

Briefing on conflict-related sexual violence against men and boys prepared for Colombia's Truth, Coexistence, and Non-Repetition Commission

December 2020

1. Purpose of the briefing

This briefing has been prepared by All Survivors Project (ASP) to support the ongoing work of Colombia's Truth, Coexistence, and Non-Repetition Commission (the Commission) to investigate and uncover the truth about sexual violence that has occurred in the context of armed conflict there, and to recognise and restore the rights of victims/survivors impacted by crimes of sexual violence.¹

Sexual violence has affected countless women and girls during the armed conflict in Colombia, and lesbian, gay, bisexual, transgender and intersex (LGBTI+) people have also been highly vulnerable in this context. Available information indicates that men and boys have also been subjected to conflict related-sexual violence (CRSV) including, but not limited to, males with diverse sexual orientation, gender identity and/or expression, and sex characteristics (SOGIESC).²

To assist the Commission in addressing CRSV against males within its broader work on the issue, this briefing provides a summary of relevant international standards and information on global patterns of CRSV against men and boys and its impact. It also offers a short analysis of how CRSV against men and boys can be understood in relation to structural gender inequalities and discrimination that underpin and facilitate CRSV against women and girls. Finally, with a view to informing and orientating the Commission's own inquiries, it also provides a short overview of publicly available information on CRSV against men and boys reported during the decades of armed conflict in Colombia.

By advocating for CRSV against men and boys to be addressed, ASP is not seeking to reduce the level of attention on CRSV against women and girls or LGBTI+ people, on which the Commission is already undertaking ground-breaking work. Rather, its aim is to assist the Commission to take into account the diverse ways in which CRSV targets individuals and impacts victims/survivors, including men and boys, and to fully reflect this in its final report and accompanying recommendations.

¹ The briefing is part of broader support being provided by ASP to the Commission under a Memorandum of Understanding signed on 24 August 2020.

² ASP uses the definition of CRSV contained in the Report of the UN Secretary-General on conflict-related sexual violence, UN Doc. S/2020/487 (2020), para. 4. It uses the phrase "people with diverse SOGIESC" to refer to individuals whose sexual orientation, gender identity and/or gender expression, and sex characteristics do not conform with heteronormative, socially constructed norms and expectations on gender and sexuality. The term includes individuals who are lesbian, gay, bisexual, transgender and intersex (LGBTI+), a term which ASP also uses where relevant.

2. Why address CRSV against men and boys?

All the evidence shows that women and girls are routinely the targets of sexual violence in armed conflict. There is also increasing recognition that men and boys are vulnerable to CRSV.³ For a complete understanding of how and why CRSV is used by armed actors and others involved in armed conflict, as well as the impact of this crime on individuals, their families and communities, it is therefore essential to take account of the whole universe of victims/survivors, including men and boys.

Establishing the facts about and understanding the experiences of male victim/survivors is equally necessary to break the silence and dispel myths that often surround CRSV involving men and boys, and thereby reduce the shame and stigma that is commonly associated with it. Indeed, failure to acknowledge male victimisation risks perpetuating misleading stereotypes of male sexual invulnerability, and other misconceptions, such as false assumptions around the sexual orientation or gender identity of victims/survivors, that can fuel the shame and stigma.⁴

Understanding these and other dimensions of male vulnerability to CRSV will also contribute to a more complete, gender-responsive analysis of the structural causes of violations and the factors that facilitate them, as well as the way in which gender can interplay with identities/vulnerabilities such as race, ethnicity, class, disability/ability, SOGIESC, age or other status. This will in turn support the identification of reforms (legal, institutional, social, etc.) needed to prevent the re-occurrence of such violations.

Critically, acknowledgment is also necessary if male survivors are to be recognised as rights holders, equally entitled to and deserving of justice, health and other basic rights as any other victim/survivor of CRSV. A comprehensive understanding of how, why and against whom sexual violence is used in conflict is therefore

³ A 2013 report published by the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict and the UN Team of Experts on Rule of Law/Sexual Violence in Conflict noted that “In the few situations where serious investigations into actual levels of sexual violence have been done, the disparity between levels of conflict-related sexual violence against women and levels against men is rarely as dramatic as one might expect.” See, *Report and Recommendations, Workshop on Sexual Violence against Men and Boys in Conflict Situations*, New York 25-26 July 2013, www.un.org/sexualviolenceinconflict/wp-content/uploads/report/executevative-summary-report-of-workshop-on-sexual-violence-against-men-and-boys/Workshop-on-Sexual-Violence-against-Men-and-Boys-in-Conflict-Situations.pdf. The International Center for Transitional Justice (ICTJ) has described sexual violence against men and boys in times of conflict or repression as “alarmingly common”. See ICTJ, *When No One Calls It Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, 2016, www.ictj.org/publication/sexual-violence-men-boys; and legal scholar Sandesh Sivakumaran has noted that “In conflicts in which sexual violence has been properly investigated, male sexual violence has been recognized as regular and unexceptional, pervasive and widespread”. See S. Sivakumaran, ‘Sexual Violence Against Men in Armed Conflict’, *The European Journal of International Law*, Vol. 18, No. 2, 2007.

⁴ Common myths about sexual violence against men and boys include: Men cannot be raped; anal rape is the only form of sexual violence against men and boys; a man cannot be raped or be the victim of sexual violence by a woman; a man who has an erection or other physical reaction (e.g. ejaculation) while being sexually abused must be enjoying it; a straight man would never rape another man; a ‘real’ man can defend himself against being raped; only gay men can be perpetrators/victims of male sexual violence; men are not affected by sexual violence as much as women; a gay man cannot be raped by another man; gay men are to blame for being sexually abused, because they are deviant and/or because they caused it; a male perpetrator of sexual violence against a woman cannot be a victim himself; a male refugee who claims that he has been sexually abused is only looking for resettlement; and male sexual violence only occurs in detention settings. See, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law*, Second Edition, 2017, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598335/International_Protocol_2017_2nd_Edition.pdf

a prerequisite to ensuring redress and reparations that respond appropriately to the variety of harms experienced by different victims/survivors, and to their differing needs.

3. CRSV against men and boys in international law and guidance

Rape and other forms of sexual violence *against any person* are recognised violations of **international human rights law and humanitarian law** and can also constitute crimes under **international criminal law**. In brief summary:

International humanitarian law (IHL) prohibits sexual violence, including in the context of non-international armed conflicts. Article 3 common to the four Geneva Conventions (Common Article 3) sets minimum standards of treatment for civilians and persons *hors de combat*. It implicitly prohibits sexual violence.⁵ As confirmed by the International Committee of the Red Cross (ICRC), the prohibition on sexual violence encompasses violence against any person, including men and boys.⁶ Additional Protocol II (Article 4(2)(e)) contains explicit prohibitions on rape, enforced prostitution and any form of indecent assault, regardless of the sex of the victim. Customary IHL (Rule 93) also prohibits rape and other forms of sexual violence; this prohibition is non-discriminatory, applying equally to men and women as well as to adults and children.⁷ These rules of IHL apply equally to state armed forces and to non-state armed groups that are parties to a conflict.

