



CENTRE FOR AFRICAN JUSTICE

Conflict-Related Sexual Violence Against the Male Gender: A Perspective on Forced Displacement

ISSUE III VOL I | SEXUAL VIOLENCE MAGAZINE

TABLE OF CONTENTS

03 *Founder's Statement*

Barrister Sophia Ugwu

Interviews with...

03 Mr Tonderai Chikuhwa

12 Mr Pim Scholte

23 Dr. Sheetal Shah

Infographic by Lucila Abian

32 Conflict-Related Sexual
Violence
Forced Displacement

Conference

73 *Summary
by Sian Lord*

By Federica Lombardi

39 An Inquiry into the Male Experience of
Genocidal Sexual Violence.

By Zofia Kostrzewa

47 Consistently Ignored and Inconsistently Applied:
Towards a Constructive Recognition of Male
Sexual Violence in International Law.

By Preetkiran Kaur

54 Conflict Related Sexual Violence Against Men:
Can Women in UN Peacekeeping Operations
be a Panacea to the same?

By Júlia Miragall Mas

64 The Link Between Sexual Violence, Human
Trafficking and Forced Displacement.





According to the 12th Report of the UN Secretary-General on Conflict-Related Sexual Violence, more than 58 cases of Conflict-Related Sexual Violence were reportedly perpetrated against men and boys in 18 countries of the report's concern in 2020 including the Central African Republic, Democratic Republic of the Congo, Libya, Mali, Somalia, South Sudan, Sudan, Cote d'Ivoire, and Nigeria.



FOUNDER'S STATEMENT

By Sophia Ugwu

Sadly, this may not be all as issues pertaining to male victims of sexual violence have remained less visible. Due to fear of cultural stigmas, ostracism, religious taboos, and social constructions of masculinity, male survivors do not come forward to report and when they do, they do not always get justice. Also, discourse on conflict-related sexual violence has not gained maximum attention and there is minimal research and major under-reporting of sexual violence perpetrated against men and boys.

As a result, male victims of conflict-related sexual violence continue to face greater challenges than females as they are targets of repressive laws, social stigma, and other setbacks. Many of them are unable to access special clinics, safe male shelters and experience difficulty in reporting to appropriate authorities.

Due to the widespread use of sexual violence as a tool of war, we at the Centre for African Justice, Peace and Human Rights (CAJPHR) believe that it is imperative to continue to raise awareness that sexual violence against men is a reality and its elimination imminent.

Noting that the elimination of sexual violence against men is not the responsibility of one, but rather the responsibility of all, we at CAJPHR believe that by prioritizing awareness, research, writing, strategic partnerships and collaborations, we will succeed in providing valuable contributions to sustainable and effective solutions for sexual violence against men.

In light of the above, the Sexual Violence Team at (CAJPHR) publishes quarterly magazines on conflict-related sexual violence perpetrated against men and boys as a means of raising awareness on the need to put an end to sexual violence perpetrated against men and boys, the need to honour and give a voice the male victims and pay tribute to those who advocate for the eradication of sexual violence against men.

As part of our advocacy efforts to raise awareness on conflict-related sexual violence against boys and men; and with the aim to bring the issue to the forefront of the international discourse, CAJPHR presents a new issue of the magazine published by the Sexual Violence Team with a focus on Conflict-related Male Sexual Violence and Sexual Violence perpetrated against Forcefully Displaced and Migrant Males.



The connection between sexual violence, forced displacement and migration has been gradually receiving attention among scholars. For example, when faced with conflict, a person has the choice to remain indifferent, fight or escape (migrate); whichever choice they make, they are likely to suffer various terrible consequences including sexual violence. Given this, it is important to draw public attention to the fact that while conflict leads to forced displacement and migration, migrants and forcefully displaced people, including males, can be victims of sexual violence.

Considering this, this magazine publication marks the commemoration of International Migrants Day 2021, by creating the platform for our contributors to share their thoughts on sexual violence perpetrated against men in conflict and sexual violence perpetrated against men migrating or forcefully displaced as a result of a conflict.

Addressing this very difficult topic requires an examination of its various dimensions and our contributors have made great efforts in sharing their thoughts on various issues including the high risk of sexual violence suffered by migrants and forcefully displaced men and boys, the impact of conflict-related sexual violence on men, boys, and children, mental health problems suffered by displaced victims of sexual exploitation and the practices used by traffickers on men and boys, among other topics.

Our Special thanks go to Mr. Tonderai Chikuhwa, the Chief of Staff and Senior Policy Advisor in the United Nations Office of the Special Representative on Sexual Violence in Conflict, Dr. Sheetal Shah, a psychologist and the Academic Director at Webster Leiden Campus-Webster University USA as well as the Founder of The Bridge2Hope foundation, and Dr. Scholte psychiatrist and scientist, Director of ARQ Centrum 45, Founder of Equator Foundation and Chair at Laguna Collective, for their very insightful interviews. We would also like to thank our readers in advance, for taking the time to read these inspiring contributions comprising of interviews and informative articles. We hope that these contributions will raise further awareness on this important issue, lead to a meaningful exchange of opinions plus further research, given the importance of the topic.

We continue to stand in solidarity with all male and female survivors around the world, and fully support the efforts of various institutions and individuals continuously condemning conflict-related sexual violence and working towards providing effective sustainable solutions to end such violence.

Finally, we would like to thank the CAJPHR Board members and all the Sexual Violence Team members who have helped to produce and publish this issue of the Sexual Violence magazine for their commitment to this cause.

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INTERVIEW WITH

MR. TONDERAI

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CHIKUHWI

The issue of men and boys is a prime example of an issue that has fallen through the cracks for a variety of reasons.

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A national of Sweden and Zimbabwe, Tonderai Chikuhwa has worked for 20 years on human rights and international peace and security. Mr. Chikuhwa currently serves as Chief of Staff and Senior Policy Advisor in the United Nations Office of the Special Representative on Sexual Violence in Conflict, and worked previously as Special Assistant and Senior Programme Officer for to the Special Representative for Children and Armed Conflict.

He also served in United Nations peacekeeping in West Africa as Child Protection Adviser to the Special Representatives of the Secretary-General to Sierra Leone, Liberia and Cote d'Ivoire. In these capacities he has conducted negotiations with armed forces and groups for release of child soldiers and prevention measures against the use of sexual violence as a tactic of war, contributed to the design and implementation of monitoring systems and programmatic interventions for children and women in conflict and post-conflict settings, and advised the United Nations Security Council on the landmark resolutions on children and armed conflict and sexual violence since 2000.

Prior to joining the United Nations Mr. Chikuhwa lectured in the faculty of political science at the University of Cape Town in South Africa, supported the South African Truth and Reconciliation Commission, and was a Research Fellow in the International Migration Policy Programme of the Carnegie Endowment for International Peace in Washington D.C.

1. In your publication on “Protecting Children in Armed Conflicts as a New Imperative of International Peace and Security” and “The evolution of the United Nations’ protection agenda for children: Applying international standards” you mentioned a great number of children that suffer serious injuries, which are forced to witness or partake in terrible acts of violence, this includes being subjected to sexual violence and exploited as child soldiers. The question is, do you believe the development in international standards and norms for the protection of the rights of children in the last decades has effectively provided ways to combat sexual violence against child soldiers?

Well, first of all, I would like to thank you for the opportunity of this interview and for your interesting focus on this area. Indeed, it is an area that has seen quite unprecedented development in the past two decades through the strategic imperative of the UN Security Council to put the issue of children affected by the armed conflict on its agenda, and essentially through the UN Security Council as a vehicle pushing this issue deeper into the peace and security space.

We cannot overestimate how important that is being as a kind of paradigm shift in terms of how we understand the protection of children, not only recruitment of children, but sexual violence and a range of other violations that happened to them.

I would say that the strengthening and tightening of international law have been critical but even more so the process in the past two decades of building a normative framework in the context of the UN Security Council through the issuance of a series of resolutions since 2008. The first resolution on children in armed conflict, which was Resolution 1261, and the series of resolutions that have been built since then are somehow increasingly operationally-oriented expressions of the will of the Security Council in terms of preventing and addressing these violations. We can't underestimate how important that is.

The resolutions, as I have just said, have become more operationally precise which created a much clearer road map on how to attack this issue and on how to prevent crimes such as sexual violence, recruitment, killing and maiming of children, attacks against schools and hospitals, abductions of children, and denial of humanitarian access for children. These are the main categories of violations that are not covered under the protection regime.

The resolutions offer greater clarity, not only on how to address them primarily as a criminal justice issue by putting accountability for such crimes as a centre-piece of an overall prevention approach and strategy, but importantly the resolutions also called and made clear that an increasingly broad range of actors who are responsible in some way or another in contributing to the prevention.



Where these issues used to be treated by alone child protection advisers in the UN peacekeeping mission, or when it comes to sexual violence by law and gender advisers, over the past 10 to 20 years, and through the UN Security Council normative framework, it has implicated a full range of peace and security actors.

Those ranged from uniform peacekeepers who are now in a much more proactive posture to be able to address these kinds of violations to ceasefire monitors who are looking at these issues as fundamental aspects of

ceasefire monitors who are looking at these issues as fundamental aspects of ceasefire verification and monitoring in terms of our peace processes and peace agreements, and to a whole range of service providers.

Importantly, local communities and children survivors themselves as well as women and girls who suffer sexual violence, are also increasingly part of the solution-building. In the resolutions, they have given visibility and agency to these categories of crimes which were very silenced, particularly so sexual violence. I think it is fair to refer to it or understand it as history's greatest silence. I think that the engagement of the Security Council on these issues over the past 20 years has implicated many more actors. As the resolutions have been driven to the ground, we have seen tangible results as well, counted in the number of children who have been released, on the strength of the action plans developed on the basis of the Security Council's framework, and more recently in the past ten years, the structured commitments that state and non-state parties are increasingly making to prevent sexual violence crimes. The focus on justice and accountability is a very important element of the prevention approach to deal specifically with conflict-related sexual violence.

2. Sexual violence against the male gender is often used by armed groups as a method of indoctrination and punishment against abducted boys, as was the practice of the Lord's Resistance Army (LRA), addressed in the Ongwen Judgment. Despite the existence of international standards and national norms for the protection of children's rights, such grave violations remain significantly overlooked and under-prosecuted, especially regarding male sexual violence. How can the international community ensure the application of international standards for children's rights protection so as to effectively protect boys from such abuse or prosecute perpetrators when boys are sexually abused in conflict?



This is a very important question and, in some ways, a question that we have been wrestling with conceptually over the past two decades. I would say that, in some ways, the issue of sexual violence against men and boys, though it is well recognised that men and boys also are targeted with this category of violations, is an issue that has fallen between the cracks for of a kind of a number of reasons, including the difficulty to find a location for these issues.

For instance, in the past decade, on the basis of our experience with children in conflict in the Security Council, we have managed to develop an agenda dealing specifically with conflict-related sexual violence. The birth mother of that agenda, as you may know, is Security Council resolution 1325 on women, peace and security. In some ways, there has been tension within our own community and the women, peace and security community because looking at sexual violence against men and boys does not fit neatly into the women peace and conceptual security framework. Indeed, there have been concerns that cannot be discounted that the focus on men and boys distracts from the main problem, which is sexual violence against women and girls. So that is part of the tension.

Then, of course, in the ambit of the children and armed conflict agenda, which predates a structured agenda within the Security Council on sexual violence, the view of sexual violence against children, I would say has been a narrow optic because the reality on the ground is that sexual violence is used to target vulnerable populations. In reality, that does not stop with girls who are under the age of 18 or boys who are under the age of 18, this is a crime that is used to target babies shockingly as young as four months or elderly men and women. In some ways, we have been confined by our own conceptual frameworks and rules of the game in terms of the way these mandates are constructed within the ambit of the Security Council. This has meant that we have not treated this issue in a comprehensive way, particularly at the level of operations and programming.

The issue of men and boys is a prime example of an issue that has fallen through the cracks for a variety of these reasons. I would say that the good news is that the last resolution on conflict-related sexual violence which was adopted in April 2019, namely resolution 2467, is the first resolution that is very clear and precise about the fact that sexual violence affects men and boys as well as women and girls. That clarity in the resolution sets the scene for a much more operationally and programmatically oriented response for men and boys. That evolution in the expression of the Security Council is important because it elevates and sheds light on that issue and, in some ways, pushes the constellation of actors to focus on it in terms of operations and response programming. I would say that one of the other things that is very critical for a sustained and tailored response is understanding that nothing moves without a basis of knowledge and information analysis that then becomes the foundation or basis for action. Part of the challenge that we have is that we have not understood the unique aspects of sexual violence against men and boys and how it is used. For sure, it is a matter of armed groups and armed forces targeting men and boys for very specific reasons, precisely to attack the core of the heart of an opposing community, to emasculate men and boys, and to humiliate them.

It has been something that we have seen consistently in the context of formal and informal detention settings. So the way that we monitor prisons and detention settings has to be clearer and more cited on the fact that sexual violence occurs in those contexts. In the past, it has been falling through the cracks because it is coded. So a man or a boy in a detention setting may say they underwent torture because the stigma is so much that they cannot say that the nature of that torture was sexual violence. So we are not responding because the information is not coming out. This is very similar to the challenges for our response on sexual violence against women and girls, where the lack of information because of the deep stigma around these crimes does not come forth and hampers our response.

Certainly, within the context of detention settings, that is one of those things that we have seen. I think, as your question really points out, that it is also a matter of a deeper understanding of the dynamics within armed groups. When I was working in the field in West Africa as a child protection advisor working to identify and mobilise child soldiers, it became clear that sexual violence is a very strategic and kind of 'purposive' tool that serves a number of purposes within the context of armed groups. It is certainly something that is used, for instance, to separate physically and spiritually young boys who are being forcibly recruited or abducted from their communities. Imagine that a group raids a school takes ten kids and takes them into the bushes. It is not as if they have a stockade or even a structure where they can lock the kids up, and kids if you leave them unattended, they will run away, and they know that area much more than the group that is passing through. So how did those groups separate those kids from their communities spiritually and physically?

They may, in the course of that abduction, be forced to witness the rape of their families and they may be forced to participate in raping family members. Even a young child would have a perception of 'what I have been forced to do is absolutely taboo and unacceptable and I cannot return to my family after having done this, and it is then used as a technique to separate abducted children. Those children may be forced to witness sexual violence, they may be forced to commit sexual violence. Many of them are also raped as a way to terrorise them and that is part of the perverse indoctrination process. It is therefore important for us to understand the experience of these children in a much more nuanced and multifaceted way. The Ongwen case is actually one of those cases, and the UN is preparing an Amicus brief on that case. It is one of the cases that I dealt with earlier in my career, and the reality is that the Ongwen case is a case of a perpetrator, but the perpetrator who is also a victim. He himself was raped, was forced to witness rape, and was forced to commit rape and then became a perpetrator and a commander who used that as a tactic as well.



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Of course, none of his actions is excusable, and there has to be accountability, but we have to see the experience of these children who grow into adults in a fair and realistic way because they are both victims and perpetrators. The way that we deal with that in the rule of law in international law. I think it still requires introspection and deep thinking on our part, it is not black and white if I can put it that way. I think the Ongwen case is important for the narrative that has to be expressed around that case and that paints a deeper picture of the experience of young boys who are forcibly recruited and indoctrinated into a life of being perpetrators of some of the most heinous atrocities in conflict zones.

3. As stated in the International Organization on Migration (IOM) Glossary on Migration, forcibly displaced children face grave risks of abduction, including for the purpose of sexual violence, exploitation and abuse. In your experience, what have you observed the effects of sexual violence, exploitation and abuse to be on children?

What I can say, really, is that in all the conflict zones that I have worked in over the past two decades, every child is different, the contexts are different, so one has to be careful about generalising. However, I would say that there are some constants, some kind of immutable or unchangeable realities, which is the deeper lasting trauma, that particularly sexual violence leaves long-lasting scars on the children boys and girls who experience these crimes. These are both physical and psychological. There are children who suffer such shocking physical injuries that it is a legacy over a lifetime. I am sure that you have heard of fistulas, even for boys. You know, in many of the hospitals, for instance, if you speak to Doctor McQuigg Pansy, the surgeries to reconstruct boys and girls who have been just torn apart literally, are one of the most painful and shocking aspects of Doctor McQuigg's work, and they leave a long-term legacy.



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Not to mention psychologically what that does to anybody, but particularly children. I think that for children, in particular when it happens early on, it can become formative as well. I am not altogether surprised when you see stories like Ongwen's story of children who experience sexual violence at a very early age becoming some of the most brutal perpetrators of that kind of violence.

Children, in some ways, are so impressionable and become what they are exposed to early on in their lives. That is precisely why armed groups and armed forces recruit children and why it is such an important tactic for these armed groups to recruit and use children and to subject them to these kinds of crimes. It then enables those groups to turn those kids into the weapons that they have crafted. Sometimes, they can get children to do things that adults would never do precisely because children are so innocent, so impressionable, so eager to please and so malleable. I think it is a legacy of deep trauma both physically and psychologically, and spiritually.

I also think it is a legacy of the perpetuation of violence and conflict because these are the kids who then become young adults and who become the commanders of peace of these groups into the future as well. It kind of perpetuates the cycle of violence. I have to say, and I think it is important for us to be honest in our introspection, I think that the international community, the UN included, as well as the major civil society protection agencies are all overwhelmed by the scope of the problem. When I look at the experience that children have in conflict zones, including with sexual violence, and then I compare the depth of that experience and trauma with the construct of our rehabilitation and psycho-social interventions, I think they scratched the surface of the crimes that are being committed.

The children in conflict agenda have now been a Security Council structure mandate for over two decades and a sexual violence in conflict mandate for a decade now, and I think in the next phases of these mandates, we have to take a much more honest look at the construct of our response programming and particularly the construct of our psycho-social interventions and psycho-social support because I don't think they do justice to the complexity of this issue and the experience that children have.



