] Patricia. Washington vol 14 no.7, Second assault of male survivors of sexual violence (San Diego State University, 1999), 3.

As a way of closing these loopholes, some years ago RLP (Refugee Law Project) took on the responsibility of identifying, and lobbying and advocating for male survivors of sexual violence. RLP asked for recognition of the problem, and for funds to train doctors and others, and to provide the medical care, counselling and other assistance needed for survivors. RLP has worked in partnership with the Ntinda private hospital in Kampala district, Uganda.



RECOMMENDATIONS

• TRANSLATION

Advocacy needs to change to suit refugee audiences. Most documents are only circulated in English, which makes it hard for refugees who don't speak English to get information. Therefore, translation of documents about how to get help for male victims of sexual violence would be very helpful.

• ART AND MUSIC THERAPY

I recommend that male victim activists should explore using art, music, gardening, sports, dance and drama and cookery or carpentry etc. and other creative ways to become more positive about their situation. These methods can also be used to influence public attitudes, media and the youth, the youth being the pillars of tomorrow. Below are some more recommendations to support male survivors of sexual violence in their struggles to get proper medical care and other health services.



FOR NGOS (NON-GOVERNMENTAL ORGANIZATIONS):

• SENSITISATION OF PROFESSIONALS, VICTIMS AND THE PUBLIC

NGOs and medical institutions, especially in camp settlements, should sensitize refugees to what they are able to help with, and not help with, so that the most vulnerable refugees, including male survivors of sexual violence, can access the services these institutions provide. As mentioned above, there needs to be some investment in translating information about availability of services.

Refugee Law Project has circulated various videos and documentaries to different stakeholders, but this work should intensify with the local health authorities health workers, community and religious leaders. This should help to challenge negative perception of male survivors of sexual violence as not ‘real’ victims.

• MEDICAL INSTITUTIONS

Medical institutions and counselling agencies should encourage couple counselling among male survivors with sexual violence, with their partners or spouses. This can help avoid family breakups or domestic violence, since very often male survivors may have sexual problems, including some related to ill health, and just as women find it hard to discuss, so too, and maybe even more, men will not always be able to open up to their wives about their traumatic experiences, especially if they were attacked sexually.

GENERAL RECOMMENDATIONS

Couple counselling for the survivor and family is an urgent need for improved stability and quick healing for male survivors. Counsellors should endeavour to involve the wives of the male survivors in the counselling process so that they can give some hope and encouragement to the wives as well, who can then better appreciate the need for their husband to seek medical attention and to take appropriate medication regularly. However, men would still be encouraged to become responsible for their own preventative healthcare.



At the same time, they are being education on the existence of sensitive matters that affect people in their own communities. Male survivors of sexual violence in conflict should be considered full members of their communities.



By and large, this article shows the need to challenge some stigmatising myths that circulate in society and in the world of health and medical care. These are made worse by the often negative self-images of victims and survivors. To enable male survivors of sexual violence to access the full range of medical care they need, social and cultural attitudes need to change so that these victims and survivors are visible to most service providers. Policymakers, government institutions (medical institutions) and NGOs need to cooperate to enhance medical services for this neglected group. This article does not undermine all the efforts to prevent and repair harm caused by sexual violence against women. However, based on the findings from this study about male refugees in Uganda seeking health care, we should be aware that even though male refugee survivors are vulnerable, have suffered and feel pain, even so they are also as brave, as talented and as deserving as any other person who needs proper medical services in order to get well and recover.



Above: The interactive pictures describes the plight of male sexual violence survivor in accessing healthcare in Uganda..

THE 3RD ANNUAL CONFERENCE ON 'SEXUAL VIOLENCE AGAINST THE MALE GENDER IN CONFLICT SITUATIONS: THE CASE OF CHILD SOLDIERS'-CONFERENCE SUMMARY

By Joshua John Christodoulou, Tamara Frunse,
Legal Researchers



The volunteers finish up the final touches. Dressed in all black with colourful fabrics of yellow and orange fashioned into scarves, belts and hair bands. The founder of the organisation resembling that of African royalty with a headpiece made from the same fabric worn by the volunteers, her crown, confers with the project manager ensuring everything is on course. The first guests begin to arrive, greeted with a friendly smile from the registration team, their coats accounted for in the coat room, they enjoy refreshments and snacks, socialising to pass the time. In the speaker's hall, a podium and table share the floor in front of a projection of the following words "Sexual Violence Against the Male Gender: The Case of Child Soldiers". The topic of the third annual conference of the Centre for African Justice, Peace and Human Rights. The culmination of over 6 months of work was about to come to fruition.