Acts of sexual violence may infringe upon a number of human rights contained in **international human rights law (IHRL)**, including rights to life, liberty and security of the person, the right not to be subjected to torture or other cruel, inhuman or degrading treatment, as well as rights to health, to privacy, and to be free from all forms of discrimination. These rights are enshrined in a number of treaties to which Colombia is a party, and under which states must respect, ensure and fulfil the human rights of all persons under their jurisdiction, without discrimination. They include, the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the American Convention on Human Rights (ACHR) and the Inter-American Convention to Prevent and Punish Torture. Colombia is also bound by the United Nations (UN) Convention on the Rights of the Child (CRC), which expressly requires States parties to protect children from all forms of sexual exploitation and sexual abuse, including in times of armed conflict.⁸

In its General Comment No. 2 (2008), the Committee against Torture has stressed that men may be subject to certain gendered violations of the CAT such as rape or sexual violence and abuse.⁹ The UN Special

⁵ Common Article 3 does not explicitly prohibit sexual violence, but implicitly does so by establishing an obligation of humane treatment and prohibiting violence to life and person, including mutilation, cruel treatment and torture, and outrages upon personal dignity, in particular humiliating and degrading treatment.

⁶ Common Article 3 of the Geneva Conventions (1949); International Committee of the Red Cross (ICRC), 2020 Commentary on Convention (III) relative to the Treatment of Prisoners of War 1949, at paras. 732-743, <https://ihl-databases.icrc.org/ihl/full/GCIII-commentary>

⁷ ICRC, Rule 93, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule93

⁸ Although applicable primarily to states, there is an emerging consensus that non-state armed groups exercising effective control over territory and populations can also be bound by IHRL.

⁹ Committee against Torture, General Comment No. 2 on the implementation of article 2 by States parties, UN Doc. CAT/C/GC/2 (2008). Within its broader analysis of gender as a key factor, the Committee also notes that men and women and boys and girls may be subject to violations of the Convention on the basis of their actual or perceived non-conformity with socially determined gender roles.

Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has emphasised that “full integration of a gender perspective into any analysis of torture and ill-treatment is critical to ensuring that violations rooted in discriminatory social norms around gender and sexuality are fully recognized, addressed and remedied.”¹⁰

International criminal law (ICL) recognises that sexual violence may, depending on the circumstances, constitute a war crime, a crime against humanity and/or genocide. It can also be an underlying act of persecution as a crime against humanity, and a form of torture constituting all three of those international crimes. Colombia is a party to the Rome Statute of the International Criminal Court (ICC) which proscribes rape and acts of sexual violence which, with the exception of forced pregnancy, apply when committed against “any person.”¹¹ The definition of rape contained in the Rome Statute is also intended to apply to all persons, regardless of their sex or gender.¹²

In addition to these international instruments, **UN General Assembly (GA) and Security Council (SC) resolutions** have recognised that men and boys may be targeted by sexual violence and have called, inter alia, for improved measures to protect men and boys and for non-discriminatory access to justice and medical and psychosocial care for male victims/survivors:

- UNSC resolution 2467 (2019) emphasises that men and boys are also targets of sexual violence in conflict and post-conflict situations, including in detention settings and when associated with armed groups. It calls for protection of male victims (adults and boys) through the strengthening of policies that offer appropriate responses to male survivors and challenge cultural assumptions about male invulnerability to such violence. It additionally calls for non-discriminatory access to medical and psychosocial care based on needs, and for male survivors to be included in national relief and reparations programmes, and provided with safe shelter, livelihood support and legal aid as required.¹³
- UNSC resolution 2331 (2016), which focused on trafficking in persons in armed conflict and sexual and gender-based violence in conflict associated with it, recognises that men and boys can be victims of tactics employed by “terrorist groups” aimed at “...inter alia, incentivizing recruitment; supporting financing through the sale, trade and trafficking of women, girls and boys; destroying, punishing, subjugating, or controlling communities; displacing populations from strategically important zones; extracting information for intelligence purposes from male and female detainees...”. The resolution calls on all relevant national and international actors to ensure that such considerations are taken into account, in accordance with their obligations under international law and national laws.¹⁴
- UNGA resolution 69/293 (2015) notes that men and boys (in addition to women and girls) are the victims of sexual violence in conflict and calls for timely assistance and increasing access to health

¹⁰ Report to the Human Rights Council, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/HRC/31/57 (2016), para. 6.

¹¹ The Rome Statute of the ICC proscribes the following offences: rape, sexual slavery, enforced prostitution, enforced sterilisation, and any other form of sexual violence of comparable gravity.

¹² Rape is broadly defined in the Rome Statute to include any “invasion” of “the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body”. Elements of Crimes for the ICC, Definition of rape as a war crime (Footnote 50 relating to Article 8(2)(b)(xxii) and Footnote 63 relating to Article 8(2)(e)(vi) of the ICC Statute).

¹³ UN Security Council Resolution, S/RES/2467 (2019), preamble and paras. 16, 28 and 32.

¹⁴ UN Security Council Resolution, S/RES/2331 (2016), para. 8.

care and other multisectoral services for all survivors, the promotion of their rehabilitation and non-stigmatisation, and effective accountability.¹⁵

- UNSC resolution 2106 (2013) likewise explicitly recognises that CRSV affects men and boys and those “secondarily traumatized as forced witnesses of sexual violence against family members.”¹⁶

The UN Human Rights Council (UNHRC) has also adopted resolutions in which CRSV against men and boys is addressed and has condemned rape and other forms of sexual violence involving male victims in countries such as Burundi, Central African Republic (CAR), South Sudan and the Syrian Arab Republic.¹⁷ Relevant thematic resolutions include:

- UNHRC resolution 41/15 (2019) on the renewal of the mandate of the Special Rapporteur on the human rights of internally displaced persons, condemns the continued perpetration of sexual and gender-based violence against internally displaced persons of all ages, including against men and boys, and urges national authorities and the international community to work together for effective prevention and response, security, protection of human rights, access to justice and victim/survivor assistance.¹⁸
- UNHRC resolution 21/15 (2012) on human rights and transitional justice recognises that sexual and gender-based violence is also committed against men and boys in conflict and post-conflict situations and, as such, can constitute a gross violation of IHRL and a serious violation of IHL. It stresses that such violations must be investigated, prosecuted and punished, and redress provided to victims.¹⁹
- UNHRC resolution 13/20 (2010) on the rights of the child/fight against sexual violence against children recognises that girls and boys face varying risks from different forms of sexual violence at different ages and in different situations. It condemns rape and other forms of sexual violence committed against children in armed conflict and calls, inter alia, for states to assist child victims of these violations in situations of armed conflict and to seek to end impunity for perpetrators by ensuring rigorous investigation and prosecution of such crimes.²⁰

Practical guidance and recommendations on addressing CRSV against men and boys has been issued by the UN Secretary-General and UN experts. For example, ***the UN Secretary-General’s annual reports on conflict-related sexual violence*** include calls for increased monitoring and information gathering regarding male victims and the types of sexual violence perpetrated against them; for transitional justice processes to include sexual violence against women, girls, men and boys; and for reviews of national legislation and strengthened polices to protect male victims. The Secretary-General has also addressed the need for appropriate responses for male victims and for cultural assumptions about male invulnerability to sexual violence to be challenged.²¹

¹⁵ UN General Assembly, Resolution on International Day for the Elimination of Sexual Violence in Conflict, UN Doc. A/RES/69/293 (2015).