Therefore, I think that even as the violations that still occur in our crisis require a peace and security response as well as a service-level response, our own service provision is also a crisis that requires a much more honest and deeper approach, which of course also means that we have to be realistic about the level of resources that goes into this. The sexual and gender-based violence sector is the most chronically underfunded sector in our United Nations humanitarian appeals and is the most difficult sector to generate steady resources for in terms of the responses and the humanitarian responses. Proper work in the psycho-social sphere requires an adequate outlay of resources as well. I think that this is a responsibility that we have as response agencies in the UN and as a civil society, but it's also a responsibility that donors have. If we are serious about this, then we have to bring serious resources to the table as well.

EQUALITY

Interview with



DR PIM W.F. SCHOLTE

Dr. Scholte is a psychiatrist and scientist affiliated with the Amsterdam University Medical Centre (AMC), working on the development and scientific evaluation of innovative treatment methods with a combined individual and context-oriented approach. During his career he has gained experience with various humanitarian aid organisations in post-conflict and refugee settings.

He was also a board member of Doctors Without Borders in the Netherlands for 12 years, a methodology advisor for War Child Netherlands and a founding board member of the Transcultural Psychiatry department at the Dutch Psychiatric Association.

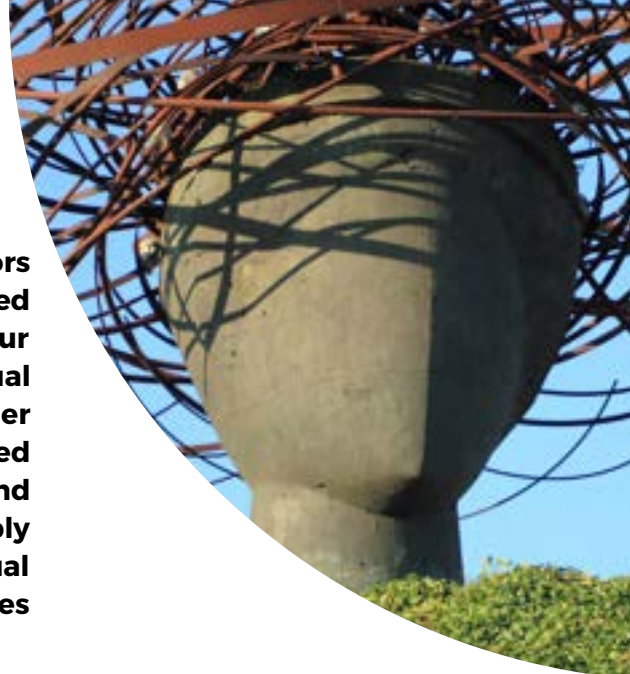
He is the Chair at Antares Foundation, focused on promoting staff support and care in humanitarian and developmental organisations. He is also the Founder and Chair of Equator Foundation (now integrated within ARQ National Psychotrauma Centre), a mental health programme for traumatised refugees and victims of human trafficking. In addition, he is a board member at Laguna Collective, working to promote mental and psychological well being especially in contexts of forced displacement and communities with low resource settings.

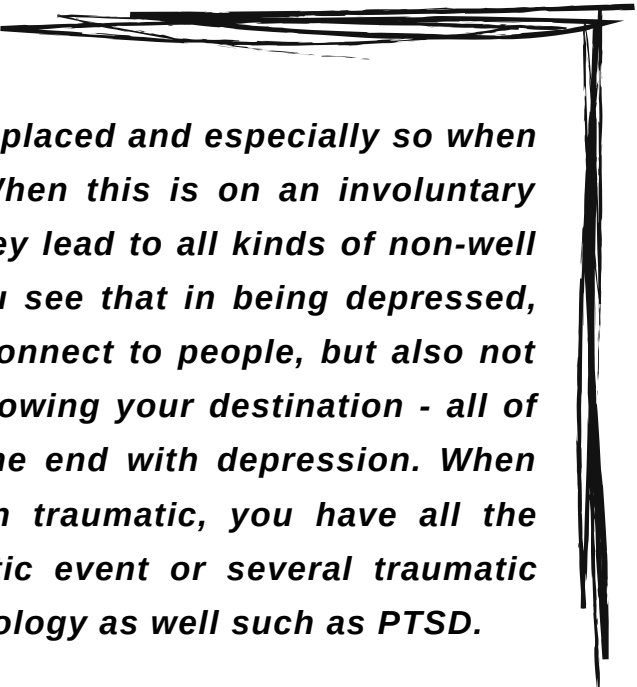
1. In your 2020 publication on 'Feasibility and predictors of change of narrative exposure therapy for displaced populations: a repeated measures design' you and your colleagues mention that displaced victims of sexual exploitation suffer from post-traumatic stress disorder (PTSD), and often benefit less from trauma-focused therapy (TFT). In your experience, what have you found to be the psychological effects suffered by forcibly displaced males who have been subjected to sexual violence? What are the social and cultural challenges male survivors often find to access treatment?

'I think the answer would be in two: One is the forced displacement which has its consequences, and the other is the fact that people have suffered sexual violence, and that may be during the displacement, or before or after. I will therefore address this question as being sexual violence as such, not so much in what context.'

The displacement has many consequences, when it is not on a voluntary basis. People not only have to get acquainted with their new surroundings, which means that you have to get familiar with anything in the context: the food, the weather, the kind of bed you sleep in, things like that; but also all the things that have to do with social interaction, so you have to get to know the language, but also the meaning of certain gestures that people make, certain conventions on a social level that people appreciate and that you don't know yet maybe. So that is very much a stressor, all things together. But also the losses that you have suffered are relevant. You left your home, you left the people you love and your whole social environment.

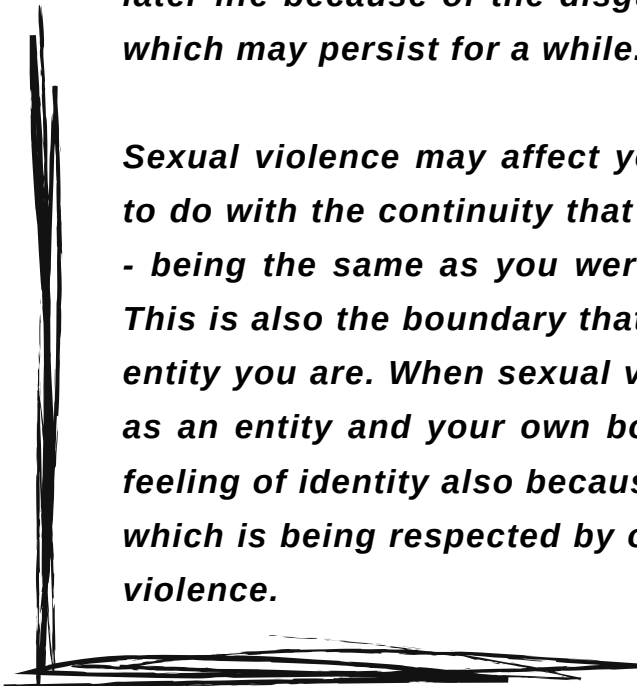
That also comes with loss of roles that you played within this social environment. We all have a certain meaning for others, and we gain certain respect and recognition for that and we also take pleasure out of it by doing things with or for other people by helping them or receiving their support. Everything that comes with the social network that you have kind of determines who you are. I am, because I am recognised as such, but I am also the one I am because I feel that in myself, but that is recognised by others. That is the thing that you lose when you have to move from one place to another and you don't know what people are like around you, and they don't know you; so you are not recognised - you are kind of anonymous and that determines your identity feeling for a part.





This is part of the stress when you are displaced and especially so when you have not had the time to prepare. When this is on an involuntary base, this might be very stressful, and they lead to all kinds of non-well being on the mental level and mostly you see that in being depressed, being demoralised, not knowing how to connect to people, but also not knowing what the future will bring not knowing your destination - all of that comes with demoralisation and in the end with depression. When the cause of the displacement has been traumatic, you have all the consequences of experiencing a traumatic event or several traumatic events and that may result in psycho-pathology as well such as PTSD.

That is all common to people who have been forcibly displaced. When people have also suffered sexual violence, there is also a whole range of other things that are major stressors, because sexual violence comes with a lot of emotional consequences - especially during the act of sexual violence - you may have experienced great fear, you may have experienced great shame because it is about exposure that is not wanted, it is about humiliation mostly - so shame is a very relevant aspect of the emotional part of experiencing sexual violence. You may experience great disgust - and that disgust may determine how you experience and how you go into intimate contact on a voluntary basis in later life because of the disgust you may feel about yourself and others which may persist for a while.



Sexual violence may affect your feeling of identity because identity has to do with the continuity that you feel in yourself and you being yourself - being the same as you were yesterday and being the same tomorrow. This is also the boundary that you experience yourself as the continuous entity you are. When sexual violence takes place, that boundary of you as an entity and your own body is being crossed, and that affects your feeling of identity also because of the feeling of being a consistent entity which is being respected by others - that fact is being crossed by sexual violence.

It also has a consequence on your feeling of identity - fear, shame, disgust and disturbed identity feeling are the main consequences of experiencing sexual violence. That may result again, in mental health problems and mental health disorders. It can also result in difficulties in interactions with others. It is a broad spectrum of consequences that victims of sexual violence that have been forcibly displaced ay manifest.'

(What are the social and cultural challenges male survivors often find to access treatment?)

It is the inner threshold to acknowledge that you have been victimised by sexual violence and open up to others that may be very hard for victims, especially because there may be a huge stigma for victims of sexual violence - especially for men because of humiliation and shame which may be very difficult for a male survivor to open up about, even if it would be towards an aid provider. Stigma and shame therefore play a huge role. Then there is also the unfamiliarity people have with the health system in the environment that they are in at the moment. In Holland, you have to know which are the people and professions to address the consequences of sexual violence.

Many people in other cultures, the GP is not the first you open up to. It might be someone in their circles or family, but might also be very difficult because of shame, but it also might be a religious leader. For us in Holland, it would be someone like a psychologist, but first of all the GP. That is not so logical for many people. Unfamiliarity with the track and help seeking pathway and help offering instances plays a huge role as well. It is not so much a cultural thing, but unfamiliarity with the context that you live in that may be difficult. The cultural things are of course mostly shame that may account for many access problems to adequate help. This is especially for men as masculinity, the humiliation and degrading quality of sexual violence may be an attack on the masculinity so that your feeling of masculinity and your identity feeling may be corroded by it so much, that especially in several cultures, that plays a huge role as a cultural barrier to seeking help.'



2. In your article ‘Undocumented asylum seekers with post-traumatic stress disorder in the Netherlands’ you stress the medical ethics and human rights perspective which necessitates for adequate and evidence-based treatment for undocumented asylum seekers with mental health problems illegally residing in a country. You mention that there currently is a tailored treatment programme in the Netherlands, which appears to be a feasible option. How can programmes like these support asylum seekers who are male survivors of sexual violence, considering the stigma related to their mental health problems suffered from conflict related sexual violence? Do you believe such treatment programmes are able to reach and help all male survivors of sexual violence?



‘That wouldn’t be very easy to be honest. There are not many programmes like these in Holland. It is feasible, but there are many obstacles to it. And also professionals working in such a programme know how to be very flexible, very tolerant to the fact that people do not show up on their scheduled consultation. People will not be able to partake in trauma focused therapy because there is so much emotionally rousing that the daily stressors they are confronted with limits the possibility to completely participate in such therapy. It is feasible, but only if the organisation will let you do that in a non-conventional and flexible way and adapt to the circumstances and individual conditions that your clients are in.

These conditions are very harsh for undocumented people. There is a lot of social uncertainty. There is a lot of adversity and there is an enormous amount of daily stressors and that is why most health workers and psychologists hesitate to offer evidence based treatment, because every time a new stress emerges, you can’t do the usual treatment, which is the one you would want to do cause that is the evidence based one: the trauma focused therapy that has a proven effectiveness.

And mostly, this is not often possible, but only if they are willing to go through the process of addressing the daily stressors whilst wanting to continue in a fragmented way of offering trauma focused treatment. If you do that, you may gain the trust and confidence of your client, and then you may start exploring sexual violence experiences, cause you always have to kind of probe into that slowly, asking in a very careful way, and then see if the client is willing to open up gradually, but you can only do that in a context where you have built a trust relationship. That takes time.

Most programmes that treat undocumented people don't follow that path. It is feasible, but it is not very often that it happens. This applies for undocumented people. Many people work in an organisation that doesn't allow you to continue working with undocumented people for many reasons.'

(Do you believe such treatment programmes are able to reach and help all male survivors of sexual violence, considering their complicated situation?)

'No, that may be obvious, I don't think so - that they would be able to. They could be able to if the health system and organisations that depend on the financing of our Dutch health system, if they would be willing to do that, and if the health system would allow you, then it might be possible, but there are so many constraints to treating undocumented people and to getting reimbursement that many organisations are not very much willing to do that. Then again, even if your organisation would allow you, you have to realise that the usual treatment options are not what you should do. You should slowly go into it and be very flexible in implementing it.'

3. In your 2019 article 'The Nexus Between Conflict-Related Sexual Violence and Trafficking for Sexual Exploitation in Times of Conflict' together with your colleagues you approached a topic both from a legal and a psychological perspective. Which are the difficulties that can possibly arise when finding multiple angles of approach in such a sensitive topic and how challenging may it be to bring both of them smoothly in one article?

'Your question is very much focusing on how to get such an article off the ground, right? Yes, correct so its what kind of research you did. There was not real research to implement before writing this article but there is a lot of theory that you have to know. You have to utilise your own experiences which is exactly what me and colleagues while writing this article did. It was not an easy process because the way that legal persons think and the way they write is so different from the ones written from a medical or psychological perspective. That it was not easy to bring it together.'

Another aspect is that as a medical person or a trained psychological professional, I had great difficulty in understanding the legal issues that were brought up in the article by other persons. So making one article out of it wasn't easy at all. I don't know if it is an article that is easily readable or it reads as two different articles. We just wrote our stuff and the Impact organisation was the one to bring it together.

4. In your study on the prevalence of mental health problems in Rwandan and Burmese refugee camps, you come to the conclusion that providing individual support to all those in need is not feasible, given the large number of people experiencing serious mental health issues. As a possible solution to this, you mention strengthening community structures. However, male survivors of conflict-related sexual violence are faced with a double discrimination by their communities. On one hand, they face the stigma that comes with being a victim of sexual violence. On the other hand, there is the stigma attached to mental health. What are the tools available to tackle this double discrimination in a difficult context such as that of refugee camps?



First of all, as you may know, there is a huge debate going on regarding the question of whether there is a high prevalence of mental health issues in refugee camp settings. That is to say that it is just a survey and it may indicate that many, many people have a diagnostic mental health issue which of course is not the case. We did a survey in the eastern part of Afghanistan where 78% of women appeared to have a score which may indicate an anxiety disorder, which is a huge majority of people, similarly in a Rwandan camp 50% scored positive on a screener. Does this distress or disorder come from within social circumstances? I very much believe so. If you were to address the social circumstances, the society or the community would be able to find its common social fabric to restore itself in the networks and activities that come with that. All these prevalence rates would come down and your approach would not be a medical or psychological one but a sociological one, and that's exactly what comes out of the study.

The same should be followed. An intervention can have its origin in psychological thinking and it should, I think, have an aim to restore the social cohesion or social fabric. This would make it easier for victims of sexual violence to cope with their problems. If you have an approach like that, you have a pyramid of people who have psychological problems. People at the top have problems going in the direction of a disorder and need more particularised help and individual support. As per the IASC pyramid, in MHPSS emergencies we help survivors with their basic needs such as food, sanitation, security and then up to the top. At the top, only certain people need help. Male victims of sexual violence may fall into the upper part of the pyramid as individuals who require specialist help. However, first the basic securities and the social fabric should be restored for them. I am not very optimistic that goals like these are achievable. I am regularly visiting refugee camps and it is such a chaotic situation. Basic needs are hardly being met to the extent that you cannot think of a solution very easily.

(How can communities' perceptions be changed or influenced in such difficult contexts, where different cultural groups are living together in difficult circumstances?)

Well, I think the answer lies in campaigning in a very careful way. At the moment, we are thinking of a campaign in Uganda to get more people acquainted with the concepts of mental health and emotional well-being. Now this kind of dissemination on for example mental health issues does not allow you to function in the best possible way you would want to, this needs to be done very slowly. You would have to go stepwise, beginning with basics like emotional health and later linking them to sexual harassment. To directly start with sexual violence in conflicts would be unacceptable to many people. In Afghanistan, we did a survey, we could not ask have you ever been confronted with sexual violence as people would not give you valid answers. What we could do was ask if you have ever heard of someone who has experienced sexual violence, as that could work as a proxy. You should approach carefully when asking questions regarding sexual violence.

5. In your 2021 study titled ‘Can Circumstances Be Softened? Self-Efficacy, Post-Migratory Stressors, and Mental Health among Refugees’, you and your colleagues tried to establish the correlation between (i) post-migratory stressors, such as isolation, unemployment, and discrimination, (ii) mental health problems, such as PTSD and depression, (iii) and what you call ‘self-efficacy’. In your study, self-efficacy is defined as an individual perception of one’s ability to deal with upcoming challenges and stressors. Although self-efficacy has already been proven to have a positive impact on refugees in previous studies, you attempted to establish whether it could also mitigate the negative impact that post-migratory stressors have on migrant’s mental health problems. Did your study verify this hypothesis?

It did not, it was a surprise but also a deception. Of course we tried to find an explanation for that, because we expected that self-efficacy would have a beneficial effect in the way people deal with distresses. We could not prove it. This might have been attributable to the samples we had but I think it was about how you measure self-efficacy which is through an instrument that has been validated widely, but still the items are so much directed at what we would call normal life. Many items address situations where you more or less expect people to have control over. In relation to refugees that have not been in our country for a long time, there is not much that they have control over yet. So even when you have an inner feeling of control within yourself, you mostly feel high self-efficacy, more so than in a situation where let's say an undocumented or documented refugee has to find his way and still not succeed. There is a lot of experience not to have control over. You may have high self-efficacy as a trait but the state you are in is experiencing not having control over your situation. It is a kind of paradox.

6. There is a following question on this. Do you find that self-efficacy should be part of preventive mental health interventions and policies targeting refugees and migrants?