Everyone having filed into the room and taken their seats, the doors are closed, lights dimmed, and microphones turned on it was time to begin. The first session being chaired by Ms. Miriam Blaak Sow, the Ambassador of Uganda, had two speakers who have battled head to head. Mr. Benjamin Gumpert: A Senior trial lawyer at the Office of the Prosecutor at the ICC who is leading the prosecution team in the case of Dominic Ongwen; and Ms. Beth Lyons: from the opposite end of the table, a criminal defence lawyer and currently a part of the counsel representing Mr. Dominic Ongwen.



Two giants in their field. Mr. Gumpert was given the topic of “Prosecuting Cases Involving Child Soldiers: Issues of Sexual Violence by and Against Them”. Having an active role in the current case of Dominic Ongwen, Mr. Gumpert related his presentation to his work. After going over the basics of the case and covering the evidence against the accused, Mr. Gumpert moved on to the tasks and duties that the children (both boys and girls) had to do when abducted and taken into the bush. He finished by addressing why, in the Dominic Ongwen case, none of the 70 charged crimes relate to sexual violence on men or boys. Ms. Beth Lyons was next up tackling the subject of “Forced Abduction and Recruitment as Child Soldiers: a Mitigating Factor for Deciding Crime and Punishment.”



Similarly, to the first speaker, Ms. Lyons centred her presentation around the current case of Dominic Ongwen. She began akin to Mr. Gumpert by addressing the charges and arrest of Dominic Ongwen, following up with a discussion on the disagreement with former child soldiers becoming liable for their actions as soon as they hit 18, addressing the trauma that accompanies them for the rest of their lives



In closing she directly mentioned the topic at hand and stated her disagreement with the oxymoronic term of victim / perpetrator. All the while through her presentation Ms. Lyons spoke on how she believes justice should be dealt but believes it needs to be distributed to the correct people. Upon completion of Ms. Lyons presentation the floor opened for questions from the audience. The end of the plenary session signified the beginning of lunch.

The catering of the event was a special treat for some and a reminder of home for others. Traditionally prepared Nigerian Jollof rice accompanied with chicken and puff puffs, the room was rife with people filling themselves whilst conversing with each other, the topics addressed still fresh on the lips of the attendees. With full bellies and rested minds, the second session was underway, the two speakers this time being Mr. Dmytro Suprun: currently council at the office of Public council for victims at the International Criminal Court, representing victims in proceedings, and Prof. Jens Iverson: an assistant professor at the Grotius Centre for International Legal Studies, who holds a Ph.D. from Leiden University. With the first half of the conference looking towards the practical side of the topic, the speakers in the second session dealt with a more substantive side of the topic. Mr. Suprun was tasked with “the Legal Status of Child Soldiers: The Duality of Victim and Perpetrator.” Mr. Suprun began by clarifying the legal status of children and defined minimum age of child soldiers. The rest of his presentation revolved around why children under the age of 15 should not be held criminally liable (highlighting reasons why) and instead provided another means to allow them to be socially reintegrated. Prof. Iverson’s topic also catered towards a substantial conversation, “Potential Impunity Gaps for Atrocities Committed Against One’s Own Armed Forces between Crimes Against Humanity and War Crimes.”

Prof. Iverson covered 3 questions throughout his presentation, who do they protect? Do they protect crimes committed against one’s own forces? If there is an impunity gap, how can it be filled? He used these three questions means to break down both war crimes and crimes against humanity, assessing their definitions and scope under the ICC. Upon the conclusion of his speech, another plenary session was held where answers to the crowd’s question were given.