¹⁶ UN Security Council Resolution, S/RES/2106 (2013), preamble.

¹⁷ See for example, UN Human Rights Council resolutions on CAR, A/HRC/RES/45/35 (2020); Burundi, A/HRC/RES/45/19 (2020) and A/HRC/RES/42/26 (2019); South Sudan, A/HRC/RES/43/27 (2020); and Syria, A/HRC/RES/43/28 (2020), A/HRC/RES/22/24 (2013) and A/HRC/RES/S-18/1 (2011).

¹⁸ UN Human Rights Council Resolution, A/HRC/RES/41/15 (2019), para. 13.

¹⁹ UN Human Rights Council Resolution, A/HRC/RES/21/15 (2012), para. 18.

²⁰ UN Human Rights Council Resolution, A/HRC/RES/13/20 (2010), para. 10.

²¹ UN Secretary-General, annual reports on conflict-related sexual violence, UN Doc. S/2013/149 (2013), para. 10; UN Doc. S/2018/250 (2018), para. 90; and UN Doc. S/2019/280 (2019), para. 138.

The UN Secretary-General's Guidance Note on Reparations for Conflict-Related Sexual Violence sets out key principles for designing and implementing gender-sensitive reparations programmes that are specifically tailored to the harms, sensitivity and stigmas attached to sexual violence and the needs of victims/survivors, including sex and gender-specific needs. The Note calls for greater acknowledgement by transitional justice processes of CRSV against men and boys, as well as discriminated groups, including on the basis of their perceived or actual sexual orientation and gender identity. It also recommends that reparations programmes and tribunals explicitly acknowledge that male victims/survivors of CRSV require rehabilitation, and that their needs, including for medical and health care, may be different to those of women and girls.²²

Additional, more detailed guidance is provided in a recent *report by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on gender perspectives in transitional justice processes*. Although primarily aimed at ensuring that transitional justice processes adequately respond to and involve women and LGBTI+ people, the report also stresses the importance of a comprehensive, gender-inclusive approach to addressing crimes of sexual and gender-based violence. It emphasises that a gender perspective requires “the complex experiences of sexual and gender-based violence, not only of women, but also of men and of lesbian, gay, bisexual and transgender people, to be consciously and duly recognized and captured by transitional justice measures, taking into account the criterion of intersectionality.” Other recommendations include the need for truth commission interviewers to be trained in techniques to enable them to safely, confidentially and sensitively identify and record the experience of male and female as well as LGBTI+ victims/survivors of sexual violence, and for reparation programmes to incorporate a gender perspective by identifying measures with differential impact between the sexes and in relation to LGBTI+ people.²³

4. Global patterns of CRSV against men and boys

CRSV involving men and boys has been documented by ASP and others in over 35 situations of armed conflict since 1990, as well as in situations of political repression and other forms of violence.²⁴ CRSV specifically targeting people with diverse SOGIESC has also been documented in some settings.²⁵ Nevertheless, CRSV remains severely under-reported, not least when committed against men, boys and LGBTI+ people.²⁶

²² *Guidance Note of the UN Secretary-General: Reparations for Conflict-Related Sexual Violence*, June 2014, www.ohchr.org/Documents/Press/GuidanceNoteReparationsJune-2014.pdf

²³ The gender perspective in transitional justice processes. Note by the Secretary-General, UN Doc. A/75/174 (2020), submitted to the UN General Assembly on 17 July 2020.

²⁴ These include Afghanistan, Belarus, Burundi, the CAR, Chechnya, Chile, Colombia, Côte d'Ivoire, Democratic Republic of the Congo (DRC), El Salvador, Guatemala, Iraq, Israel, Kenya, Liberia, Libya, Mali, Myanmar, Niger, Nigeria, UK (Northern Ireland), Peru, Rwanda, Sierra Leone, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Timor-Leste, Turkey, Uganda, the former Yugoslavia, the Syrian Arab Republic, Ukraine, Yemen, and Venezuela. For further information see, S. Sivakumaran, 'Sexual Violence Against Men in Armed Conflict', *The European Journal of International Law*, Vol. 18, No. 2, 2007, and ASP's website <https://allurvivorsproject.org/>

²⁵ Among the countries where CRSV against LGBTI+ people has been documented are Afghanistan, Colombia, Iraq, Myanmar and the Syrian Arab Republic. It has also been reported in the context of political and/or ethnic violence or repression in countries including Bangladesh, Cameroon, Ecuador, Egypt, El Salvador, Guatemala, Kenya, Lebanon, Mexico, Nepal, Nigeria, Peru, South Africa, Tunisia, Turkmenistan, Uganda, Zambia and Zimbabwe. For further information see ASP's website.

²⁶ See for example, Note by the Secretary-General, The gender perspective in transitional justice processes, UN Doc. A/75/174 (2020).

Under-reporting is in part attributable to the sensitivities surrounding sexual violence that exist in most cultures, and the stigma and shame resulting from it. Fear of reprisal and revictimisation, as well as blame, ostracisation and other negative reactions faced by many victims/survivors from family, friends, communities, service providers, rule of law and other officials also contribute. For male victim/survivors, gender-informed types of stigmatisation based on socially constructed notions of masculinity and femininity and established gender roles, as well as fear of being perceived as gay, can also result in reluctance to report or otherwise disclose experiences of sexual violence.

Under-reporting can also arise when national authorities, service providers, rule of law and other key stakeholders are inadequately equipped to recognise victim/survivor experiences as sexual violence, or are unaware of the extent to which CRSV impacts men and boys. While this can be compounded by restrictive legal frameworks, such as laws that do not recognise male rape or which criminalise consensual same-sex relations, it can also be a product of investigation and other data collection strategies and methodologies that are not designed or adapted to support male survivors to come forward and do not ensure gender-sensitive, secure, confidential disclosure by them.²⁷

4.1 *Accurately characterising CRSV against men and boys*

When recorded, CRSV against males is often categorised as torture or other forms of cruel, inhuman or degrading treatment, which can obscure the sexualised nature of the act and the full extent of the harms suffered. For example, Peru's Truth and Reconciliation Commission coded sexual torture of men as torture but sexual torture of women as sexual violence. However, subsequent re-analysis and re-coding of the testimonies to take account of the multiple forms of CRSV against men and boys revealed that males in fact accounted for 29 per cent of sexual violence victims/survivors.²⁸

Recognising the many different forms that CRSV can take is essential to ensuring accurate characterisation of the violation. A list of some of the most common forms of CRSV involving men and boys is included in the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law, compiled as part of the UK Government's Preventing Sexual Violence Initiative (PSVI). These include:

- ***Individual or gang rape*** (by men but also by women), inter alia, anal rape with the penis, with other parts of the body, or using objects, oral rape/forced fellatio, and ejaculation by perpetrators into ears, eyes, etc;

²⁷ The Guidelines for Investigating Conflict-Related Sexual and Gender-Based Violence Against Men and Boys, published by the Institute for International Criminal Investigations (IICI) in 2016, highlight the need for a specific plan to approach male victims, given heightened fears around security, threat and risk assessments, and the identification of assistance services likely to be required. Guidelines available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/546569/PSVI_training_-_violence_against_men_and_boys.pdf