Yes I do, because what you should do as a humanitarian NGO or as a mental health organisation in the Netherlands (from a human rights perspective and medical/ethical perspective) is address social circumstances that are predictive of mental health problems. In my personal opinion you should, as not many mental health organisations do, but that kind of advocacy is really needed. You should advocate for good social circumstances for every human being.

On the other hand, people that are in these circumstances, of course for the things that are in the span of their control, they might not make much use of that due to their mental health problems. They have the inner potential, they might have the capacity and skills to cope with certain problems that come with social adversity, but they do not because of their mental problem. One of the things you can do is to focus on the problems, but then you don't do anything with the potential that these people have to solve social problems, to cope with them and accept them. The other thing you could do is to focus on strengths instead of problems and weaknesses. It is a strength-based approach and part of that is reinforcing people in the feeling of self-efficacy. So that is re-finding where are my skills, where are my core values, where is my capacity and feeling of identity? What is the connection that I have? The social bond that I can find or revive? These are things based on a strength approach and they have to do with self-efficacy. Given the fact that social circumstances are very bad and unfortunate and that there is a lot of atrocity, you might find ways to cope with that and not suffer from it in a way that leads you to develop disorders. So it is not treating depression, it is helping people to cope with social adversity and part of that is self-efficacy.



7. In your paper on 'The Effect on Mental Health of a Large Scale Psycho-social Intervention for Survivors of Mass Violence: A Quasi-Experimental Study in Rwanda', you and your co-authors studied the effect on mental health of a large scale psycho-social intervention primarily aimed at social bonding in post-genocide Rwanda. The conclusions drawn were that a large-scale psycho-social intervention primarily aimed at social bonding caused a lasting improvement of mental health in survivors of mass violence in Rwanda. How, do you think, this approach could be integrated into primary health care settings so as to have a better detection and treatment of mental health disorders in a post-conflict setup?

The focus of mental health facilities that people could have in their approach is reestablishing or creating social contacts. That would help their clients maybe more than depression or anxiety focused treatment from a medical or psychological perspective and would help them mobilise their social network. You could do it through giving advice and directives to the clients or you could do it through approaching the area where people live.



Ask neighbours, family members, relatives or friends to provide assistance for this person and find ways to reestablish their social life again. It is mostly not done and feasible in refugee camps or in a health clinic. The approach could be different, not thinking from the starting point of a health clinic but from an approach that is far more holistic or socio-ecological. See if you can arrange things within a refugee setting or a setting where a lot of victims are living together, including victims of sexual violence. Then the approach should be one that is multi-sectoral in order to restore social fabric and restore wellbeing of people, because they re-find themselves as a part of a community. They find social roles there, their connections, they are recognised as a human being, they play certain roles, they have certain tasks and sense making from either creating social or spiritual activities. We should have a different approach, not starting from a health clinic, but starting from the overall organisation of the setting. It might be a municipality or refugee camp but it is restoring social, cultural and spiritual life for people. Part of that is pure economics, such as income generating activities, but it can also be spiritual and cultural activities and things like that which make people feel well (and bonding is part of it).

- End of Interview -



INTERVIEW WITH



DR. SHEETAL SHAH

Dr. Sheetal Shah is the Academic Director at Webster Leiden Campus-Webster University, USA. As an educator and change maker, She is a psychologist with a global orientation.

She specialises in the field of counselling for chronic illnesses and trauma; her research interests are focused in the field of modern-day slavery and human trafficking. In 2012 she founded the Bijlmer project, now a registered foundation called The Bridge2hope. The Bridge2Hope, based in the Netherlands, is a research and intervention project (www.thebridge2hope.org) that addresses the psychosocial and vocational needs of sexually trafficked women and men in the European Union. This project has also been a successful experiential learning component for many courses that are taught in both the psychology and global citizenship programs and for faculty members at Webster's Leiden campus.



WE ALL, in our own way need to bring awareness to the issue of modern day slavery. It is important to understand our slavery footprint which is very often linked to our consumption habits, and move from mindless consumption to conscious consumption. When was the last time we asked, “Do I know where this product actually comes from and who made it?”

1. In your publication on **‘Understanding the power of Juju: The cultural practice used as an exploitative tactic in sex trafficking’** you and your colleagues discuss ‘push factors’. These include poverty, oppression, lack of human rights, gender discrimination and political instability or conflict, which are used by traffickers to recruit new victims. Furthermore, a usual practice in Western Africa includes ‘voodoo or juju’. In your experience, what is the effect of ‘voodoo or juju’ practices on men and boys used by traffickers?

There are multiple “push factors” and ‘voodoo or juju’ is a procedure or ceremony that helps the recruitment of possible victims of human trafficking. Now, a critical question to be contemplated is why people stay in enslaved conditions when there is no ownership that is explicitly communicated or there are no shackles. Very interestingly there are tools in psychology that are used for this reason, which psychologists refer to as “dehumanisation techniques and tactics”. These are used globally to break a human being. And when the discussion comes to psychological coercion dehumanisation these are all techniques/tactics that are used to keep somebody in that marshalled condition.

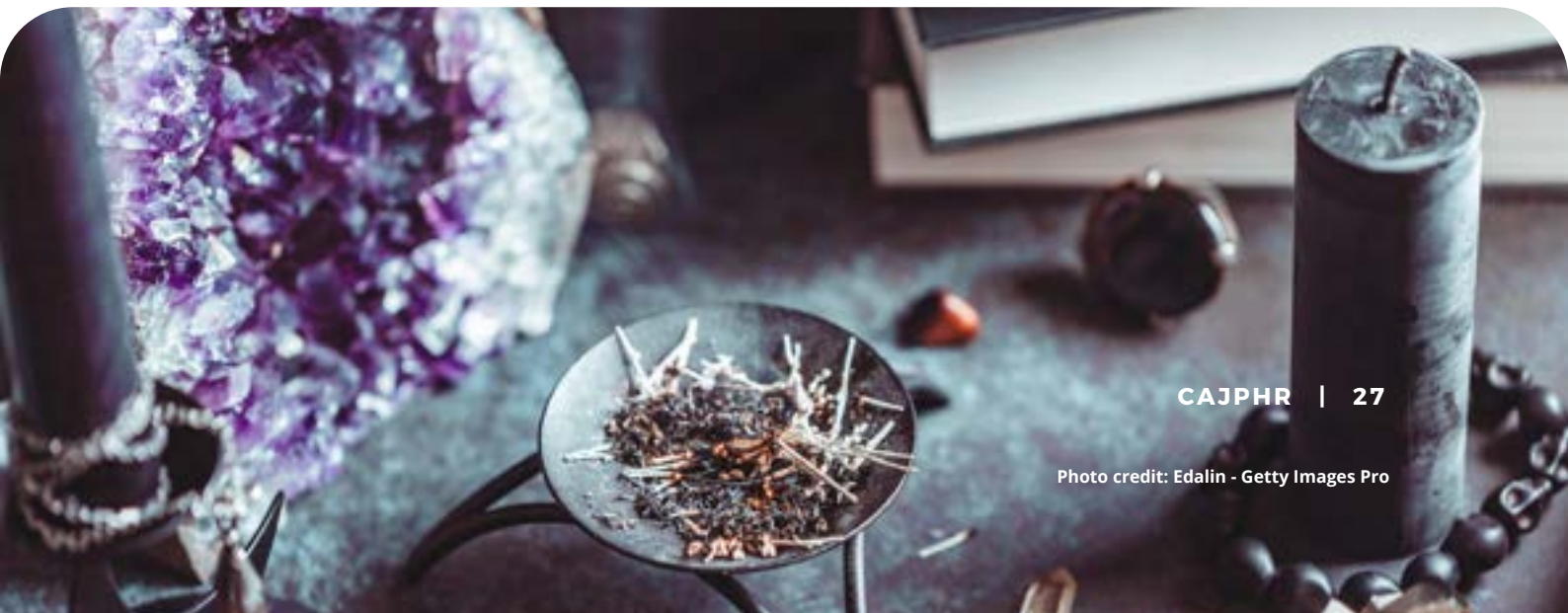
Voodoo or juju’ obviously has a whole cultural context to it as well, in terms of how it influences the day-to-day life of people coming from that particular region. It has different names in different cultural contexts. The research at hand refers to ‘voodoo or juju’ in the context of West Africa and it states that it is used as a control mechanism and in order to keep people enslaved, while there are no shackles and no ownership papers.

‘People stay in that enslaved condition because of the fear of going against the spell that has been cast. A large series of documentaries that are widely available help us understand the process of ‘Voodoo or juju’, what it does to a human being and therefore how some people give control to somebody else - in this case to a supernatural power that will control them and monitor their behaviour. Hence, it seems as an important step or an important step in the process of controlling another human being and in that case religion is unfortunately used to negatively control and keep somebody enslaved.

2.What have you found to be the effects of human trafficking and sexual exploitation on male survivors?

In terms of how it uniquely impacts men or young boys it must be said that there are no gender differences when these ceremonies are done because they are compliant to the religion - for example when a society or a culture is compliant to believe, is a believer of that religion, it is easier to use that religion in terms of keeping somebody enslaved or marginalising a particular community. And therefore there would be no gender differences in terms of whether ‘Voodoo or juju’ does more on men and young boys compared to women. But certainly ‘Voodoo or juju’ is used as a control mechanism and it is important to understand why we will need more and probably different controlling mechanisms to break men who are victims of sexual exploitation.

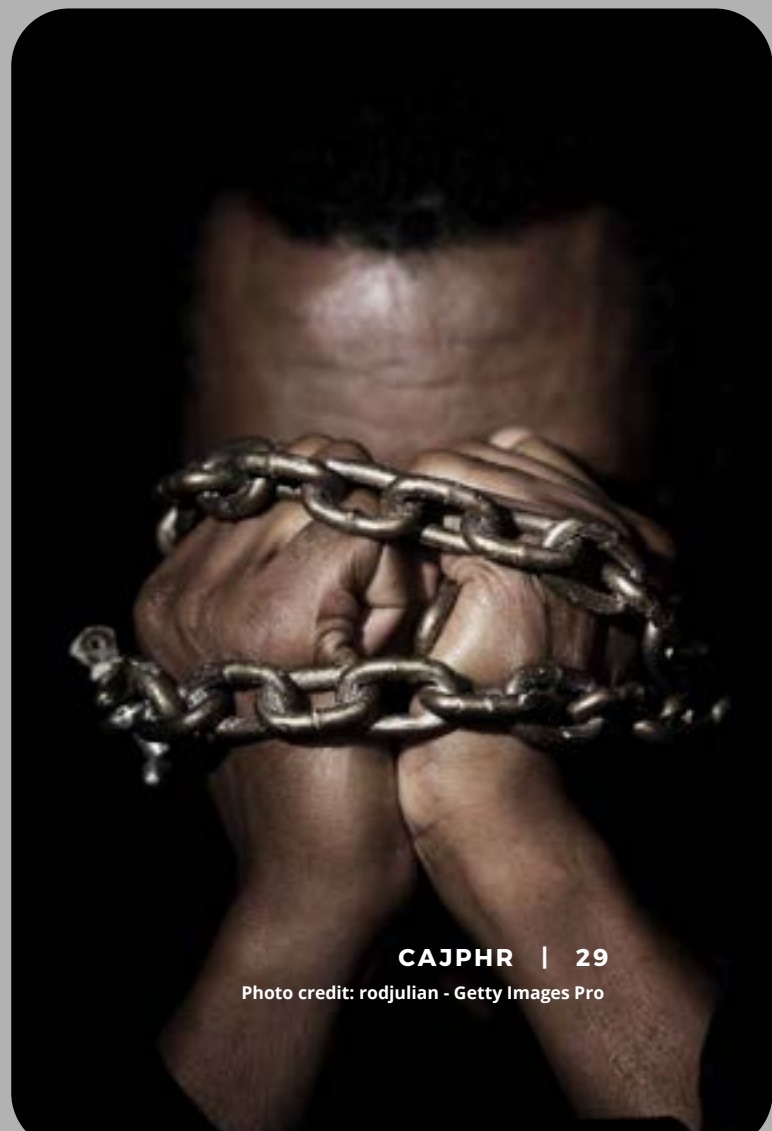
To conclude, there are no gender differences. At the same time it is an important recruitment and controlling mechanism to keep somebody enslaved. And its impact in the field is evident because when psychologists work with these survivors it’s interesting to see how deliverance from Voodoo becomes a big challenge, because the belief is complete and it cannot be questioned. And when it is not challenged, deliverance from Voodoo becomes even more challenging. And therefore, while they are physically free, mentally they are still enslaved.



3. In your experience, how has masculinity in African culture contributed to the problem of sexual exploitation of trafficked boys? How has it affected the lack of reporting of such crimes against men and boys?

There are two important points to address here in terms of the concept of masculinity: one is the perfect victim fallacy, which negatively impacts survivors or other victims of human trafficking, especially men and boys. There is a view that the perfect victim is usually a young girl, at least that is the notion and that is why it is called the perfect victim fallacy. This is the notion or the myth that the victim is a young girl from Asia or Africa and has been sold into the sex trade. There is research and more than enough evidence that age has no bars, gender has no bars, young girls, older women, pregnant women, young boys, older men who are sold into the sex trade too. Very often the perfect victim fallacy unfortunately negatively impacts victims, because it deters them from reporting. Very often when you look into survivors' narratives, their experience is that if they go and report to the authorities (police or legal aid), the reaction that they get, and not the respond, is "Yes but you are a man - How can you be sold for sex?". More research is required to understand what that survivor narrative is.

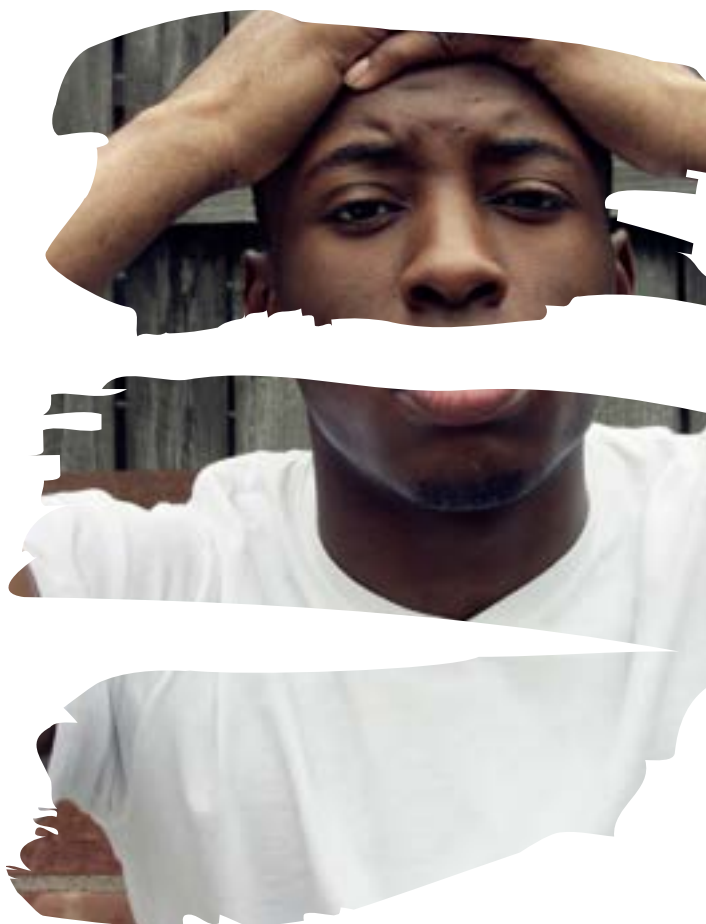
The second point is on the issue of masculinity is the male rape myth. It is a gender notion that men cannot be raped. There are many societies globally that believe that men cannot be raped. And why is that? because again, of the social conditioning that we have - that they are strong, that men desire sex and men are usually perpetrators of the crime but not the victim. And all these myths contribute negatively to the survivor experience of somebody who has been violated. And therefore the whole construct of masculinity - we need to talk about the myths connected to masculinity.



4. In your 2019 contribution on 'The Bijlmer Project: Moving the Classroom into our Community to Combat Human Trafficking' to 'Human Rights in Higher Education' you mention the Bijlmer Project. It is a Netherlands-based project focused on grassroots and combining the expertise of professional partners and academics to address the vulnerability of survivors of sex trafficking. Furthermore, this initiative takes into account perspectives on psychology, human rights, and international affairs. What are the effects of using this approach in such sensitive cases as those concerning sexual violence?

When you are working with any target group, in this particular case survivors of sex trafficking and sexual exploitation - the ideal intervention programme needs to be grassroots and bottom up, which means that we need to understand the survivors needs better - therefore creating an intervention programme addressing those needs. In the Netherlands, there is a lot of help and support provided by the government. At a top down level there are policies, and programmes in place.

What is lacking is the approachability of those programmes. So, for somebody who is a survivor of sex trafficking who has survived in isolation, because very often men survive in isolation more than women do - and this is research based - what we see is that accessibility of these programmes or accessibility of interventions is challenging. It is challenging to navigate - where to go for what? For example, if I am sick do I go to the doctor, is she/he going to report me? Or understanding the fact that in the Netherlands basic health care is a human right which means that you can walk into any health care practice and seek treatment, without any questions asked or go to a hospital. This information is not easily available to the survivors and that is where there is a gap.



The focus of the foundation Bridge to Hope first centred on the Bijlmer Project, with the aim and objective to understand survivors' needs. Instead of imposing the intervention programme, based on the experts' opinions. For example, "I am a psychologist, I know what trauma is and this is what you need." But there is no point providing conventional therapy to someone who doesn't have the basic needs met in terms of shelter, food, nutrition and safety. Therefore one of the mission's statements is also that there is no psychotherapy on an empty stomach.

Programmes that really address holistic development of the survivor consist of the three pillars with focus on stabilisation, rehabilitation and then integration. That's what the volunteers and the team members of Bridge to Hope believe in. The intervention also needs to be grassroots-based or bottom-up based in terms of understanding the survivor's needs.