The Centre then had a special announcement to make, the official launch of the sexual violence database. An online source highlighting all incidences of sexual violence towards the male gender. Working on a country by country basis the centre has examined international law and treaties the selected countries are signatories to with the aim to provide easy access of information to all. This database will be continually updated and expanded upon to one day cover the entirety of Africa. To end of, a special word of thanks was given to all those that helped make this day possible. From the speakers to the members of the organisation. A lot of time and effort had gone into ensuring this day went smoothly and signs of appreciation were evident. With that being said, if you missed the event and would like to find out more, whether its an in depth report on what the speakers spoke one, pictures of key moments of the event, or bite sized videos of speakers addressing questions, please visit the Centres website at www.centreforaficanjustice.org. There you can find out more about our organisation, scroll through the database and find information concerning upcoming events!



DOMINIC ONGWEN: CASE FACT SHEET

Place of birth: Coorom, Kilak County, Amuru district, Northern Uganda

Nationality: Ugandan

Position: Alleged Former Brigade Commander of the Sinia Brigade of the LRA

Warrant of arrest: Issued under seal on 8 July 2005 | Unsealed on 13 October 2005

Transfer to ICC Detention Centre: 21 January 2015

Opening of the trial: 6 December 2016

Closure of Submission of Evidence: 12 December 2019

Closing briefs : 24 February 2020

Closing statements: 10-12 March 2020



Charges Dominic Ongwen is accused, pursuant to articles 25(3) (a) (direct perpetration, indirect perpetration and indirect co-perpetration), 25(3) (b) (ordering), 25(3) (d) (i) and (ii) and 28(a) (command responsibility) of the Rome Statute, for the following crimes against humanity and war crimes:

- War crimes: attack against the civilian population; murder and attempted murder; rape; sexual slavery; torture; cruel treatment; outrages upon personal dignity; destruction of property; pillaging; the conscription and use of children under the age of 15 to participate actively in hostilities;
- Crimes against humanity: murder and attempted murder; torture; sexual slavery; rape; enslavement; forced marriage as an inhumane act; persecution; and other inhumane acts.

Present Status of the case : Trial Chamber IX will now deliberate on the proceedings and, within a reasonable period, pronounce its decision on conviction or acquittal pursuant to article 74 of the Rome Statute. The Chamber bases its decision only on the applicable law and on evidence submitted and discussed before it at the trial.

Composition of Trial Chamber IX :

Judge Bertram Schmitt, Presiding

Judge Judge Peter Kovacs

Judge Raul C. Pangalangan

Representation of the Office of the
Prosecutor :

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Benjamin Gumpert, Senior Trial Lawyer

Defence Counsel for Dominic Ongwen

Krispus Ayena Odongo

Legal Representatives of the Victims ;

Joseph Akwenyu Manoba

Francisco Cox

Paolina Massidda

SEXUAL VIOLENCE AGAINST MEN AND BOYS IN CONFLICT

**SEXUAL VIOLENCE
HAS BEEN USED
AGAINST MEN AND
BOYS IN 22
COUNTRIES**



**23% OF MEN (EST. 760,000
MEN) IN CONFLICT-
AFFECTED TERRITORIES IN
THE DEMOCRATIC REPUBLIC
OF CONGO HAVE SUFFERED
SEXUAL VIOLENCE**

**32% OF FORMER
MALE COMBATANTS
IN LIBERIA HAVE
EXPERIENCED
SEXUAL VIOLENCE**



**MEN AND BOYS ARE STILL
LARGELY LEFT OUT OF
RESPONSE MECHANISMS**

PHOTO SOURCES: ISS AFRICA; COUNSELING TODAY; OPEN GLOBAL RIGHTS; GUARDIAN
INFORMATION SOURCE: OPEN GLOBAL RIGHTS

CHILD SOLDIERS



TOTAL: 250,000 - 300,000
child soldiers worldwide



CHILD SOLDIERS ARE ACTIVE IN:

Afghanistan, Central African Republic, Chad,
Colombia, DR Congo, India, Iraq, Myanmar,
Philippines, Somalia, South Sudan, Sudan,
Thailand, Uganda and Yemen



40%
of child soldiers
are **GIRLS**



**THE LORD'S
RESISTANCE ARMY**
is estimated to
**HAVE KIDNAPPED
66,000 CHILDREN**
since 1987

Active in Uganda,
DRC and the CAR

Many children used as...

Children are targeted
because they can be
**MANIPULATED
EASILY.**



FIGHTERS
on the frontlines
of conflicts

&



COURIERS

&



**SEX
SLAVES**



Centre for African Justice,
Peace and Human Rights

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