²⁸ For a detailed review of the way in which truth commissions and other transitional justice mechanisms have addressed CRSV see, ICTJ, *When No One Calls It Rape: Addressing Sexual Violence Against Men and Boys in Transitional Contexts*, 2016. See also, Michele Leiby, 'The Promise and Peril of Primary Documents: Documenting Wartime Sexual Violence In El Salvador And Peru', Alf Butenschon Skre and Elisabeth Wood, *Understanding and Proving International Sex Crimes*, 2012, www.micheleleiby.com/downloads/Leiby_FICHL_manuscript.pdf

- **genital torture or mutilation**, such as beating or burning of the genitalia, application of electric shocks to genitalia, forced circumcision, tying heavy objects to the genitalia, or tying two people together at the genitalia;
- **sexual humiliation**, such as forced nudity; being used as a “mattress” while someone else is raped on top of male victim; being raped in front of family; forced to rub penis in a hole (e.g. in the ground) to the point of ejaculation; forced to masturbate in public;
- **torture** by being forced to watch sexual violence against others, notably, wife, children, siblings, parents, friends, neighbours or fellow detainees;
- **forced sterilisation**, through castration (e.g. cutting of penis, detainees forced to bite genitalia of fellow detainee, genitalia tied to vehicle), snipers targeting the male genitalia;
- **forced marriage**;²⁹ and **sexual slavery**, for example, in the case of children associated with armed forces or armed groups (CAAFAG).³⁰

Male victims are also often forced to perpetrate sexual acts against others. For example, they may be forced to rape female relatives or fellow detainees. Whilst the practice of international criminal courts and tribunals has not always been consistent in this regard, a number of judgments have recognised that such acts (e.g. forced fellatio) constitute rape.³¹

4.2 Risks and vulnerabilities for men and boys

The nature, extent, causes and consequences of CRSV, as well as individual or collective risks and vulnerabilities, are necessarily context specific. Nevertheless, based on information from different armed conflicts across the world, identifiable patterns of CRSV against men and boys emerge.

Rape and sexual violence against males by parties to armed conflict (state security forces and armed groups) has been documented in many different situations including during armed attacks, house searches and at checkpoints. However, research by ASP and others points to specific contexts where the risk is heightened. These include situations of deprivation of liberty; military settings including during recruitment, within the ranks of armed forces or armed groups or in the context of other forms of association with fighting forces; and in situations of forced displacement.

4.3 CRSV in situations of deprivation of liberty

Rape and sexual violence against men and boys have been more widely reported in situations of deprivation of liberty than in any other setting.³² The vast majority of recorded incidents have taken place in state detention facilities (official and unofficial), often against individuals held because of their real or perceived opposition

²⁹ In a landmark judgment in 2019, the Extraordinary Chambers in the Courts of Cambodia (ECCC) recognised men as among the victims of forced marriage and rape in the context of forced marriage perpetrated by two former Khmer Rouge leaders. See, ECCC, *Case 002/02 Judgment* (002/19-09-2007/ECCC/TC), 16 November 2018, paras. 3695-3701.

³⁰ *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Best Practice on the Documentation of Sexual Violence as a Crime or Violation of International Law*, Second Edition, 2017, p. 270.

³¹ For further details see Patricia Sellers and Leo Nwoye, ‘Conflict-related male sexual violence and international criminal jurisprudence’, Marysia Zalewski et al., *Sexual Violence Against Men in Global Politics*, 2018, p. 211.

³² CRSV against males in situations of deprivation of liberty has been documented in countries including Afghanistan, BiH, Burundi, CAR, DRC, Guatemala, Iraq, Libya, Mali, Myanmar, the Russian Federation (Chechnya), South Sudan, Somalia, Sri Lanka, Syria and Yemen. For detailed list, including of sources, see ASP, *Checklist on preventing and addressing conflict-related sexual violence against men and boys*, 10 December 2019, <https://allsurvivorsproject.org/report/checklist-on-preventing-and-addressing-conflict-related-sexual-violence-against-men-and-boys/>

to the state or because they, or in some cases their family members, have or are presumed to have links with opposing forces. In some countries, sexual violence against male conflict-related detainees is part of a deliberate policy. In Syria, for example, where thousands of men and boys detained by the state have been subjected to sexual violence, rape has been found to form part of a widespread and systematic attack directed against a civilian population by government forces and associated militia.³³ In Sri Lanka, sexual violence is established to have been part of a deliberate institutional policy of torture by the state security forces during the armed conflict, and male detainees, primarily real or alleged members or supporters of the Liberation Tigers of Tamil Eelam (LTTE), have been found to be as likely to be victims as females.³⁴

Armed groups have also been responsible for rape and other forms of sexual violence against real or perceived supporters of opposing forces detained by them. For example, in CAR men and boys captured during armed attacks by armed groups have been taken to makeshift military camps where they have been repeatedly raped and subjected to other forms of sexual violence, and in some cases forced to commit acts of sexual violence on fellow captives.³⁵

Boys, especially adolescents, can face particular risk of conflict-related arrest and detention and are highly vulnerable to CRSV in this context. According to the 2019 UN Global Study on children deprived of liberty (Global Study), boys make up the vast majority of child conflict-related detainees, often held for their real or alleged association with opposition forces, or on national security related charges.³⁶ There are credible reports that boys have been subjected to CRSV in state detention facilities in countries including Afghanistan, Israel, Syria, Somalia and South Sudan.³⁷ Boys are also among those at high risk of CRSV in immigration detention settings (see below).³⁸

LGBTI+ people, already at heightened risk of detention relative to many other populations, including but not only in the 70-plus countries where consensual same-sex relations are still criminalised, also face increased risk of incarceration during armed conflict. When deprived of liberty, men and boys with diverse SOGIESC are particularly vulnerable to torture or other ill-treatment including sexual violence, by their captors and by other detainees.³⁹ Although often the targets of arrest and detention *because* of their diverse SOGIESC, reports by the UN and INGOs also show that men and boys with diverse SOGIESC, arrested

³³ The Independent International Commission of Inquiry on the Syrian Arab Republic (CoI Syria) has concluded that rape and sexual violence occurring in Syria amounts to war crimes and crimes against humanity. See, CoI Syria, "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic Conference room paper, UN Doc. A/HRC/37/CRP.3 (2018).

³⁴ Report of the OHCHR Investigation on Sri Lanka (OISL), UN Doc. A/HRC/30/CRP.2 (2015).