5. Do you believe an approach as the Bijlmer Project could also be successfully implemented in African communities?

Of course. The majority of the participants are from the West African region, it would be West Africa and Central Africa. It organically happened, it was not something that was intentionally sought out. At the moment we have women interviewing men from Ghana, Nigeria, Senegal, Cameroon and Liberia who will join the January cohort. These are the countries represented in terms of the survivors' statistics on the demographics where they come from. Interventions need to be culture-focused as well. Developing trust is important, gaining trust is important, which is a process. Food is important as well, since there is a big emphasis on nutrition to address basic needs of survivors.

When we go shopping in the first three months when someone joins the program we actually look at or discuss food habits that they have and then we go to a supermarket and understand how this can be implemented. The anecdote I would like to share with you is that many of our participants go to the food bank, where they can get food and food items. Somebody said “yes but I throw the beetroot away or I throw the Brussels sprouts away” and the nutritionist who was in the field said “why would you throw away something that has such high nutritional value?”. It was because they were not familiar with eating that, the understanding that this particular vegetable is common where they live now and how the spices of the region where they come from could be used to cook that vegetable to camouflage its taste but still give it the taste of home.

These are all small steps but this makes a programme culturally sensitised and that survivors can at least hope of thriving in the environment that they are in, because most of the odds are stuck up against them in terms of language, in terms of understanding and navigating the system (where to go for legal help, police assistance, medical aid or any other kind of need) and therefore every bit of the intervention programme that is culturally sensitised helps in that direction.



The second point is on the issue of masculinity is the male rape myth. It is a gender notion that men cannot be raped. There are many societies globally that believe that men cannot be raped.



And why is that? because - again, of the social conditioning that we have - that they are strong; that men desire sex and men are usually perpetrators of the crime but not the victim. And all these myths contribute negatively to the survivor experience of somebody who has been violated. And therefore the whole construct of masculinity - we need to talk about the myths connected to masculinity.

The effect of human trafficking and sexual exploitation on male survivors. Now, just something to point out is that very often is more reporting in the field of human trafficking for labour exploitation, for organ trafficking and when you look at these fields you see more reports and therefore more evidence, more prevalence-based studies. Unfortunately, it is not the same for sexual exploitation and sex trafficking and that's because of the stigma associated with it. The two points discussed on the perfect victim fallacy and the male rape victim myth contribute to this, which makes it very stigmatised. And therefore there is enough and more evidence which goes to show that very often, male survivors of sex trafficking will report issues related to PTSD, they will report issues related to other mental illnesses or physical symptoms but they will not report being raped or being sexually violated because of the stigma.

More advocacy is needed so that people understand that when it comes to sexual exploitation or sex trafficking, it is not only the woman or the young girl but it could be women of any age, pregnant or not, young girls and the same goes for the male gender. Another thing, in the field you see a lot of substance abuse co-morbid disease with sexual exploitation because that is one of the mechanisms to break as well, to break the human being because of physical strength and this is what we have seen in our interviews.



Centre for African Justice,
Peace and Human Rights

Conflict-Related Sexual Violence - FORCED DISPLACEMENT

1. What is Conflict-related Sexual Violence?

CRSV refers to rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.

2. What causes Conflict-related Sexual Violence?

The causes of conflict-related sexual violence are numerous. Existing inequalities combined with weak law and order, discriminatory societal norms and customs, ethnic tensions, poor governance, impunity, and extreme poverty create conditions which sexual violence may be used as a weapon in conflict. This 'inexpensive' weapon is used by both state forces and other armed groups to terrorise and destroy individuals, families, and communities.



SOURCES

Dr. Denis Mukwege Foundation, Causes of conflict -related sexual violence

United Nations, 'Conflict-Related Sexual Violence: Report of the United Nation's Secretary General' (2020)

3. International and Regional legal framework affording protection against sexual violence in armed conflicts and other situations of violence

01

Geneva Conventions and its Additional Protocols

03

Rome Statute of the International Criminal Court

04

International Committee of the Red Cross, Customary International Law

02

International Covenant on Civil and Political Rights

05

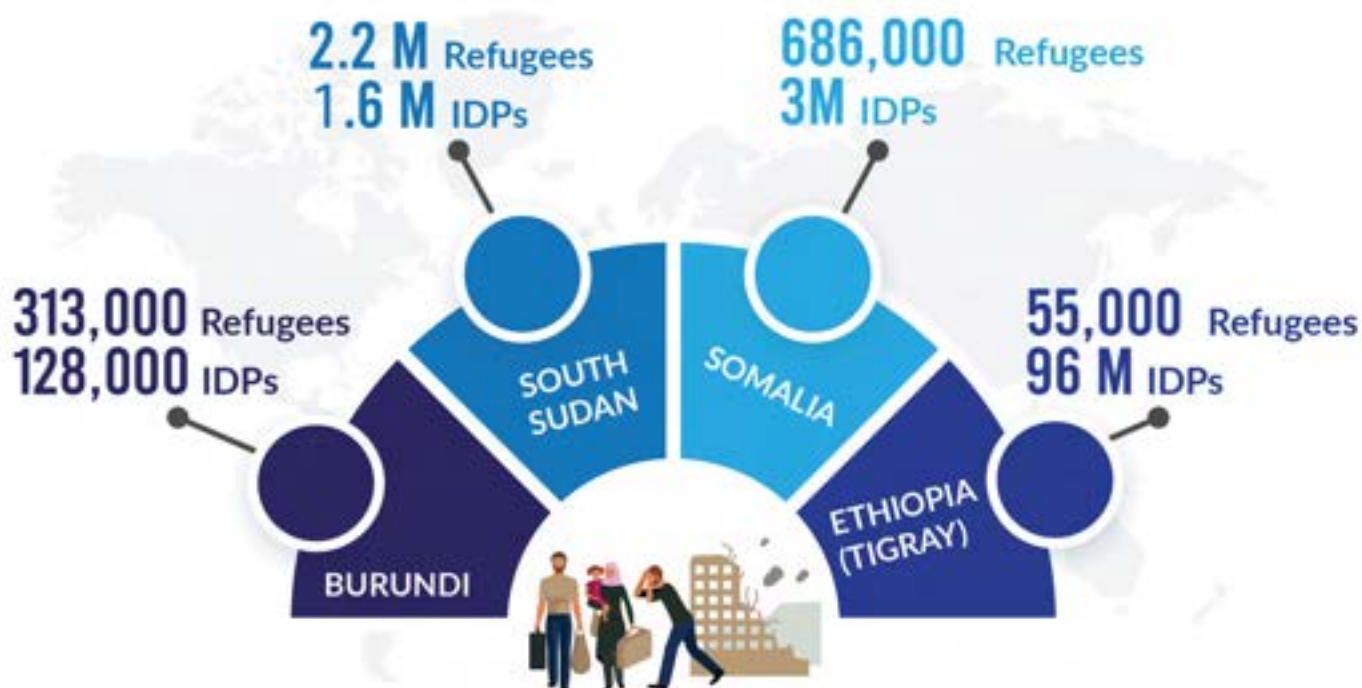
Maputo Protocol

4. Conflict-Related Sexual Violence in the context of Forced Displacement

Sexual Violence is rampant in most armed conflicts occurring in the world and has direct impact on mass population displacement, rise of extremism and structural gender-based inequality and discrimination

Major Displacement situations in African region (UNHCR Global Report 2020)

i) East and Horn of Africa and The Great Lakes

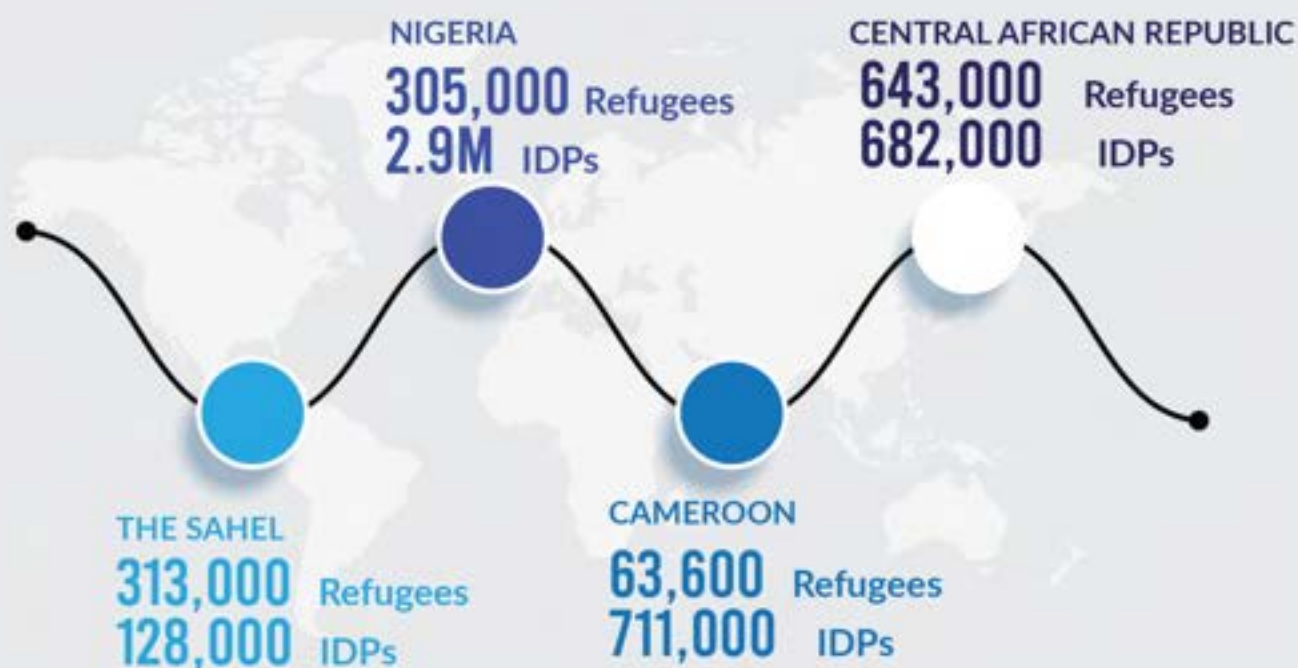


ii) Southern Africa

DEMOCRATIC REPUBLIC OF CONGO



iii) West and Central Africa



iii) North Africa

LIBYA



SOURCES

UN, 'Conflict-Related Sexual Violence: Report of the United Nation's Secretary General' 2019

UNHCR, Global Report 2020 https://reporting.unhcr.org/sites/default/files/gr2020/pdf/GR2020_English_Full_lowres.pdf

UNHCR, Global Report 2020: East and Horn of Africa and The Great Lake https://reporting.unhcr.org/sites/default/files/gr2020/pdf/Chapter_EastHornGreatLakes.pdf

UNHCR, Global Report 2020: Southern Africa https://reporting.unhcr.org/sites/default/files/gr2020/pdf/Chapter_SouthernAfrica.pdf

UNHCR, Global Report 2020: West and Central Africa https://reporting.unhcr.org/sites/default/files/gr2020/pdf/Chapter_WestCentralAfrica.pdf



Along the journey in quest for a better and peaceful life, individuals are often subjected to different forms of sexual violence. Although these acts disproportionately affect women, men too are victims. As reports suggest, in countries such as Somalia and South Sudan, sexual victimisation of men and boys has been documented during flight, at checkpoint and border crossings. Some described that at checkpoints and during random stops, men and boys fleeing are compelled to pay official and unofficial armed guards and groups to continue their journey, and if they are unable, they may face physical and sexual violence. There are undoubtedly more stories we need to hear of how men are victimized by sexual violence. However, male survivors often remain silent due to widely held social norms and perceptions of gender, social stigma, and cultural taboos surrounding discourse of sex and sexuality which make it difficult for them to come forward. And if they do speak, people often fail to listen and to believe them. Their suffering, pain or the impact on their subsequent well-being and capacity for self-reliance are often overlooked.

SOURCES

UNHCR, Global Report 2020: North Africa https://reporting.unhcr.org/sites/default/files/gr2020/pdf/Chapter_MENA.pdf

Chynoweth et al, "We have a Broken Heart": Sexual Violence against Refugees in Nairobi and Mombasa, Kenya.

UNHCR & Refugee Law Project, Working with Men and Boy Survivors of Sexual and Gender-Based Violence in Forced Displacement (2012)

<https://www.cwc.westafrica.exposed/wp-content/uploads/2021/03/WORKING-WITH-SGBV-SURVIVORS-IN-FORCED-DISPLACEMENT.pdf>

Sexual violence during forced displacement:

01 Prior to flight

Men, women, and children may be targeted and abused by police, military or other officials in country of origin. They might be detained, which increases the risk of sexual violence and torture. It can also happen at the hands of irregular forces in situation of internal armed conflict. |

02 During flight

Refugees may be sexually attacked by pirates, bandits, members of the security forces, smugglers or other refugees. Border guards may detain and abuse women and girls, sometimes for extended periods; pirates may capture women as they travel by boat and extort sex in exchange for their safety and onward passage. Smugglers may assist female refugees across the border in exchange for sex and/or money and valuables.

03 In the country of asylum

The country of asylum does not necessarily provide sanctuary from sexual violence. Whether refugees live in camps or in urban situations, they may be subjected to sexual attacks by persons in authority or otherwise in a position to take advantage of their particularly vulnerable situation. In a variety of asylum situations, officials who determine the refugee status of the applicant may extort sex in exchange for a positive determination. Refugees may be approached for sexual favours in exchange for assistance, such as during food distribution. Unaccompanied children, in particular girls, placed in foster care may suffer sexual abuse by the foster family members. Also, Refugees may be sexually attacked by members of the local population, by officials, including those responsible for their protection such as border guards, police or military personnel, by international refugee workers, or by fellow refugees.

6) Consequences for victims of Conflict-related Sexual Violence

Sexual violence causes unintended pregnancies and sexually transmitted diseases and infections and can adversely affect the mental health of those exposed to this form of violence, leading to post-traumatic stress disorder, anxiety, and depression. The most immediate person affected by sexual violence is the victim / survivor, but the effects can also extend well beyond individual survivors, impacting their families and friends as well as communities and the society as a whole.

UNHCR, *Sexual Violence Against Refugees Guidelines on Prevention and Response* (1995) <https://www.refworld.org/pdfid/3ae6b33e0.pdf>





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“
Sexual violence is a
threat to every
individual's right to a
life of dignity, and to
humanity's collective
peace and security.
”



~ António Guterres
UN SECRETARY GENERAL





Centre for African Justice,
Peace and Human Rights

“
The main reason we left is
not fear of shelling or
bullets. The main reason
we left is because of fear
for our honour.

This is the main reason –
fear of us being abused,
all of us, our daughters
and our men.
”

–Women's Focus
Group
Discussion,
Jordan





Photo credit: Markus Spiske (PEXELS)

AN INQUIRY INTO THE MALE EXPERIENCE OF GENOCIDAL SEXUAL VIOLENCE

By Federica Lombardi

INTRODUCTION

Throughout history, sexual violence has been widespread in armed conflict, and often viewed as an unavoidable consequence of warfare. To this day, gender-based violence remains one of the most used weapons of war in modern conflicts. The 11th report of the United Nations Secretary-General on conflict-related sexual violence released in July 2020 found that the use of sexual violence as a tactic of war and to spread terror remains rampant in armed conflicts, as it reported almost 3000 cases of sexual violence in 19 countries.

When thinking about sexual violence as a means to commit genocide, women always come to mind as the victims. This is because narratives around such crime work under the assumption that victims are female. While indeed, genocidal sexual violence overwhelmingly affects women, there are still many accounts of male victims.

This was for instance the case during the genocide in Rwanda and the Former Yugoslavia, where the experiences of male victims were either completely ignored or given little or no attention during the proceedings before the ICTY and ICTR.

In the last few years, proceedings before the International Criminal Court have brought some positive developments towards the recognition of males as victims of sexual violence. In the Bemba judgment, the Court referred to a series of rapes perpetrated by Bemba's militia against women, girls and men. Furthermore, male victims were addressed in the Ntaganda case, where the charges included prisoners being forced to rape, as well as civilians who were anally raped by soldiers. However, the recognition of sexual violence as a weapon of genocide remains limited.

In August 2019, the United Nations International Fact-Finding Mission for Myanmar (FFM) released a report about the use of sexual violence against the Rohingya minority in the country. The report provided solid evidence of the Myanmar's military use of sexual violence against cisgender women, men, and transgender women; and concluded such violations amounted to war crimes, crimes against humanity, and acts of genocide. However, while the sexual violence committed against cisgender Rohingya women was labeled as "genocide," the sexual violence crimes perpetrated against men and transgender women were only classified as "crimes against humanity".