³⁵ ASP, "I don't know who can help": Men and boys facing sexual violence in Central African Republic, 23 February 2018, <https://allurvivorsproject.org/wp-content/uploads/2018/03/ASP-Central-African-Republic.pdf>

³⁶ According to the Global Study, the risk to children of physical, sexual and psychological violence is greatest when they are deprived of liberty. UN *Global Study on Children Deprived of Liberty*, 11 July 2019, <https://undocs.org/es/A/74/136>

³⁷ UN *Global Study on Children Deprived of Liberty*, July 2019, and Human Rights Watch (HRW) "It's Like We Are Always in a Prison": Abuses Against Boys Accused of National Security Offences in Somalia, February 2018, www.hrw.org/sites/default/files/report_pdf/somalia0218_web.pdf

³⁸ See for example Women's Refugee Commission (WRC), "More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy, 25 March 2019, <https://www.womensrefugeecommission.org/research-resources/more-than-one-million-pains-sexual-violence-against-men-and-boys-on-the-central-mediterranean-route-to-italy/>

³⁹ Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/HRC/31/57 (2016).

or detained for reasons apparently not related to their “non-conforming” sexual orientation or gender identity, may be subjected to intensified violence if it is discovered.⁴⁰

4.4 *CRSV within state security forces and armed groups*

Military environments foster unique pressures that can facilitate sexual violence. Although under-researched, studies suggest that sexual violence is prevalent within some military forces, and that (voluntary or forced) membership of, or association with state armed forces or armed groups can significantly increase the risk of CRSV for men and boys. In Liberia, for example, a 2008 population-based survey found that approximately one-third of adult male former combatants had experienced sexual violence during the 1989-2004 armed conflict.⁴¹ Research from a range of different conflicts in Africa, Asia and the Middle East has found that rates of sexual abuse of female combatants ranged from 22 to 36 per cent, and males from five to 57 per cent.⁴²

Sexual violence in military contexts has been used to punish individuals for refusal to join armed forces or armed groups, and as part of initiation ceremonies.⁴³ In some countries, the risk of CRSV against both males and females has also been found to be high in the context of forced portering, and other more informal or non-combatant roles such as individuals being used as spies, guides and domestic helpers. In Myanmar, for example, civilians (mainly male) have been extensively used by the state armed forces (the Tatmadaw) as porters, guides and human shields, in the context of which many have reported being sexually assaulted.⁴⁴ In Yemen, the UN reported that boys used as spies and logisticians by the armed group Ansar al-Sharia had also been repeatedly “sexually exploited”.⁴⁵

CAAFAG are particularly vulnerable to CRSV. The risk to girls of military recruitment and use for sexual purposes is already well established, but boys have also been subjected to CRSV by members of the armed force or armed group with which they are associated. In some situations, boys are recruited specifically for sexual purposes, and/or forced to commit acts of sexual violence against others.⁴⁶ However, because of the challenges involved in monitoring and reporting on CRSV within military ranks generally, and because

⁴⁰ See for example HRW, “*They Treated Us in Monstrous Ways*”: *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict*, July 2020, www.hrw.org/report/2020/07/29/they-treated-us-monstrous-ways/sexual-violence-against-men-boys-and-transgender

⁴¹ Kirsten Johnson et al., ‘Association of combatant status and sexual violence with health and mental health outcomes in post-conflict Liberia,’ *JAMA Network*, Vol. 300, No.6, 2008. The research also found that both female and male former combatants who experienced sexual violence had worse mental health outcomes than non-combatants and other former combatants who did not experience exposure to sexual violence.

⁴² Alys McAlpine et al., ‘Sex Trafficking and Sexual Exploitation in Settings Affected by Armed Conflicts in Africa, Asia and the Middle East: Systematic Review,’ *BMC International Health and Human Rights*, Vol. 16, No. 1, 2016. The countries included in the review of evidence for this study were: Africa: Angola, Cote d’Ivoire, DRC, Liberia, Sierra Leone, Uganda; Middle East: Iraq, Jordan, Lebanon, Turkey; and Asia: Afghanistan, Sri Lanka.

⁴³ See, for example, in relation to males abducted by the Lord’s Resistance Army (LRA), ICC, Legal Representatives of Victims, Situation in Uganda: *In the Case of the Prosecutor v. Dominic Ongwen*, 12 February 2018, paras. 18 and 21, www.icc-cpi.int/CourtRecords/CR2018_00685.PDF

⁴⁴ Statement by Marzuki Darusman, Chairperson of the Independent International Fact-Finding Mission on Myanmar, at the 37th session of the UNHRC, 12 March 2018, www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22798&LangID=E

⁴⁵ Ansar al-Sharia is a group associated with Al-Qaida in the Arabian Peninsula. See Report of the Secretary-General on children and armed conflict in Yemen, UN Doc. S/2013/383 (2013).

⁴⁶ For details of country situations and sources, see ASP, *Checklist on preventing and addressing conflict-related sexual violence against men and boys*, 10 December 2019, footnote 135.

post-release assessments for boys released from fighting forces are often not designed to identify experiences of sexual violence, there is no reliable data on the extent of the problem globally.

There is also limited information on the experience of LGBTI+ people within the ranks of armed forces and armed groups, including males with diverse SOGIESC. However, research suggests that this could be a significant problem in some militaries.⁴⁷ In Syria, for example, gay and bisexual men, and transgender women are reported to have been subjected to sexual violence in the Syrian Army on the grounds of their sexual orientation or gender identity, and many have fled the country due to the fear of being conscripted.⁴⁸

4.5 *CRSV in situations of forced displacement*

Sexual violence is a recognised cause of forced displacement in situations of armed conflict, and there is evidence that the experience of or threat of sexual victimisation can drive decisions by men and boys, as well as women and girls, to flee.⁴⁹ There is also a growing body of evidence which shows that forcibly displaced males, including refugees and asylum-seekers, are highly vulnerable to sexual violence including in settlements for internally displaced persons (IDPs), refugee camps, within host communities, at border crossings, as well as in immigration detention facilities and other situations of deprivation of liberty as noted above.⁵⁰

Patterns of sexual violence against male refugees, asylum-seekers and migrants perpetrated by smugglers, traffickers and criminal networks, have also been reported.⁵¹ Additionally, sexual violence against males in countries of transit and refuge occurs, including in the contexts of employment, child labour and sexual exploitation for economic reasons including to finance onward travel. Separated and unaccompanied children, including boys, are particularly vulnerable to sexual violence in such contexts.⁵² Displaced LGBTI+ people can face the double stigma of discrimination based both on their actual or perceived sexual orientation or gender identity, and on their immigration status, making them especially vulnerable to sexual violence and exploitation in IDP and refugee settings.⁵³

⁴⁷ For example, a recent study found that LGBTQ service members of the US armed forces face an elevated risk of sexual victimisation including harassment, assault and stalking while in the military than their non-LGBTQ counterparts. See, Ashley C. Schuyler et al., 'Experiences of Sexual Harassment, Stalking, and Sexual Assault During Military Service Among LGBT and Non-LGBT Service Members', *Journal of Traumatic Stress*, Vol. 33, No. 3, June 2020.

⁴⁸ HRW, "*They Treated Us in Monstrous Ways*", July 2020.

⁴⁹ The 2019 Report of the Secretary-General on conflict-related sexual violence, notes that "Trends analysis... confirms that sexual violence continues to be used as part of the broader strategy of conflict... It was used to displace communities, expel "so-called" undesirable groups, and to seize contested land and other resources". See also WRC, "*More Than One Million Pains*", 25 March 2019.

⁵⁰ For details of country situations and sources see ASP, *Checklist on preventing and addressing conflict-related sexual violence against men and boys*, 10 December 2019, footnotes 147 and 148.

⁵¹ See for example Report of the Secretary-General on conflict-related sexual violence, UN Doc. S/2019/280 (2019), and Report of the UN Commissioner for Human Rights on the situation of human rights in Yemen, UN Doc. A/HRC/30/31 (2015).

⁵² See for example WRC, "*More Than One Million Pains*", 25 March 2019; ASP, "*Destroyed from within*": *Sexual violence against men and boys in Syria and Turkey*, 6 September 2018; UN High Commissioner for Refugees (UNHCR), "*We Keep it in Our Heart: Sexual violence against men and boys in the Syria crisis*", October 2017, www.ecoi.net/en/document/1418197.html; UNICEF, *Neither safe nor sound: Unaccompanied children on the coastline of the English Channel and the North Sea*, June 2016, www.unicef.org.uk/publications/neither-safe-nor-sound/; Reuters, "Migrant children fleeing poverty face labor, sex exploitation in Italy", 1 June 2015, www.reuters.com/article/us-italy-child-labour-idUSKBN0OH2YP20150601

⁵³ See for example WRC, "*More Than One Million Pains*", 25 March 2019; UNHCR, "*We Keep it in Our Heart*", October 2017; and Helsinki Citizens' Assembly and Organization for Refuge, Asylum and Migration (ORAM), *Unsafe Haven: The Security Challenges*

5. The impact of and responses to CRSV against men and boys

CRSV is associated with severe and long-lasting health and social harms, including mental health disorders, sexual and reproductive health problems and physical health symptoms. Many of the psychosocial and health impacts suffered by men and boys are similar in nature to those experienced by women and girls. However, others are more specific to male victims/survivors. As with women and girls, they may also be influenced by other factors, including the age and SOGIESC of the individual.

Physical injuries experienced by male victims/survivors can include genital and non-genital injuries requiring emergency clinical care and long-term health care. They are at increased risk of sexually transmitted infections (STIs) including HIV, and can also experience incontinence, problems urinating or defecating, genital and rectal trauma and pain, fistulas and fissures, impairment and damage to reproductive capacity or sexual dysfunction.

Interviews with male victims/survivors by ASP and others have also identified many different psychological and emotional harms experienced by male victims/survivors. These include anxiety, depression, acute stress, post-traumatic stress disorder (PTSD), intrusive memories, and flashbacks. Many are afraid that they are no longer “real men” or feel “emasculated.” Some question their sexual orientation, and young or unmarried survivors can doubt their capacity to establish a family. Feelings of desperation, disgust, hopelessness, worthlessness, anger, shame, self-blame and sadness are often reported, as is loss of self-esteem, a sense of humiliation, resentment, guilt, and emotional numbing. Some victim/survivors report being unable to sleep or to concentrate, experiencing nightmares, and crying uncontrollably.

Victims/survivors also speak of “shutting themselves away” and withdrawal from domestic and social activities, as well as adopting negative coping behaviours such as increased drug and alcohol consumption. Suicidal thoughts are also reported as are suicide attempts. Male victims/survivors can also face a range of social consequences, including abandonment and rejection by spouses and other family members, or social stigmatisation and ostracisation by their communities. Livelihoods can also be affected by these and other negative attitudes, as well as because victims/survivors are unable to engage in work for physical or psychological reasons, or because they have had to flee areas where their work is located.⁵⁴

Despite the devastating physical and mental health consequences, quality, timely, survivor-centred medical and mental health and psychosocial support is often unavailable. Male victims/survivors, including those with diverse SOGIESC, commonly face specific obstacles in accessing and receiving appropriate care and support. These can include structural and social barriers such as discriminatory laws and policies (e.g. criminalising consensual same-sex conduct) as well as stigmatising attitudes and behaviours of service

Facing Lesbian, Gay, Bisexual and Transgender Asylum Seekers and Refugees in Turkey, June 2011, <http://oramrefugee.org/wp-content/uploads/2016/04/oram-unsafe-haven-2011-web.pdf>

⁵⁴ World Health Organization (WHO), United Nations Population Fund (UNFPA), UNHCR, *Clinical management of rape and intimate partner violence survivors: developing protocols for use in humanitarian settings*, 2019, www.who.int/reproductivehealth/publications/rape-survivors-humanitarian-settings/en/; WHO, *Responding to children and adolescents who have been sexually abused*, 2017, www.who.int/reproductivehealth/publications/violence/clinical-response-csa/en/; UNHCR, *Working with Men and Boy Survivors of Sexual and Gender-based Violence in Forced Displacement*, July 2012, www.refworld.org/docid/5006aa262.html; and ASP publications: “I don’t know who can help”, 23 February 2018; “Destroyed from within,” 6 September 2018; *Briefing to the Committee on the Rights of the Child on Conflict-Related Sexual Violence against Boys in Afghanistan 85th session*, September 2020; and ASP and The London School of Hygiene & Tropical Medicine, *The Health of Male and LGBT Survivors of Conflict-Related Sexual Violence*, April 2020.

providers, such as homophobia and transphobia, which can deter or prevent them from seeking and receiving care. Lack of recognition of male vulnerability to CRSV, and lack of knowledge and expertise among service providers on how to respond to it, can also contribute to lack of service preparedness to provide appropriate care that addresses and responds to the rights, needs and wishes of male victims/survivors.

Similarly, male victims/survivors often face specific legal and procedural barriers, as well as cultural and societal obstacles, to accessing and obtaining justice. These can include failure to include CRSV against men and boys in investigation or prosecution strategies, lack of awareness and/or insufficient specialised expertise and capacity among rule of law, judicial and other officials and staff, and lack of protection to ensure the safe, confidential and respectful participation of male victims/survivors in justice processes.

6. Applying a gender-lens to understanding and responding to CRSV against men and boys

Gendered structural inequalities, institutions and identities rooted in heteronormative patriarchal ideologies, which determine structures of power and control, are widely acknowledged as playing a key role in the complex drivers of CRSV.⁵⁵ Recognising the way in which CRSV is used against different people (women, men, girls, boys and non-binary persons), is therefore necessary to understand the power-political function of this form of violence, how it is used to impact and shift power and relative positioning of individuals and groups, as well as the differing implications, impacts and consequences of it for individual victims/survivors.

In most societies, masculinity is associated with power and dominance and reflected in gender inequalities and discrimination against women and girls and LGBTI+ people. Cisgender, heterosexual men typically represent the strength and power of the family and the community, and are expected to protect not just themselves but others. The use of CRSV against men and boys is therefore often used as a tool to humiliate them (often associated with notions of “feminising” or “emasculating”), in order to disempower the victim of the social authority he holds by virtue of being male, while reinforcing the power dynamics between victim and perpetrators. In seeking to destroy an individual’s sense of masculinity or “manhood”, the act also reinforces the heteropatriarchal norms that uphold a gender binary privileging cisgender heterosexual males.⁵⁶

In the same way, CRSV against people with diverse SOGIESC is often used to aggressively communicate which sexualities, femininities and masculinities are deemed acceptable by the perpetrator/s. Conversely,

⁵⁵ See Louise de Toit and Elisabet le Roux, ‘A feminist reflection on male victims of conflict-related sexual violence’, *European Journal of Women’s Studies*, 10 February 2020, and David Eichert, “‘Homosexualization’ revisited: an audience-focused theorization of wartime male sexual violence”, *International Feminist Journal of Politics*, Vol. 21, Issue 3, 2019.