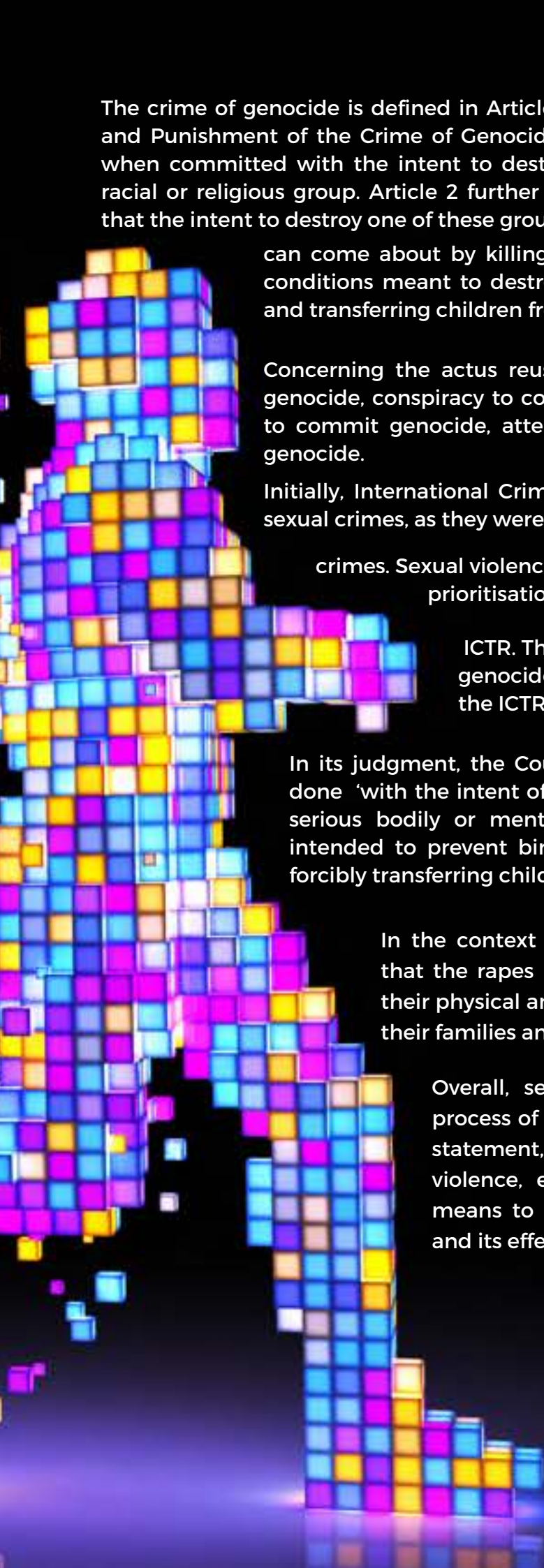
In light of these considerations, this article seeks to inquire into the perpetration of genocidal sexual violence against men and boys. First, the legal framework surrounding the prosecution of genocidal sexual violence will be presented. Second, the historical exclusion of male victims of genocidal sexual violence from proceedings before International Criminal Tribunals will be discussed. Third, the sexual victimization of men and boys during times of genocide will be addressed.

PROSECUTING SEXUAL VIOLENCE BEFORE THE INTERNATIONAL CRIMINAL COURT

While the Statutes of previous International Criminal Tribunals solely focused on the crime of rape, the Rome Statute recognises various forms of sexual violence as international crimes. In Article 7(1)(g) on sexual crimes as crimes against humanity, 8(2)(b)(xxii) and 8(2)(e)(VI) concerning sexual crimes as violations of the laws and customs of war applicable to international armed conflicts and non-international armed conflicts respectively, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, and 'any other forms of sexual violence' are enlisted as sexual violence crimes.

The inclusion of "any other forms of sexual violence" practically provides the legal basis for the recognition and the prosecution of any crime of a sexual nature. The inclusion of such an open-ended offence is particularly relevant, as it opens the door to the charging of those sexual¹⁴ violence crimes that are more likely to affect men rather than women, such as forced circumcision, penile amputation, castration, genital mutilation and genital electrocution. Following the same neutral approach, Article 7(3) clarifies that "for the purpose of this Statute, it is understood that the term 'gender' refers to the two sexes, male and female, within the context of society".





The crime of genocide is defined in Article 2 of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, providing the list of various crimes which, when committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group. Article 2 further elaborates on the mens rea element, stating that the intent to destroy one of these groups

can come about by killing its members, causing them harm, inflicting conditions meant to destroy them, preventing births within the group, and transferring children from that group to another group.

Concerning the actus reus, the acts considered to be punishable are genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide and complicity in genocide.

Initially, International Criminal Tribunals underestimated the gravity of sexual crimes, as they were often downgraded to moral or honour

crimes. Sexual violence crimes gained the necessary recognition and prioritisation only with the establishment of the ICTY and

ICTR. The use of sexual violence as a means to commit genocide was acknowledged for the first time before the ICTR in the Akayesu case.

In its judgment, the Court recognised that sexual violence could be done 'with the intent of killing members of a group, could constitute serious bodily or mental harm, could be comprised of measures intended to prevent births within the group, and could amount to forcibly transferring children of the group to another group'.

In the context of the Rwandan genocide, it acknowledged that the rapes perpetrated against Tutsi women resulted in their physical and psychological destruction, as well as that of their families and communities.

Overall, sexual violence was an integral part of the process of destruction of the Tutsi community. With this statement, the Tribunal acknowledged the use of sexual violence, especially rape, with genocidal intent, as a means to overpower and erase an enemy community, and its effects on the entire community.

PROSECUTING GENOCIDAL SEXUAL VIOLENCE: THE ERASURE OF MALE VICTIMS

While International Criminal Tribunals have taken important steps towards the prosecution of sexual violence crimes against women and girls committed during armed conflict, the same cannot be said for sexual violence perpetrated against men and boys.

The prevalence of conflict-related sexual violence against men and boys has been documented by multiple studies. Of 399 male respondents surveyed for a 2010 population-based study in selected settings in eastern DRC, 23.6% disclosed having suffered sexual violence—which translates into an estimated 760,000 men in the sample area. In 2011, various reports from the Democratic Republic of the Congo suggested that men and boys comprised some 4-10% of the total number of victims of sexual violence seeking treatment. In Liberia, a survey of 1666 adults found that 32.6% of male combatants (118 of 367) experienced sexual violence while 16.5% (57 of 360) were forced to be sexual servants.

Sexual violence against the male gender was also perpetrated during the genocides in Rwanda and the Former Yugoslavia. In the armed conflict in the former Yugoslavia, it has been reported that, out of 6000 concentration camp victims in the Sarajevo Canton, 5000 were men and 80% of them had reportedly been raped. Victims from the detention camps have recounted many episodes involving sexual abuse. It was common that male and female detainees would be brought together in a room and that the women would be asked to undress before the men. While any male prisoner with an erection would have his penis cut off to prevent them from having any sexual intercourse in the future, the ones witnessing the violence would also be deterred from engaging in any sexual relations in the future. The wide use of genital violence in the Former Yugoslavia was also documented by the Report of the Special Rapporteur on human rights in the territory of the former Yugoslavia. Rape, as well as sexual torture with objects, were also reported to be commonly perpetrated by police and military officials as another means to prevent procreation.

Tutsi men shared similar experiences, with many being subjected to violent rapes leaving them with long-lasting physical and mental consequences preventing them from engaging in intercourse. There were several instances of young men and boys being beaten into erection to have sexual intercourse with them. Moreover, Hutu attackers often forced Tutsi men to have sex with female relatives, dead animals as well as individuals infected with HIV. These traumatic experiences caused survivors to suffer from long-lasting mental and physical health issues preventing them to have normal and healthy and intimate relationships.

1. International Committee of the Red Cross, 'Q&A: sexual violence in armed conflict' (19 August 2016)

2. United Nations Security Council, 'Report of the Secretary-General on Conflict-related Sexual Violence' 30 March 2021 S/2021/312

3. Sandesh Sivakumaran, 'Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict' (2010) 92 International Review of the Red Cross

4. Irene Garofalo, 'Prosecuting male sexual violence at the ICC: Idealism or Realism?' (Centre for African Justice, Peace and Human Rights)

5. Human Rights Council, 'Report of the detailed findings of the Independent International Fact-Finding Mission on Myanmar' (17 September 2018) UN Doc A/HRC/39/CRP.2

6. David Eichert, 'Expanding the Gender of Genocidal Sexual Violence: Towards the Inclusion of Men, TRansgender Women, and People Outside the Binary' (2021) 25 UCLA Journal of International Law and Foreign Affairs p.158

7. Elements of Crimes of the International Criminal Court (9 September 2002) ICC-ASP/1/3 Art. 7(1)(g)-6 Photo credit: tolgart - Getty Images Signature

8. Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) UN Doc A/CONF.183/9 Arts. 7 (1) (g), 8 (2) (b) (xxii) and 8 (2) (e) (VI)

Despite the extensive documentation of the various forms of sexual violence perpetrated against boys and men in the conflicts in the former Yugoslavia and Rwanda, their appearance in the jurisprudence of the ICTY and ICTR is limited. Problematic aspects characterise even its investigation and prosecution. For instance, even when sexual violence against men and boys is mentioned, it is not addressed as such but rather under the offences of torture, beatings and similar.

The Prosecutor v. Blagoje Simic case before the ICTY provides a concrete example. The case concerned the crimes against humanity committed by the President of the Crisis Staff of the Serbian Municipality of Bosanski Šamac due to his persecution of non-Serb civilians. While evidence of the sexual assaults suffered by detainees was presented, the Trial Chamber characterised such findings just as torture instead of sexual violence. In other cases, sexual violence against men is mentioned but without the accused facing any consequences. An example is provided by the Bagosora et al. case before the ICTR, where various army officials were charged with genocide, crimes against humanity and war crimes for facilitating the commission of massacres and other atrocities by the Rwandan military. The evidence of male sexual violence were only used as the background of the case and led to no prosecutions.

Photo credit: Markus Spiske (PEXELS)

Something similar occurred in Prosecutor v. Muhimana, where the accused was charged with genocide, rape as a crime against humanity and murder as a crime against humanity. While the Trial Chamber of the ICTR mentioned that several witnesses had recounted incidents of sexual violence, such as genital violence, against men, in the findings the Trial Chamber simply referred to the episode as a killing, rather than an instance of male sexual violence.

Likewise, the International Criminal Court has a very poor record of prosecuting both genocidal sexual violence as well as sexual violence crimes against men and boys. While the inclusion of the charge of genocidal rape in the arrest warrant against Al Bashir was notable, Sudan's ex-President is yet to be prosecuted as he remains in detention in Sudan. Moreover, the ICC has a track record of excluding or failing to gather evidence on sexual war crimes committed against child soldiers, for instance in the Ongwen and Lubanga cases.

9. Convention on the Prevention and Punishment of the Crime of Genocide (adopted on 9 December 1948, entered into force 12 January 1951) 78 UNTS 277 Article 2

10. Jonathan M.H. Short, 'Sexual Violence as Genocide: The Developing Law of the International Criminal Tribunals and the International Criminal Court' (2003) 8 Michigan Journal of Race and Law p.509

11. Prosecutor v Akayesu (Judgment) ICTR-96-4 (2 September 1998) para.371

12. Johnson K, Scott J, Rughita B, 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 JAMA

13. Kirsten Johnson et al., 'Association of Combatant Status and Sexual Violence with Health and Mental Health Outcomes in Post conflict Liberia' (2008) 300 Journal of the American Medical Association pp.676-690

14. Sandesh Sivakumaran, 'Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict' (2010) 92 International Review of the Red Cross p.263

15. Report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to Commission resolution 1992/S-1/1 of 14 Aug. 1992, E/CN.4/1993/50, para. 63

GENOCIDAL SEXUAL VIOLENCE AGAINST MEN

In the context of genocide, men and boys can suffer from different types of sexual violence. Rape is one of the most common violations and it can take place in different forms, such as forcing victims to perform fellatio on their perpetrators or on one another, anally raping the victims themselves or with objects or forcing victims to rape fellow victims. Enforced sterilisation, comprising castration and other forms of sexual mutilation, is also a common occurrence. Among other practices, there are also genital violence, enforced masturbation and enforced nudity.

While such crimes are also committed during any armed conflict, genocidal sexual violence against men and boys is used as a means to perpetuate certain power dynamics over a certain group.

The lack of order and stability characterising times of genocide often leads to the perpetration of sexual violence as a way to reestablish and maintain certain power dynamics. With men being perceived as the pinnacle of virility, strength and power of the family and the community, they are expected to protect themselves as well as others by using force. By perpetrating sexual violence against male members of the household or the community, the offender is asserting his masculinity and empowerment while disempowering the individual victim, as well as the family and the community. Such performance of masculinity and dominance is further exacerbated when the violence is committed in public. On one hand, the victim is humiliated and stigmatised.



On the other hand, the community is made aware of the fact that its men are not capable of fulfilling their role as protectors: if they are not able to save themselves from abuse how can they be capable of protecting their women and their communities? This way, the manliness of the man is lost together with the strength

of his community, which is now vulnerable and left to fend for itself. Such a sense of insecurity and danger can then result in the targeted group fleeing the country. Other than through rape, dominance can also be established through forced nudity, as this would leave the victim feeling exposed, vulnerable and without dignity.

6. Claire Bradford di Caro, 'Call it what it is: genocide through male rape and sexual violence in the Former Yugoslavia and Rwanda' (2019) 30 Duke Journal of Comparative and International Law p.80

17. Sandesh Sivakumaran, 'Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict' (2010) 92 International Review of the Red Cross p.273

18. Shayna Rogers, 'Sexual Violence or Rape as a Constituent Act of Genocide: Lessons from the Ad Hoc Tribunals and a Prescription for the International Criminal Court' (2016) 48 George Washington International Law Review

19. Sandesh Sivakumaran, 'Sexual Violence Against Men in Armed Conflict' (2007) 18 The European Journal of International Law p.263

20. Adam Jones, 'Straight as a Rule: Heteronormativity, Gendercide, and the Noncombatant Male' (2006) 8 Men and Masculinities p.452

21. Dubravka Zarkov, 'The body of the other man: Sexual violence and the construction of masculinity, sexuality and ethnicity in Croatian media' in Caroline O. N. Moser and Fiona C. Clark, Victims, perpetrators or actors? Gender, armed conflict and political violence (London, UK: Zed 2001) p.78

22. Gabrielle Ferrales, Hollie Nyseth Brehm and Suzy McElrath, 'Gender-based violence against men and boys in Darfur: The Gender-Genocide Nexus' (2016) 30 Gender and Society p.573

23. Sandesh Sivakumaran, 'Sexual Violence Against Men in Armed Conflict' (2007) 18 The European Journal of International Law p.268

24. Valerie Oosterveld, 'Sexual Violence Directed Against Men and Boys in Armed Conflict or Mass Atrocity: Addressing a Gendered Harm in International Criminal Tribunals' (2014) Law Publications p.118

25. Lara Stemle, 'Human Rights, Sex, and Gender: Limits in Theory and Practice' (2011) 31 Pace Law Review pp.824-825

Feminisation works under the assumption that masculinity is attributed to the perpetrator, while femininity to the victim. The idea that male victims have been feminized may stem from the behaviour of perpetrators before, during or after the sexual assault. For instance, during the perpetration of the sexual assault the offender might keep repeating that the victim is no longer a man and that he is becoming one of their women.

In the process of homosexualisation, heterosexual masculinity is the main point of reference as the heterosexual male is the symbol of power. In comparison, the homosexual male is considered less masculine and more effeminate. While the perpetrator retains his status as a powerful heterosexual man, the sexual violence emasculates the victim and thus reduces his social status to that of a homosexual. In the case of genocide, rape can function as a symbol of masculinised dominance between competing ethnic or national groups: the perpetrator is not just raping men, but rather ethnic men. The victim is not only a lesser man, but his ethnicity is also lesser. Moreover, group differences are further demarcated as the perpetrator's group establishes supremacy over the victim's group.

With the concept of masculinity being closely linked with virility and procreative capacity, the prevention of procreation is another way to assert dominance over a community. By no longer being able to have children, the man is no longer considered a man or can no longer function as one. This phenomenon is particularly common in the context of genocide, as castration, genital violence and sexual torture with objects are often perpetrated against men belonging to the targeted group. While not every victim might lose his reproductive capacity, many may experience psychological difficulties leading them to suffer from sexual and relationship difficulties.



CONCLUSION

The perpetration of sexual violence crimes against men and boys in armed conflict has been increasingly documented and investigated over the last decade. However, that has not been the case for the commission of genocidal sexual violence. Despite the gravity and the widespread nature of such violations, International Criminal Tribunals have a track record of underestimating or misrepresenting such experiences. In fact, the focus has always been (and continues to be) on the experiences of women and girls, as they continue to be disproportionately affected by such violations. This consideration could make the necessity of shifting focus from female to male victims questionable. However, there are a number of reasons rendering the inclusion of male victims of genocidal sexual violence in criminal prosecutions imperative. As explained in the previous section, gender stereotypes are the main drivers behind the perpetration of such violent attacks against men and boys. Many of the gender stereotypes at stake also lie at the core of the perpetration of sexual violence against women and girls. From the types of sexual violence crimes to the underlying causes, male and female sexual violence are interlinked.

As argued by Lara Stemple, “Instead of belonging to anyone constituency, the phenomenon of rape is instead part of a larger whole, related, of course, to the exercise of domination, the violation of bodily integrity, and the subjugation of its victims. And, yes, rape is almost always about gender, which is not to say it is always about women”. Considering the experiences of male victims could be an opportunity to gain a better understanding of the deep-rooted nature of such stereotypes and ensure they are addressed during the reconciliation process. Moreover, ignoring the experiences of male survivors would only lead to a never-ending cycle of violence filled with shame, stigma and isolation. Analysing their experiences can lead to a better and more just transition period, where every victim is given the assistance and the justice they deserve. There can be no real justice until every victim is heard and every perpetrator is brought to justice, regardless of his or her gender.



onsistently ignored and inconsistently applied: towards a constructive recognition of male sexual violence in International Law.

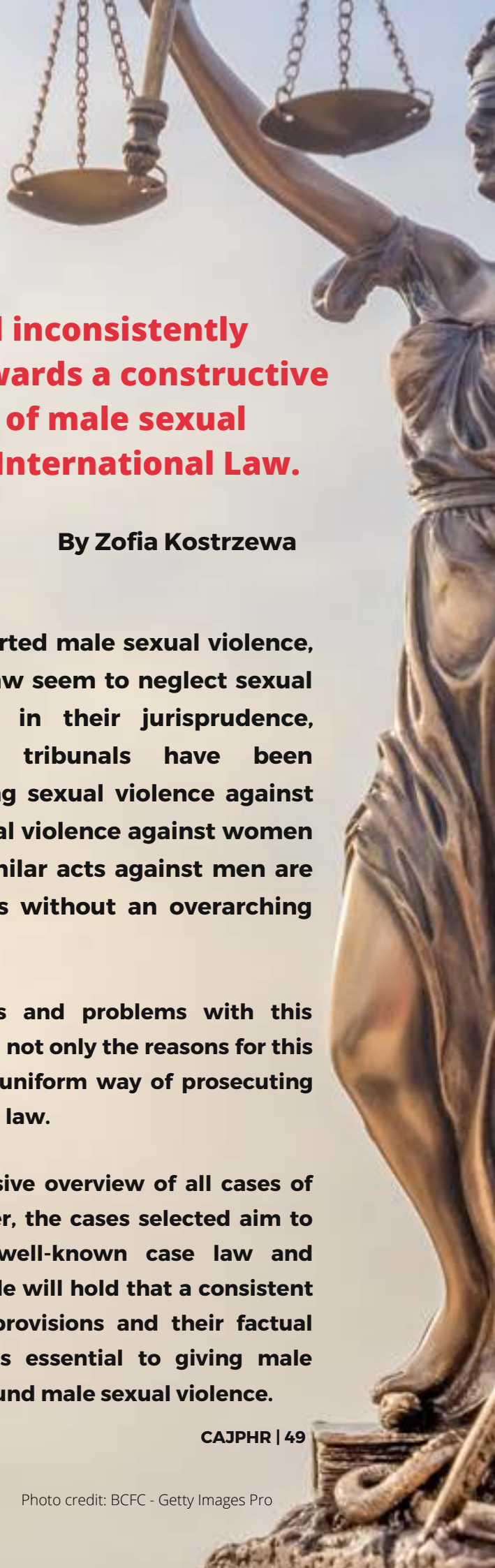
By Zofia Kostrzewa

INTRODUCTION

Despite the growing prevalence of reported male sexual violence, international law provisions and case law seem to neglect sexual violence against men. In particular, in their jurisprudence, international criminal courts and tribunals have been inconsistently interpreting and indicting sexual violence against men. This illustrates that although sexual violence against women is viewed as gender-based violence, similar acts against men are still dealt with on a case-by-case basis without an overarching theme.

This paper will map the inconsistencies and problems with this interpretation, and in doing so, will focus on not only the reasons for this type approach, but also how to achieve a uniform way of prosecuting sexual violence against men in international law.

It is not possible to provide a comprehensive overview of all cases of male sexual violence in this piece. However, the cases selected aim to illustrate significant inconsistencies in well-known case law and academic literature. Furthermore, this article will hold that a consistent interpretation of the international legal provisions and their factual equality being practically implemented is essential to giving male victims a voice and breaking the silence around male sexual violence.





INCONSISTENT INTERPRETATION

The interpretation of sexual violence against men in international courts and tribunals could be described as ranging from ambiguous to extremely inconsistent, and belies a misunderstanding of sexual violence towards men and of the phenomenon of sexual violence in general. Some of the ways in which this can be seen is through the differing definitions of rape that have emerged over time, the prosecution of male sexual violence under other crimes, or the limitations in attempts to prosecute sexual violence altogether, despite clear evidence of such crimes.

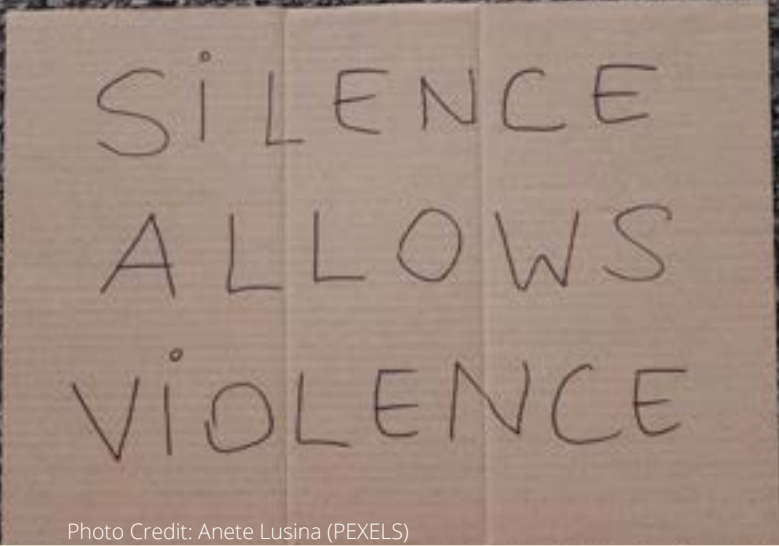
DEFINITIONS OF RAPE

This first facet can be seen through the definitions of sexual violence, particularly rape, as defined by the International Criminal Tribunal for Rwanda (ICTR) in the Akayesu case on the one hand, and Furundžija and Kunarac in International Criminal Tribunal for the Former Yugoslavia (ICTY). In Akayesu, sexual violence was defined in broad and inclusive terms, as “any act of a sexual nature which is committed on a person under circumstances which are coercive.” This definition was inclusive of male victims of sexual violence as it did not define it in “mechanical or biological terms” nor did it require physical contact. As such, under this definition, various forms of sexual violence such as forced masturbation, would be included. This definition of rape has been relied on in subsequent trials such as Musema and Niyitegeka, and Delalic.

However, in other cases the Courts did not follow their own previously established definition of sexual violence, in particular rape, and instead articulated an alternative. Namely, in Kunarac the Court chose instead to define rape specifically on the basis of ‘sexual penetration’ and the presence of coercion. The Court itself does not consider Kunarac a departure from its own case law, but rather an addition of details to the broad definition provided by Akayesu, as it “provides the parameters of what would constitute a physical invasion of a sexual nature, amounting to rape.” However, some have argued that this alternative/more specific definition has served to further exclude male victims by perpetuating a binary of male perpetrators and female victims. This is illustrated by subsequent case law such as Kvočka, Gacumbitsi, and Karadzic where the ‘discursive space’ for stories of male sexual violence was effectively limited.



Photo Credit: Pasha Vorotilin (PEXELS)



SILENCE
ALLOWS
VIOLENCE

Photo Credit: Anete Lusina (PEXELS)

SEXUAL VIOLENCE AS OTHER CRIMES

Another facet illustrating the lack of understanding of sexual violence, and therefore inconsistent interpretation of international courts and tribunals, is their tendency to prosecute sexual crimes under different provisions such as cruel and inhuman treatment, crimes against humanity or torture. This can, and has in the past, obscured the sexual nature of these crimes.

For instance, in *Karadžić*, multiple instances of rape, sexual assault, and sexually degrading acts of Bosnian Muslim men and women, were charged as cruel and inhuman treatment, rather than rape. In *Simić*, “anal rape of a male victim with a police truncheon and forced oral sex between two male prisoners (as well as between a male prisoner and a perpetrator) was not considered specifically rape, but more generally as sexual assaults” amounting to torture and persecution as well as inhuman treatment.

Similarly in *Krajišnik*, forcing Muslim and Croat detainees to engage in degrading sexual acts was classified as inhumane treatment under the crime against humanity, despite evidence of rape. This was also the case in *Tadić*, where oral sexual acts were charged by the prosecution as torture or inhuman treatment.

In the above-mentioned cases, the context in which the sexual violence took place explains the differing levels of severity of the crimes and therefore explains the different charges. Furthermore, charging sexual violence under cruel and inhuman treatment or torture can be explained by the fact the statutes of the ICTY and the ICTR did not explicitly contain references to the sexual violence, and it was necessary to charge it under other categories. The issue, however, in charging clearly sexual crimes under the rubric of cruel and inhuman treatment or torture is the resulting non-recognition of the sexual elements of these crimes.



For instance, in Stanišić & Župljanin stomping of genitals, forced nudity, forced rape and other sexual acts between two pairs of fathers and sons and one pair of cousins was charged under cruel and inhumane treatment as well as torture and not all charges recognized the sexual violence element of the crime.

This was also the case in Mucić, where in discussing the trauma to the genitals, the sexual dimension of the crime was not explicitly articulated. And although tribunals such as the ICTY have acknowledged that “other forms of sexual violence, such as mutilation and forced observance of rape may also constitute torture” there is a lack of sufficient consistency in this interpretation.

This is largely due to the fact that the crimes of degrading, cruel and inhuman treatment or torture does not sufficiently recognize the “specificity and seriousness” of sexual violence against men” When this sexual dimension of the crime is not openly discussed, it furthers the culture of silence around the issue of male sexual violence, and perpetuates the stereotype that only women are victims of sexual violence as such. Brushing the issue under the rug of other crimes limits the space that victims have to fully articulate the nature of the crime and limits its recognition by others involved in the trial such as the judges and prosecutors. This judicial approach has a resounding effect on other spheres such as the ability to collect information regarding sexual violence or its social recognition.

FAILURE TO CHARGE

However, even much more damaging to the experiences of male sexual violence can be the failure to charge such crimes altogether. This has often taken place in cases of ‘secondary victimisation’ meaning cases in which male victims were forced witness rape or other forms of sexual violence. For instance, in the case of Kenyetta, among crimes of forced circumcision, and sexual mutilation of men, husbands were forced to witness the gang rape of their wives.

In this case, not only was there a lack of willingness to consider the coercion to witness the sexual violence as a form of victimisation, but the Trial Chamber also chose to charge the crime of forced circumcision as one of inhumane acts, rather than sexual violence as a crime against humanity. This was against the charge introduced by the prosecutor, as the Trial Chamber considered that not all that affects sexual organs constitutes sexual violence.

This was further evident in the case of Bagosora where male family members were forced to watch women being sexually assaulted, but during the trial only the rape of women was considered, not the secondary victimisation.



Furthermore, the history of international courts and tribunals is further filled with failure to charge, particularly in the Special Court for Sierra Leone (SCSL), but others such as the International Criminal Court (ICC), the ICTY, and ICTR were not immune to this phenomenon.

In four cases under the SCSL, namely, the Armed Forces Revolutionary Council (AFRC), RUF, Civil Defense Forces (CDF), and Charles Taylor, evidence of male sexual violence was not considered. Furthermore, in the case of Muhimana, the victim's genitals were amputated and hung on a pole, but the Trial Chamber ignored this aspect of victim's death and instead concentrated on his shooting and beheading. Similarly, cases like Brđanin and Mbarushimana failed to prosecute sexual violence against men. In the former, being forced to rape a female detainee was considered rape from the perspective of the female victim, but not the male one. In the latter, the accused was charged under the count of cruel treatment for forcing family members to witness rape, but there was also a failure to prosecute the sexual violence committed against men.



Photo Credit: Pasha Vorotilin

EXPLAINING INCONSISTENCIES IN INTERPRETATION

The issues mentioned above represent a clear legal gap that needs to be addressed in order to improve the ability of international courts and tribunals to address sexual violence against men. However, the question arises, why does this gap exist? A possible answer can be found in two interrelated reasons, namely, the lack of information on the topic as well as the social stigma and misunderstanding of sexual violence.

As regards the former, there is a dearth of systematic reporting on the topic of male sexual violence. This in turn affects the judicial process, as it makes it difficult for prosecutors and victims to provide non-witness-based evidence to explain, contextualise and establish patterns of male sexual violence in a particular conflict. This presents great difficulty in appropriately trying cases.

The lack of reporting is largely interlinked with the lack of understanding and stigma, as men are not inclined to report sexual violence. Various reasons for this exist, such as fear or societal assumptions about sexual violence and masculinity. However, this gap manifests itself not only at the level of the victim, but also at the level of the prosecutor, defence, or judge. Due to a lack of information and training, these individuals may carry similar assumptions that prevent them from properly recognising sexual violence towards men.

Even the current body of international law, such as the ICC, regardless of how gender inclusively it has been written, presents difficulties in practice. As was previously discussed, tribunals such as the ICTY and ICTR did not have a specific mandate to address sexual violence. The ICC does contain such provisions, under a residual clause that allows it to “capture any un-enumerated forms of sexual violence of comparable gravity to the other listed crimes.” However, common types of sexual violence that are experienced by men such as “forced circumcision, penile amputation, castration, sexual mutilation (for example, burning of the genitals) and genital electrocution – are not explicitly listed in any international criminal statute or treaty.” This lack of a clear recognition of how men specifically experience sexual violence is precisely what leads to persecuting sexual crimes under different labels.

However, a further legal issue that has been noted by several authors is that the definition of sexual violence, particularly the word ‘sexual’ is not well understood. This is evident in, for example, the inability to consistently charge secondary victimisation or the general lack of recognition of the sexual nature of the crimes. Though courts and tribunals have defined ‘sexual violence’ and have given examples of sexual crimes, this has clearly not provided them with a comprehensive definition.

TOWARDS A CONSISTENT INTERPRETATION

Altogether, several solutions can be implemented in order to effectively address the problem, both from a legal perspective as well as a social one. There is clearly more research that needs to be done into male sexual violence during conflict that would help better understand the context and pattern under which it takes place, together with training for all those working in the legal field of male sexual violence. This would also mean that during the trial and pre-trial phases, there could be more discursive space for male victims of male sexual violence.

From the legal side, as previously discussed, further definition of the word ‘sexual’ would go a long way in systematising the interpretation of sexual violence by international courts and tribunals. Not only that, but future statutes of international courts and tribunals should be specifically sensitive to the non-recognition of male sexual violence. This would include examples of violence that very often affects men such as forced circumcision, penile amputation or forced castration. However, if such solutions do not give a satisfactory result, a final avenue that could be pursued is an inclusive legal framework in the form of a treaty on male-sexual violence. This could be an opportunity to develop not just a list of offences, but clear elements that could be used to in the future judge sexual violence.





CONCLUSION

Overall, this article has attempted to illustrate the apparent inconsistencies in the current case law of international criminal tribunals as regards male sexual violence. As has been shown, consistent definitions and charging of male sexual violence is essential in giving male victims a voice during their trial proceedings and has reverberating effects on future cases. Though various explanations and solutions have been provided, much still needs to be done in understanding and addressing the issue of male sexual violence not only in the judicial sphere, but in the social one as well if appropriate recognition of the phenomenon is to become engrained in society.

"...sexual violence against males in wartime remains mostly hidden and under-reported, despite being a widespread phenomenon with a long history...."

Irene Garofalo

1. Charman, Thomas 'A Story that Can(not) be Told: Sexual Violence against Men in ICTR and ICTY Jurisprudence' in Sofia Stolk and Renske Vos (eds), *International Law's Collected Stories* (Palgrave MacMillan, 2020) 57, 65; Oosterveld, Valerie, 'Sexual Violence Directed Against Men and Boys in Armed Conflict or Mass Atrocity: Addressing a Gendered Harm in International Criminal Tribunals' (2014) 10 *Journal of International Law and International Relations* 107, 110.
2. *Prosecutor v Akayesu*, (Judgement) ICTR-96-4-T, (International Criminal Tribunal for Rwanda, 1998) para. 598.
3. Charman (n 1) 64.
4. *Prosecutor v Mikaeli Muhimana* (Summary Judgement) ICTR-95-1B-T (International Criminal Tribunal for Rwanda, 2005).
5. Charman (n 1) 65.
6. Muhimana. para 34.
7. *ibid* 67.
8. *Prosecutor v Radovan Karadžić* (Judgement) IT-95-5/18-T (International Criminal Tribunal for the Former Yugoslavia, 2016), para 2506.
9. Oosterveld (n 1) 111.
10. *Prosecutor v Momčilo Krajisnik*, (Trial Judgement) IT-00-39-T (International Criminal Tribunal for the former Yugoslavia, 2006) paras 745, 1126.
11. Charman (n 1) 74.
12. Oosterveld (n 1) 113.
13. Charman (n 1); Mouthaan, Solange, 'Sexual Violence against Men and International Law – Criminalising the Unmentionable' *International Criminal Law Review* 13 (2013) 665.
14. Oosterveld (n 1) 113-4.
15. Charman (n 1) 70-71.
16. Mouthaan (n 24) 684.
17. *Ibid*, 672.
18. Oosterveld (n 1) 115.
19. Frunse (n 16)
20. *ibid*, 105.
21. Oosterveld (n 1) 124; *Prosecutor v Francis Kirimi Muthaura, Uhuru Muigai Kenyatt and Mohammed Hussein Ali*, (Decision on the Confirmation of Charges) ICC-01/09-02/11, (International Criminal Court, Pre-Trial Chamber II, 2012) para 265.
22. Frunse (n 16) 98; *Prosecutor v Bagosora et al* (Trial Chamber Decision on motions for judgement of acquittal) ICTR-98-41-T (International Criminal Tribunal for Rwanda 2005) note 63.
23. Oosterveld (n 1) 113; *Prosecutor v Mikaeli Muhimana* (Summary Judgement) ICTR-95-1B-T (International Criminal Tribunal for Rwanda, 2005) para 442-444, 448.
24. Charman (n 1) 71-72.
25. Frunse (n 16) 105; *Prosecutor v Mbarushimana* (Confirmation of Charges) ICC-01/04-01/1 (International Criminal Court, 2011), paras 108-110.
26. Oosterveld (n 1) 109.
27. Oosterveld (n 1) 117.
28. *Ibid*, 118.
29. Frunse (n 16) 104.
30. Oosterveld (n 1) 121.
31. Frunse (n 16) 107-8.
32. Oosterveld (n 1) 122.
33. Oosterveld (n 1) 126.
34. *Ibid*
35. Mouthaan (n 24) 694.



CONFLICT RELATED SEXUAL VIOLENCE AGAINST MEN: CAN WOMEN IN UN PEACEKEEPING OPERATIONS BE A PANACEA TO THE SAME?

BY PREETKIRAN KAUR

I. INTRODUCTION


Conflict-related sexual violence ('hereinafter 'CRSV') has been defined as rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked to a conflict.

CRSV occurs in different contexts and circumstances but comprehensive research in the international sphere lacks because CRSV against men is largely an unrecognized and undocumented invisible crime.

1. United Nations, 'Conflict Related Sexual Violence' <<https://peacekeeping.un.org/en/conflict-related-sexual-violence>> accessed 5 November 2021.

2. Sophia Moreau, 'What Is Discrimination?' [2010] 38 P&PA 143.

3. Mimi Schippers, 'Recovering The Feminine Other: Masculinity, Femininity, and Gender Hegemony', [2007] 36 theory and Society 85.



However, one aspect that has remained constant throughout the narratives is the notion of 'victim' and 'perpetrator'. The terms 'victim' and 'perpetrator' have become synonymous to women and men respectively.