⁵⁶ According to de Toit and le Roux “... *the very same template used to politically subjugate women as inferior to men under ‘normal’, peacetime, patriarchal conditions, is also used to subjugate some individual men as subordinates under specific conditions such as armed conflict...*” and “*When men are sexually violated, they are put in the social position of women more generally – they are performatively told that they, too, in spite of their ostensible masculinity (and thus full humanity), do not make the cut and may be reduced to the status of mere sexualized objects for others; that they may be reduced to a shamefully naturalized, pre-civil creature whose voice, actions and perspectives count for nothing.*” See de Toit and le Roux, ‘A feminist reflection on male victims of conflict-related sexual violence’, *European Journal of Women’s Studies*, 2020.

when CRSV is committed against cisgender heterosexual males, the victim/survivor may also carry the stigma and shame of assumed homosexuality, thereby experiencing double stigmatisation.⁵⁷

However, as is the case with CRSV against women and girls, other categories of analysis are also important to understanding CRSV involving male victims. Thus, an intersectional approach, which recognises that gender in relation to power and violence is also shaped and formed by other identities including race, ethnicity, socio-economic status, political affiliation, disability/ability, age or other status, is relevant for understanding what makes certain men or boys more (or less) vulnerable to CRSV, and broader harms resulting from such acts.

7. CRSV against men and boys in Colombia

The fact that CRSV against men and boys has occurred in the context of armed conflict in Colombia has been acknowledged. For example, the National Centre for Historical Memory (CNMH), which has done much to document CRSV against women and girls and LGBTI+ people, has noted that men, “in very different proportions [to women and girls] and for different reasons, have also suffered sexual violence in the armed conflict.”⁵⁸ But acknowledgment has not yet translated into the systematic data gathering and analysis needed to identify patterns and establish the causes and consequences of this violation when the victims are male.

Under-reporting of CRSV involving male victims/survivors appears to be the product of many of the same or similar dynamics that exist in other conflict settings (see section 4 above). In the case of Colombia, however, where laws on rape and sexual violence are gender-inclusive (which is not the case in many other conflict-affected countries), it points to how socio-cultural understandings of sexual violence and who it impacts, along with norms around “masculinities,” and other forms of stereotyping, have contributed to male victims/survivors being largely overlooked.

While comparisons are not always useful, the CNMH has noted that for men “the silence is much more overwhelming” and that the “mobilisation of men as victims of sexual violence has been scarce and poorly organised, which contributes enormously to the neglect and fear of these people.”⁵⁹ A 2018 study on CRSV against men and boys in Colombia (one of very few studies specifically dedicated to the topic), attributes lack of knowledge about and neglect of male victims/survivors in relation to the shame, fear and confusion experienced by them which discourages disclosure; the lack of routes via which men/boys can relate their experiences; and a tendency to consider only women and girls as victims of this type of violence. The study also points to other factors that may contribute to under-reporting including the fact that CRSV involving male victims is often accompanied by other violations which frequently result in death, and because sexual forms of torture may not always be accurately documented/categorised in data gathering exercises.⁶⁰

⁵⁷ Sandesh Sivakumaran, ‘Male/Male Rape and the ‘Taint’ of Homosexuality’, *Human Rights Quarterly*, Vol. 27, No. 4, 2005.

⁵⁸ CNMH, *Expropiar El Cuerpo: Seis historias sobre violencia sexual en el conflicto armado*, April 2018, http://centrodememoriahistorica.gov.co/wp-content/uploads/2020/01/expropiar-el-cuerpo_v3.pdf. The Centro Nacional de Memoria Histórica, or CNMH, is a government institution responsible for the country’s policies on memory related to the armed conflict.

⁵⁹ CNMH, *La Guerra Inscrita en el Cuerpo: Informe Nacional de Violencia Sexual en el Conflicto Armado*, 2017,

http://www.centrodememoriahistorica.gov.co/descargas/informes-accesibles/guerra-inscrita-en-el-cuerpo_accesible.pdf.

⁶⁰ Paulín Daniela López Gómez, ‘Apuntes para entender la violencia sexual contra los hombres en el marco del conflicto armado colombiano’, *Revista Controversia*, No. 210, June 2018,

<https://revistacontroversia.com/index.php?journal=controversia&page=article&op=view&path%5B%5D=1114>

Despite such limitations, a review of publicly available information from secondary sources indicates that CRSV targeting males in Colombia was not an occasional or ad hoc act, but was part of, and needs to be understood within, broader patterns of CRSV. It also suggests that most, if not all, parties to the conflict have been responsible for CRSV against men and boys.⁶¹

Available figures on incidents of CRSV involving men and boys, although in no way definitive, suggest that it has been committed on a not insignificant scale. For example, of the 29,622 victims of CRSV registered by the National Victims Unit as of 1 January 2020, 2,182, or a little over seven per cent, were male.⁶² The CNMH's database of conflict-related violations from 1958-2020 includes 1,461 cases involving CRSV against men or boys, which represents just over nine per cent of the total number of CRSV cases recorded (15,757).⁶³

Information from medical/healthcare actors also suggests that CRSV involving males, while not as common as that involving females, is nevertheless an issue of concern. For example, the National Institute of Legal and Forensic Medicine is reported to have registered (via medico-legal examinations) 373 cases involving male victim/survivors of CRSV between 2004 and 2016.⁶⁴ Médecins Sans Frontières (MSF) in Colombia has reported that in 2016 it supported 722 victims/survivors of sexual violence in its clinics in Buenaventura district in the department of Valle del Cauca and Tumaco municipality in Nariño department, of whom 10 per cent were male. Although those responsible were reported to include family members, partners, ex-partners and neighbours, alleged perpetrators also included members of “[criminal] band(s) or armed group(s)”.⁶⁵

The Victims Unit has also registered 10,582 victims of conflict-related torture, of whom more than half (6,065) are male.⁶⁶ It is not possible to establish, at least from the data that is publicly available, whether sexual violence is among the forms of torture recorded. Nevertheless, other sources suggest that sexual torture has been widely used by parties to the conflict including to obtain information and to punish and humiliate victims/survivors.

The 2018 study, which analysed 226 cases of CRSV involving men and boys, found that the most commonly reported forms of sexual torture during interrogations by both the military and the police were beatings and electric shocks to the genitals, accompanied by insults and threats of a sexual nature, including of

⁶¹ According to secondary sources consulted by ASP for this briefing, parties to the armed conflict in Colombia alleged have been responsible for CRSV against men and boys include: state security forces (military and national police); armed groups including the Revolutionary Armed Forces of Colombia–People’s Army (FARC-EP), the National Liberation Army (ELN), and the Popular Liberation Army (EPL); paramilitary groups/the United Self-Defense forces of Colombia (AUC); and criminal groups or “bandas criminales” (Bacrim), a label that covers former paramilitaries that were supposedly demobilised but that have since reorganised as criminal groups.

⁶² The Victims Unit, established under the 2011 Victims and Land Restitution Law (Law 1448) and which mandates humanitarian assistance and reparations measures for victims of the armed conflict, has also registered separately an additional 134 male victims of sexual violence committed by Bacrim. LGBTI+ victims of sexual violence are registered as a separate category in the database (441 victims of CRSV and 48 of sexual violence committed by Bacrim), among which there are presumably some male victims.

⁶³ The CNMH database is available at <http://micrositios.centrodehistoria.gov.co/observatorio/portal-de-datos/el-conflicto-en-cifras/violencia-sexual/>

⁶⁴ López Gómez, ‘Apuntes para entender la violencia sexual contra los hombres en el marco del conflicto armado colombiano’, June 2018. According to the article, 223 cases were attributed to state armed forces, and 91 to paramilitaries and Bacrim.