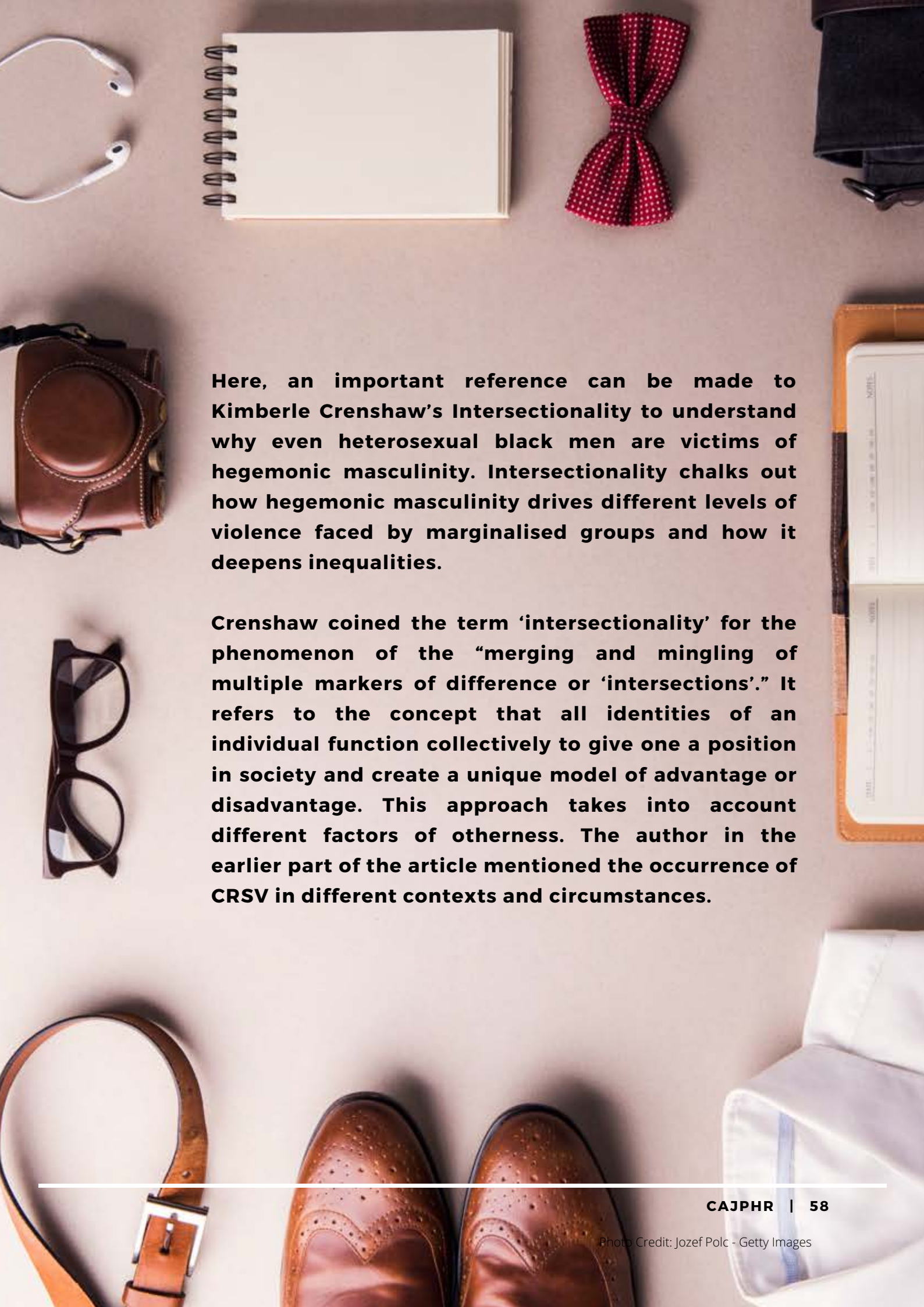
This gender essentialism, 'the process of reducing a complex, multifaceted reality to a simple, single-level explanation', in effect stereotyping," has contributed to men being kept out of the discourse on CRSV committed against them. This sort of gender essentialism exists on account of the hegemonic masculinity deeply embedded in our society.

R.W. Connell defines hegemonic masculinity in his paper 'Men's Bodies' as "the configuration of gender practice which embodies the currently accepted answer to the problem of the legitimacy of patriarchy, which guarantees (or is taken to guarantee) the dominant position of men and the subordination of women."

In his work, he discusses the hegemonic patriarchy in our society by focusing on the activities and emotions of men and tracing how patterns of domination of men develop.

"The hegemony of men seeks to address the double complexity that men are both a social category formed by the gender system and dominant collective and individual agents of social practices."

The problem at its core is not the man but the behavioural patterns which have gained legitimacy. For example, hegemonic masculinity expects a man to be powerful, violent, aggressive and not vulnerable to emotions. He exercises this power by the subjugation of the disadvantaged groups and this hegemony does not exist uniformly across all the masculinities. Heterosexual men exhibit it over homosexual men, women, blacks, et cetera.



Here, an important reference can be made to Kimberle Crenshaw's Intersectionality to understand why even heterosexual black men are victims of hegemonic masculinity. Intersectionality chalks out how hegemonic masculinity drives different levels of violence faced by marginalised groups and how it deepens inequalities.

Crenshaw coined the term 'intersectionality' for the phenomenon of the "merging and mingling of multiple markers of difference or 'intersections'." It refers to the concept that all identities of an individual function collectively to give one a position in society and create a unique model of advantage or disadvantage. This approach takes into account different factors of otherness. The author in the earlier part of the article mentioned the occurrence of CRSV in different contexts and circumstances.

However, these circumstances do not affect everyone equally, and war crimes like sexual violence tend to affect men as well despite patriarchy on account of intersection of other factors such as race, economic power, et cetera. Thus, the effects of the presence of hegemonic masculinity are then translated to the “institutional, legal, political and economic spheres of society which perpetuate the inequality between and within genders.”

In light of these considerations, the author seeks to address the issue of CRSV against men in a threefold manner.

- First, why men, too, are victims of CRSV committed against them.
- However, why does CRSV against men still remain an invisible crime and what are the physiological and psychological impact on men shall be the second issue of discussion.
- Third, the author suggests that having more women in peacekeeping forces shall lead to better post-conflict rehabilitation of victims of sexual violence especially male and would aid in addressing both physiological and psychological impact on survivors.



4. Jeff Hearn, 'From Hegemonic Masculinity to the Hegemony of Men', [2004] SAGE.

5. Alice Ludvig, 'Differences Between Women? Intersecting Voices in a Female Narrative', University of Vienna.

6. Francesco Maria Morettini, Hegemonic Masculinity: How the Dominant Man subjugates other Men, Women and Society, (2016)

<<https://www.globalpolicyjournal.com/blog/27/10/2016/hegemonic-masculinity-how-dominant-man-subjugates-other-men-women-and-society>> accessed 6 November 2021.

7. Patricia Resick, 'The psychological impact of rape' [1993] 8(2) Journal of Interpersonal violence 223-255.

8. Sexual Violence Research Initiative, 'Care and Support of Conflict Related Male Survivors of Sexual Violence',

<<https://www.svri.org/sites/default/files/attachments/2016-01-12/CareSupportofMaleSurviv.pdf>> accessed 6 November 2021.

II. IMPACT OF CONFLICT RELATED SEXUAL VIOLENCE ON MALE SURVIVORS

CRSV is hardly seen through the prism of intersectionality, and the process of stereotyping categorises men and women into two water-tight compartments where men are strong and the protectors whereas women are vulnerable and need to be protected. Thus, any digression from these pre-imposed identities which have been labelled as 'normal and ideal' leads to stigmatisation of the person.

The crime of CRSV against men per se digresses from these notions of patriarchy, thereby impacting not only recognition but also rehabilitation of survivors. At the very outset, such incidents reported by men are dismissed because male victimhood contradicts their idea of 'being a man' who is strong and cannot become a victim. Hence, often male survivors do not even report such incidents on account of guilt and shame attached to them. They apprehend being labelled as 'feminine men' because they could not exert control over their own body. They face anxiety issues, post-traumatic stress disorder and depression. Their fear of being ostracised by society or being looked down upon leaves frustration and a sense of failure within them.

The repercussions are not just limited to psychological well-being. Male survivors may experience ruptures of the rectum; damage to the penis and testicles; penile/testicular/anal/rectal pain; HIV/AIDS; other sexually transmitted infections; other genital infections; abscesses; damage to reproductive capacity; or sexual dysfunction from physical sources. They feel overwhelming humiliation and anger in seeking medical help post-sexual violence that aggravates their worsening condition. They often suffer from emotional outbursts leading to compulsive sexual behaviour, phobias, and substance abuse.

The confluence of both physiological psychological harm to male survivors cannot be addressed with any one approach. This is so because not only the medical needs of the survivors need to be fulfilled but also their reintegration into the social fabric. Thus, the humanitarian action post conflicts have an onus to fulfil the dual aim of medical and psychosocial support needed by survivors.



9. Supra note 7.

10. United Nations, 'United Nations Peacekeeping' <<https://peacekeeping.un.org/en>> accessed 6 November 2021.

11. <<https://peacekeeping.un.org/en/promoting-women-peace-and-security>> accessed 25 November 2021.

12. Office of Special Advisor on Gender Issues and Advancement of Women, 'Landmark resolution on Women, Peace and Security'.

<<https://www.un.org/womenwatch/osagi/wps/>> accessed 8 November 2021.

13. Elisabeth Olivius, 'Three Approaches to Gender in Humanitarian Aid: Findings from a Study of Humanitarian Aid to Refugees in Thailand and Bangladesh' [2014] Department of Political Science & Umeå Centre for Gender Studies.

14. Antonio Guterres, 'Remarks to Security Council on Women in Peacekeeping' <<https://www.unwomen.org/en/news/stories/2021/10/speech-sg-guterres-security-council-open-debate-on-women-peace-and-security>> accessed 18 November 2021.

15. Women's Refugee Commission, 'Addressing Sexual Violence against Men, Boys, and LGBTQ+ Refugees: Learnings from Pilot Projects in Bangladesh, Kenya, and Italy/Bulgaria' (2021) p. 5.

16. Supra note 15.

17. Gabrielle Simm, *Sex in Peace Operations* (Cambridge University Press, 2013).

18. De Groot, Gerard Jan, 'A Few Good Women: Gender Stereotypes, the Military and Peacekeeping' [2001] *International Peacekeeping* 23.

19. Angela Alchin, 'Making a difference in peacekeeping operations: Voices of South African women peacekeepers' [2017] *African Society Review*.

20. Kiss, L., Quinlan-Davidson, M., Pasquero, L. et al. 'Male and LGBT survivors of sexual violence in conflict situations: a realist review of health interventions in low-and middle-income countries' [2020] *Conflict and Health*.

III. WOMEN AND PEACEKEEPING OPERATIONS

One of the many organisations working on the grassroots level for restoring peace and rehabilitation of victims post conflicts is United Nations (UN) Peacekeeping Operations (PKO). It is a collective investment in global peace, security, and stability. Over the last 70 years, UN peacekeepers have made a tangible difference in the lives of millions of the world's most vulnerable people, creating conditions for lasting peace. However, UN PKO has been criticized by states and permanent representatives to the United Nations for having a hegemonic masculine outlook towards peace and reinforcing inequalities detrimental to both men and women. These hyper-masculine peacekeeping operations promote the idea of military manhood where men are viewed as strong, brave and violent, thereby, making no room for their own sexual violence experiences. Women are categorized as the vulnerable and kept out of the decision making-processes.

Reaffirming the important role of women in the prevention and resolution of conflicts and in peace-building, and *stressing* the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with

Gender equality in peacekeeping operations is not a novel issue and the UN Security Council addressed the same in its Resolution 1325. It was legally mandated to include women in decision-making roles in all aspects of the peacekeeping and peace-building processes. Thus, it guaranteed proportional equality but substantive equality has always been compromised. The primary responsibilities of ensuring protection in these operations are assigned to men, whereas women are offered secondary duties or relegated to the role of a caregiver. Thus, this exclusion and discrimination against female peacekeepers create power and gendered imbalances.



III. WOMEN AND PEACEKEEPING OPERATIONS

Issues like gender equality and violence against women are considered ‘soft’ issues as opposed to the ‘hard’ or real issues of military security. Thus, the author shall put forth the idea of more women-oriented peacekeeping missions as a viable solution to post-conflict rehabilitation of victims of sexual violence.

The arguments favouring the same would depend on a developmental view of gender that is based on an understanding of gender as structural relations of power rooted in the cultural, social, economic and political systems of the communities that are assisted by humanitarian organisations.

An increase in women peacekeeping force is both a means and an end in itself. It includes women as strategic humanitarian partners, important actors and key stakeholders, thereby, increasing their representation and achieving the goal of humanitarian aid that needs to be provided in post-conflict settings.

The UN Secretary General, Antonio Guterres in his address to the UN Security Council called for greater participation of women in peacekeeping activities. He cited that it has led to more credible protection responses that meet the needs of all members of local communities since women offer a less confrontational atmosphere. With women in leadership roles and decision making powers, the first idea that loses ground is the hegemonic masculinity theory prescribing set roles for men and women.

This marks the beginning of fluidity in usage of terms such as ‘victim’ and ‘perpetrator’. This helps in recognition of sexual violence against men thereby, acknowledging their special needs and medical, mental health, and legal aid services required by male survivors.

The presence of more women in troop contingents is also credited with higher reporting of sexual and gender-based violence, as well as lower incidents of sexual exploitation and abuse. The success of women in peacekeeping could be attributed to less intimidating or provocative nature of women peacekeepers than men peacekeepers; more empathetic to victimised women, men and children, especially victims of sexual violence on account of their greater awareness and better sensitisation and the ability to exert a ‘civilising’ influence over their male colleagues. This assertion has been drawn from a 1995 study for the UN Division of the Advancement of Women, which noted a reduction in accusations against peacekeepers and concluded that men behave better when around women of their own culture. In addition to that, the male peacekeeping forces tend to be more aggressive since their military training has been conducted in such a way as to highlight their masculinity and the need to show their ‘military manhood’ in situations of emergency.

"The presence of more women in troop contingents is also credited with higher reporting of sexual and gender-based violence..."



They have better access to local women giving them intelligence and security benefits which helps them establish an integrated psychosocial support system. Intelligence collection provides a deeper sense of understanding of locals' needs and good standing with the community improves the security of the unit. Their ability to form trustworthy networks helps them in addressing knowledge gaps (such as sexual health, gender identity, sexual orientation, and response services after sexual violence). This contributed to a collaborative, collective process of overcoming taboos and challenging misconceptions.

These networks help them permeate within the affected communities and introduce pyramid based rehabilitation measures providing resources as per the level of intervention required. The bottom-most people in the pyramid require basic psychological support which is required by almost everyone due to the conflicts and emergency conditions.

The second group requires focused psychosocial support which involves promotion of positive mental health and psychosocial well-being. The third group requires psychological support which involves prevention and treatment activities for families with more complex psychological conditions and are at a greater risk of developing mental health disorders. The topmost group in the pyramid is where male survivors of CRSV reside. They require specialised mental health care facilities and social welfare schemes helping them regain self-esteem to integrate back in the society. They are counselled and accordingly, psychosocial support after CRSV aims to promote five essential principles:

- a sense of safety
- calming,
- self- and community efficacy
- social connectedness
- hope.

This helps victims to re-emerge stronger and become essential members of the social fabric after conflicts.

21. Supra note 16.

22. Supra note 20.

23. IFRC, 'The International Red Cross and Red Crescent Movement's Mental Health and Psychosocial Support Framework' < <https://pscentre.org/wp-content/uploads/2021/06/mhpss-framework.pdf> > accessed 19 November 2021.

24. Supra note 20.

A person's silhouette is seen from behind, reaching up with both hands to touch a chain-link fence. The fence is topped with several strands of barbed wire. The background is a dramatic sky at sunset or sunrise, with warm orange and yellow light near the horizon and darker blue tones above. The overall mood is one of longing, restriction, or seeking freedom.

“

“

**FORCED DISPLACEMENT CAN
ORIGINATE FROM WAR AND
ARMED CONFLICT, AND THE
RESULTING BREAKDOWN OF
SOCIAL STRUCTURES.. ”**

”

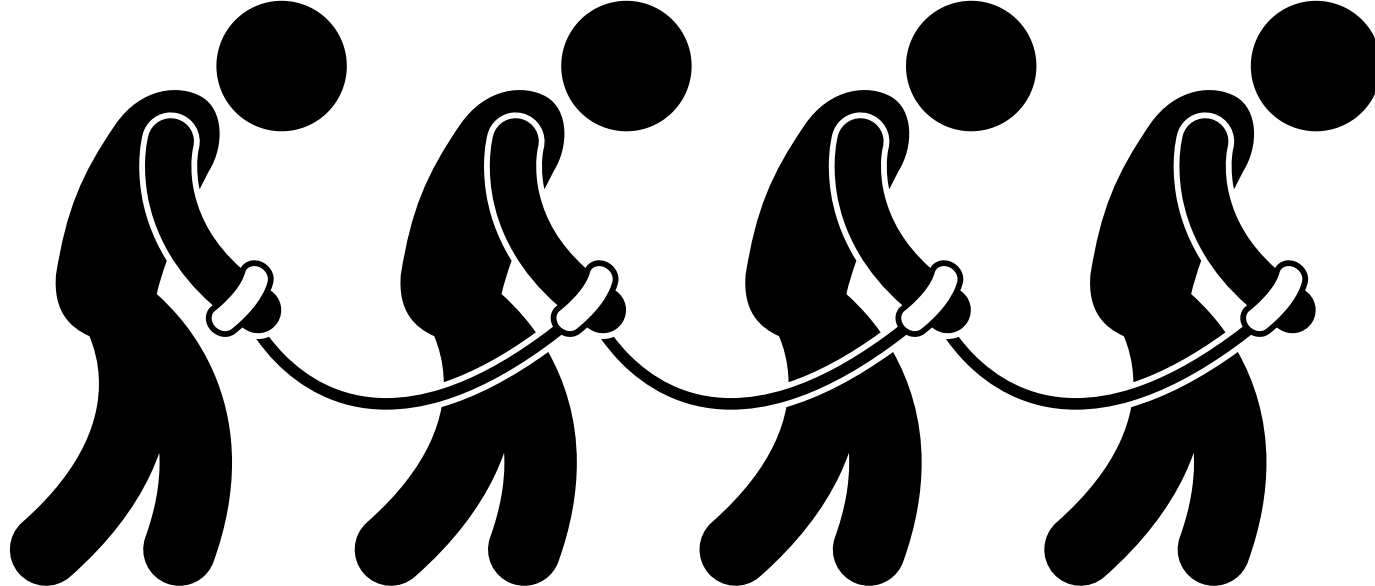


Image credit: Leremy Gan

THE LINK BETWEEN SEXUAL VIOLENCE, HUMAN TRAFFICKING AND FORCED DISPLACEMENT

BY JÚLIA MIRAGALL MAS

INTRODUCTION

During conflict, sexual violence is often used as a weapon of war, whereby such practices are used as means for disempowerment, dominance and to undermine masculinity. Furthermore, forced displacement is a usual result of conflict, thereby leading to a context in which there is a high risk of sexual violence, to which men and boys are greatly exposed. For this reason, forcibly displaced males are often subjected and coerced into unwanted sexual acts or engaging in survival sex. In addition, males in contexts of forced displacement are under risk of being recruited or absorbed into human trafficking, including for sexual purposes.