⁶⁵ MSF Colombia, *A la sombra del proceso Impacto de las otras violencias en la salud de la población colombiana*, August 2017, https://www.ecoi.net/en/file/local/1405680/1226_1503487734_msf-report-colombia-aug2017-sp.pdf

⁶⁶ Ninety-four male victims of torture committed by Bacrim are also registered.

sterilisation and castration.⁶⁷ It also found that rape and other forms of sexual punishment had been used by state security forces, paramilitaries and armed groups as a form of punishment for collaborating with or acting against the interests of a particular paramilitary or armed group.⁶⁸

Available information also points to potentially high levels of CRSV involving boys. For example, of the 2,182 male victims of CRSV registered with the Victims Unit cases, over a quarter (643) were under the age of 18 when the reported incident occurred. MSF has reported that boys under the age of 15 years old accounted for 40 per cent of the male victims/survivors who it treated in Buenaventura and Tumaco in 2016.⁶⁹ According to a report by 10 Colombian women's and human rights organisations published in 2014, tens of thousands of children suffered some form of sexual violence at the hands of the Colombian security forces and armed groups between 2008 and 2012 among which over 7,600 boys were estimated to have been impacted according to the authors of the report.⁷⁰

There are also indications that boys associated with paramilitary and armed groups, as well as adult males in the ranks of armed groups, were vulnerable to CRSV. A 2016 report by the Attorney General's Office found that sexual violence was the crime most commonly associated with the unlawful recruitment and use of children by the Revolutionary Armed Forces of Colombia-People's Army (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP)), and that men and boys were among the victims (18 of the males who claimed to have been abused in FARC-EP ranks were reported to have been minors at the time of the incident).⁷¹ According to information provided to ASP by the state child protection agency, the Colombian Family Welfare Institute (ICBF), 24 boy participants in its rehabilitation and reintegration programs for former CAAFAG were survivors of CRSV.⁷²

Both within the context of membership or association with armed forces or armed groups, and beyond, it is clear that real or perceived non-conformity with heterosexual and cisgender norms create a particular vulnerability to CRSV in Colombia. Publicly available reports, including information already submitted to the Commission, have highlighted many cases in which men and boys with diverse SOGIESC have been subjected to CRSV by armed actors as punishment, including for "renouncing" their masculinity and as a form of social control.⁷³

⁶⁷ López Gómez, 'Apuntes para entender la violencia sexual contra los hombres en el marco del conflicto armado colombiano', June 2018. The reference to sexual torture by the military and police refers specifically to the period 1978-1982, although the 226 cases reviewed included incidents that occurred between 1970 and 2017.

⁶⁸ López Gómez, 'Apuntes para entender la violencia sexual contra los hombres en el marco del conflicto armado colombiano', June 2018. López Gómez concludes that CRSV against males has been used in Colombia for four main reasons: to obtain information; as a form of punishment; to undermine communities through targeting male leaders/figures of authority; and to communicate the armed party's control over a particular community. The study includes cases in which male dead bodies were found with testicles in their mouths or in positions with sexual connotations, as a way of "degrading the victim and sending a message to their communities," which suggests that it may also be important to ensure that cases of unlawful killing are thoroughly and accurately documented/codified in order that acts of CRSV that occurred either before or after death are recorded.

⁶⁹ MSF Colombia, *A la sombra del proceso Impacto de las otras violencias en la salud de la población colombiana*, August 2017.

⁷⁰ Campaña - Violaciones y otras violencias, saquen mi cuerpo de la guerra, *Que Dejen de Cazar a Las Niñas y Los Niños*, Informe Sobre Violencia Sexual Contra Niños, Niñas y Adolescentes, March 2014, <http://coalice.org/wp-content/uploads/2020/05/quedejendecazarminasyninos-2014.pdf>

⁷¹ Verdad Abierta, "Violencia sexual intrafilas en las Farc: el debate apenas comienza", 3 August 2016, <https://verdadabierta.com/violencia-sexual-intrafilas-en-las-farc-el-debate-apenas-comienza/>

⁷² ICBF responses to ASP's "derecho de petición," 23 June and 6 July 2020, information on file with ASP.

⁷³ See for example, CNMH, *Aniquilar La Diferencia: Lesbianas, Gays, bisexuales y transgeneristas en el marco del conflicto armado colombiano*, December 2015, <http://www.centrodememorialhistorica.gov.co/descargas/informes2015/aniquilar-la-diferencia/aniquilar-la->

Available data also points to other possible intersecting vulnerabilities for men and boys, in addition to age and SOGIESC, which require further exploration. For example, over 20 per cent (441) of the male victims of CRSV registered by the Victims Unit are listed as Black or Afro-Colombian, indigenous, Raizal or Palenquero, and 12 per cent (280) are men and boys living with disabilities.⁷⁴

Finally, despite the 2016 peace accord between the Government of Colombia and FARC-EP, CRSV continues to be reported in the context of continuing insecurity that affects much of the country. Although most of the reported incidents relate to women, girls and LGBTI+ people, the Victims Unit has registered 83 cases involving men or boys that occurred between January 2017 and January 2020.⁷⁵

[diferencia.pdf](#), CNMH, *Crimenes Que No Prescriben: La violencia sexual del Bloque Vencedores de Arauca*, December 2015, <http://www.centrodememoriahistorica.gov.co/micrositios/caminosParaLaMemoria/descargables/6.reparaciones/crimenes-que-no-prescriben.pdf>; Colombia Diversa, *Orders of Prejudice: Systematic Crimes committed against LGBT people in the Colombian Armed Conflict*, July 2020, <https://colombiadiversa.org/colombiadiversa2016/wp-content/uploads/2020/07/english-version-Orders-Of-Prejudice.pdf>; Colombia Diversa, *Vivir bajo sospecha. Estudios de caso: personas LGBT víctimas del conflicto armado en Vistabermosa y San Onofre*, May 2017, <https://www.colombiadiversa.org/conflictoarmado-lgbt/documentos/vivir%20baja%20sospecha.pdf>; Corporación Caribe Afirmativo, *Nosotras Resistimos, Informe sobre violencias contra personas LGBT en el marco del conflicto armado en Colombia*, September 2019, <https://caribeafirmativo.lgbt/nosotras-resistimos-informe-violencias-personas-lgbt-conflicto-armado-colombia/>

⁷⁴ Raizal is the name given to the native population from the islands of San Andrés and Providencia and Santa Catalina, and Palenquera to the Afro-descendant population of San Basilio de Palenque (Mahates – Bolívar), San José de Uré (Córdoba), Jacobo Pérez escobar (Magdalena) and La Libertad (Sucre).

⁷⁵ The Victims Unit also registered 18 male victims of sexual violence committed by Bacrim during this period. Additionally, it registered 22 LGBTI+ victims of sexual violence targeted during the same period (16 victims of CRSV and 6 victims of Bacrim) among which there may be men or boys. In an interview with ASP on 12 March 2020, MSF Colombia also reported that it continues to treat male victim/survivors of CRSV in the departments in which it is working. According to the interview, of the 428 people received in its clinics in 2019, 10 per cent were male (the clinics are in Nariño, Valle del Cauca, as well as Arauca and Norte de Santander on the border with Venezuela).