However, male sexual violence is often underreported and not addressed, despite having been identified to be regular and widespread. This causes survivors to face physical, social and psychological challenges as a result, as they end up lacking access to aid services. Such challenges are exacerbated in the context of forced displacement.

This article aims at shedding light to the risk of sexual violence to which forcibly displaced males are exposed. It will emphasise the great importance of addressing this issue given the impact of migration and refugee crises of the last decades, and especially the COVID-19 on forced displacement.



CAUSES AND EFFECTS OF FORCED DISPLACEMENT

Forced displacement can originate from war and armed conflict, and the resulting breakdown of social structures, ethnic differences, socio-economic or political discrimination, as well as exertion of political power and control of certain communities over others.

Forcibly displaced persons do not have the protection of their own government, and often, of any other state authority for a prolonged period of time. Furthermore, they face physical risks including grave physical and mental effects that can lead to disabilities or severe mental illness, including psychological trauma and stress.

Risks to their individual status and role in their community include loss of personal security, dependence to aid, lack of options and alternatives to face and adapt to changes in their socio-economic status, risks to alcohol or drug addiction and abuse, as well as effects of the disrupted roles within their family and community. Moreover, forcibly displaced persons often also find themselves in geographical locations and environments of high crime, overcrowdedness in camps or detention sites, lack of access to services and facilities for basic necessities including food, fuel, and income generation.

Forcibly displaced persons are also often exposed to discriminatory religious, cultural and traditional beliefs and practices, as well as racist approaches in extreme cases, especially in host countries. Moreover, they may also face a lack of rights protection, including against sexual violence. They may experience a lack of trust towards law enforcement authorities, negative impacts resulting from the application of traditional laws and practices enforcing discrimination, insensitivity and discrimination in justice administration and law enforcement.

1. UNHCR and Refugee Law Project, 'Working with men and boy survivors of sexual and GBV in forced displacement', (2012), p. 6.

2. S. K. Chynoweth et. al., 'Sexual Violence Against Men and Boys in Conflict and Forced Displacement: Implications for the Health Sector', (2017) RHM, p. 2.

3. For the purpose of the present article 'forced displacement' includes refugees, returnees, internally displaced persons and asylum-seekers.

4. UNHCR, 'Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response' (Geneva May 2003), p. 21.

5. S. K. Chynoweth et. al. (n 3), p. 2.

6. S. K. Chynoweth et. al. (n 3), p. 1.

7. Report of the United Nations Secretary General 'Conflict-Related Sexual Violence' (3 June 2020) UN Doc S/2020/487, p. 3.

8. UN, 'Report of the Secretary-General, 'Conflict-Related Sexual Violence' (15 April 2017) UN Doc S/2017/249, p. 3.

9. S. K. Chynoweth et. al. (n 3), pp. 2-3.

10. International Organization on Migration (IOM), (IOM, 12 August 2016) <<https://www.iom.int/news/mediterranean-human-trafficking-and-exploitation-prevalence-survey-iom>> accessed 12 November 2021.

11. UNSC, 'Conflict-related sexual violence: Report of the Secretary-General' (30 March 2021) UN Doc S/2021/312, para. 2.

12. United Nations Office on Drugs and Crime (UNDOC), (UNDOC, 8 July 2021) <<https://www.unodc.org/unodc/en/frontpage/2021/July/covid-19-and-crime-the-impact-of-the-pandemic-on-human-trafficking.html>> accessed 12 November 2021.



Moreover, the risks of sexual violence often take place in different contexts, including transit facilities, reception centres, refugee camps, asylum-seekers detention sites, way-stations in repatriation movement, and centres for communities of internally displaced persons (hereinafter ‘displacement facilities’).

This context of instability, vulnerability and lack of protection or respect of human rights poses a great risk of perpetration of sexual violence against males in such sites. Furthermore, perpetrators include armed groups, as well as fellow forcibly displaced persons, and even personnel entrusted with their protection.

Therefore, this adds to a lack of knowledge of their individual rights under international and other national laws of receiving countries, thereby exacerbating the risks forcibly displaced males face.

According to the Gender-based Violence Information Management System (GBV IMS) in Lebanon, 20% of the cases of sexual violence reported from January to May 2016 were refugee men and boys.

Furthermore, another study found that 53 of 142 (37.2%) of reported incidents of rape among sub-Saharan refugees and asylum seekers in Morocco were males. This shows that cases of male sexual violence are prevalent and significantly widespread in forced displacement settings.

The European refugee and migrant crisis has especially shown the great risk of sexual exploitation and abuse to which unaccompanied adolescent boys are subjected to. In 2016 an 89% of 63, 300 unaccompanied minor asylum-seekers in the European Union had been subjected to sexual abuse and exploitation.

However, displacement facilities often do not provide accessible services for males. Moreover, existing services are not equipped to address the situations particularly of adolescent boys and adult men, as they are often embedded in maternal and child health programmes or gender-based services not suited to respond to the need of male victims.

This adds to the existing stigma attached to male sexual violence, as men and boys are often perceived as “prostituting themselves” or “experimenting with their sexuality” when reporting their experiences. Therefore, this poses additional barriers for males to access the needed care.

THE LINK BETWEEN MALE SEXUAL VIOLENCE, HUMAN TRAFFICKING AND FORCED DISPLACEMENT

Human trafficking and sexual violence originate both in times of peace, conflict and post conflict, and they can take place at the same time or simultaneously. Furthermore, with conflict causing the collapse of protective political, legal, economic and social systems, it often results in forced displacement, providing for an especially grave risk of being abducted or recruited by traffickers.

As stated by the United Nations (UN) Secretary General's report on conflict-related sexual violence in 2017, there is a link between conflict-related sexual violence and human trafficking, especially for the purpose of sexual violence or exploitation. Furthermore, the rise in violent extremism and mass migration and forced displacement in the last decade and especially since 2016, has emphasised the risk of trafficking in persons for sexual purposes.

According to a 2016 study on 61 interviews to unaccompanied migrant children in camps from Northern France to the English Channel, children (including boys) were regularly abused by traffickers.

Furthermore, a needs assessment conducted in Libya on migrants following the route from North Africa to Italy showed that sexual violence was increasingly widespread at borders and checkpoints.

This study highlighted how boys were especially subjected to various forms of sexual violence during their journey, with reports in Greece and Italy showing that unaccompanied adolescent boys were especially under risk of sexual violence upon arrival in Europe.

According to the International Organization on Migration (IOM)'s survey on 'Mediterranean Human Trafficking and Exploitation Prevalence' 76% of around 1400 migrants and refugees in Italy from June to August 2016 had seen indicators of human trafficking during their journey along the Central Mediterranean Route from North Africa to Europe.

The survey showed strong evidence of predatory behaviour by traffickers. Furthermore, the risks, environment, vulnerability and other hazards faced by forcibly displaced persons further enable such situations of trafficking and exploitation to continue.

Furthermore, the recent migration and refugee crises have led to a rise of cases of human trafficking and sexual abuse involving unaccompanied minors (including boys), amounting to around 13000 minors that arrived in Italy.

Image credit: Professor25 - Getty Images Pro





Image credit: kentoh - Getty Images

THE IMPACT OF THE COVID-19 CRISIS

The COVID-19 crisis originated an unprecedented context in which the root causes of sexual violence and the effects of forced displacement were amplified. As stated in the 2021 Report of the UN Secretary-General on conflict-related sexual violence, the measures imposed to respond to the effects of the pandemic reinforced existing structural, sociocultural and institutional barriers to reporting cases of sexual violence.

health services were primarily directed to the ongoing crisis, which, in turn limited the available medical services to survivors of sexual violence. In addition, the pandemic also imposed transportation restrictions, thereby limiting the provision of services such as emergency post-rape care and sexual and reproductive health services. It also affected existing reporting mechanisms thereby complicating the pursuit of justice and the effective functioning of justice and accountability.

The pandemic also limited the existing oversight and monitoring systems in conflict situations for cases of conflict-related sexual violence, including detention facilities and other displacement settings. Such areas were severely impacted as they received the coupled effects of conflict, forced displacement and COVID-19. Therefore, forcibly displaced persons were placed in an especially vulnerable situation facing grave risks of sexual violence, exploitation and trafficking, as the existing humanitarian reach and resources experienced an overall decline. In addition, despite the 23 March 2020 call to a global ceasefire, several armed groups took advantage of the situation to strike and gain territory and resources, including through the use of sexual violence practices.

Human traffickers also seized the opportunity brought by the pandemic and its subsequent crisis, as they capitalised on vulnerable peoples' loss of income and security, thereby making it exceedingly more complex to detect human trafficking cases and imposing further obstacles for victims to access aid and justice.

13. UNHCR and Refugee Law Project (n 1), p. 15.

14. UNHCR (n 5), p. 33-34.



CONCLUSION

Forcibly displaced men and boys face grave effects to their mental and physical health, to their socio-economic status and to their role in their family and community, during their journey. Furthermore, this also includes being in a situation of vulnerability to risks of being recruited into human trafficking and subjected to sexual violence. As stated in this article, this illustrates that conflict-related sexual violence and human trafficking for sexual purposes are tightly linked, the impact of which has been exacerbated since 2016.

Therefore, there is a great need to develop adequate and effective programmes that respond to this growing issue. This includes developing effective referral pathways for survivors to access, include age and sex differentiations in services, promote gender sensitive definitions of rape and sexual violence, and establish mechanisms to detect and monitor cases of sexual violence and human trafficking in detention and displacement sites.

Mechanisms should include a specific identification of the causes and contributing factors of sexual violence in displacement sites, thereby conducting a situation analysis including the specific community culture of the host country, existing protection systems and traditions, gender and power relations, and areas where forcibly displaced males are likely to be exposed to sexual violence and human trafficking.



Centre for African Justice,
Peace and Human Rights

4TH ANNUAL CONFERENCE

**SEXUAL VIOLENCE AGAINST THE
MALE GENDER:
A Perspective on Forced Migration**

DECEMBER 18 2021

**14:00 - 17:00 CET
ONLINE: VIA ZOOM**

<https://bit.ly/317wGkY>



Sexual Violence Against the Male Gender: A Perspective on Forced Migration



Centre for African Justice,
Peace and Human Rights



CONFERENCE SUMMARY

On 18th December 2021, the Sexual Violence Team at the Centre for African Justice, Peace and Human Rights (CAJPHR) hosted the '4th Annual Conference on Conflict-Related Sexual Violence Against the Male Gender: A Perspective on Forced Displacement' which was a resounding success. Through the forum of an annual conference, the sexual violence team seeks to raise awareness regarding sexual violence committed against men and boys through various lenses.

The Chair of the conference, Ms. Lorraine Smith van Lin, Director of Smithvanlin Consultancy and Founder of Tallawah Justice for Women, officially opened the event by welcoming both speakers and participants alike. She also took this opportunity to highlight the key themes underlying the conference, while bringing attention to the devastating, yet underreported impact of the diverse forms of conflict-related sexual violence experienced by male refugees, asylum seekers, internally displaced and stateless persons such as psychological trauma, feelings of disempowerment, and stigma, to name a few. Ms. Smith van Lin continued by expressing hope that by shining a light on these issues, as well as the existing shortcomings in justice and policy, there will be 'catalytic effect' which will lead lawmakers and policymakers to take the action required to remedy shortcomings in the system.

Once the conference was officially open, the centre's founder, Ms. Sophia Ugwu, provided some welcome remarks. Ms. Ugwu stated that whilst we already know that sexual violence is often used as a tool of war around the world, a lot less is known about the impact of this kind of violence on the male gender. Perpetrators often utilise conflict-related sexual violence as a means of diminishing the masculinity of the men they target, consequently also diminishing their role within the social hierarchy as leaders and protectors of their community.

Miss Ugwu drew attention to the fact that male survivors often do not come forward to report such incidents as they do not always get justice. Rather, they become the target of oppressive laws and social stigma, and often face greater challenges than females. In light of these barriers, survivors are often unable to get the medical attention they need – both physically and psychologically.

Miss Ugwu brought her remarks to a close by reminding participants that existing issues have become heightened due to the COVID-19 pandemic and thus, that there is no better time to raise awareness around the existing situation, to enhance support for victims of conflict-related sexual violence and to push for the total elimination of crime.



The first presentation of the day was delivered by Dr. Ines Keygnaert, assistant Professor in Sexual and Reproductive Health at the International Centre for Reproductive Health, Department of Public Health and Primary Care and Team Leader of the "Gender & Violence" Team at the Ghent University. Dr. Keygnaert focused on the 'physical and psychological complexities of sexual violence against the male gender in the context of forced displacement.'

In doing so, she delved into various issues such as, 'the scope of sexual violence experienced in migration; the nature and magnitude of sexual violence against male forced migrants; physical, sexual and reproductive health consequences; mental health consequences; impacts on disclosure and help-seeking behaviour; and, tips and tricks.' Further, she highlighted the various forms of violence males experience not only in their country of origin during the conflict, but also during transit and upon arrival in their country of destination. Dr. Keygnaert then concluded by signposting existing tools available for practitioners and academics working in the field, particularly those who are interacting with victims of conflict-related sexual violence on a frequent basis.

These insightful words provided by Dr. Keygnaert were followed by a captivating discussion into the existing situation in Greece by Dr. Marian Tankink, an anthropological, researcher and trainer on gender, violence and mental health. Dr. Tankink focused on the 'psychosocial consequences of refugees' policies and its impact on the self-esteem of refugee boys and young men who experienced sexual violence.' During her time at refugee camps speaking to men and boys, she came to realise that personnel assigned in those posts often did not possess the requisite skills and training to identify incidents of sexual violence or the victims of such incidents. A problem that was exacerbated by the fact that personnel were switched every few months in order to prevent detainees from forming relationships with those in a position of authority.



Dr. Tankink also drew attention to the practical problems faced in camps, such as the exclusion of several males from the “safe” or “protected” zone. Young boys who had been allowed in such zones with their parent(s) were then forced to leave once they turned 12 years of age. Ultimately, boys and men were often left to fend for themselves and to put themselves at risk of violence, both whilst they were in refugee camps and after they were forced to leave. Those who were already victims of such violence were left to fend for themselves without ever receiving the required medical care. Dr. Tankink noted that case studies, like the one conducted in Greece, should be utilised as a foundation for a bigger discussion. Relevant stakeholders should reflect on such case studies to determine how we can we make the existing state of affairs better for men and boys who have suffered from, or who are at risk of falling victim to, conflict-related sexual violence.

Our third speaker for the day, Dr. Noemi Magugliani, a research fellow in anti-trafficking law and policy at the British Institute of International and Comparative Law, shifted the focus slightly by analysing the situation through a legal lens. Dr. Magugliani examined the ‘limitations to access to justice in cases of sexual violence perpetrated against men and boys: a focus on domestic asylum and anti-trafficking contexts in the Council of Europe region.’ After taking participants through the relevant legal frameworks and screening tools deployed within European countries, she highlighted some key issues. Dr. Magugliani noted that the under-recognition and lack of disclosure of sexual violence against men precludes access to specific services from which male survivors could benefit.



However, she also noted that this in turn prevents asylum and anti-trafficking authorities from assessing claims on the basis of all the evidence, including reflection on risk upon return as well as the risk of discrimination and reprisals if a person were to be deported or returned to the country of origin. During her concluding remarks, Dr. Magugliani emphasized the responsibility of States to protect and prevent, even if they cannot directly prevent conflict-related sexual violence from happening in States other than their own.

Our fourth and final speaker for the day, Justice Elizabeth Ibanda-Nahamya, retired Ugandan Judge, Executive Director of Emerging Solutions Africa and Judge at the United Nations International Residual Mechanisms for Criminal Tribunals shared her thoughts on the conflict-related sexual violence epidemic and, more specifically, the lack of representation of the male gender in current discourse. Justice Ibanda-Nahamya began her discussion by drawing upon the words of one particular survivor who put forward the question, “you keep on empowering our women but who comes to us about regaining our dignity and listens to our problems?”

She highlighted that whilst gender-based violence against women has become a salient topic in human security, particularly in relation to sexual violence, men have been more or less excluded from the conversation. Justice Ibanda-Nahamya addressed how men are prevented from coming forward due to factors such as lack of faith in the justice process and the risk of social stigma, despite the fact they are suffering both physically and mentally. She emphasized that significant work remains to be done in order to ensure that entities responsible for handling such cases are educated and up to standard, so that survivors are given voices and are understood by their community.

Following a final round of Q&As, where participants were able to share their thoughts and questions with our experts, concluding remarks were delivered and speakers thanked. Participants were encouraged to keep their commitment to the cause strong and to continue exhibiting their initiative to ending conflict-related sexual violence against the male gender going forward.



Thank you!

4TH ANNUAL CONFERENCE

**SEXUAL VIOLENCE AGAINST THE
MALE GENDER:
A Perspective on Forced Migration**

EDITORIAL

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