

**Toward a comprehensive approach to conflict-related sexual violence:  
addressing sexual violence against men and boys**  
**All Survivors Project Briefing for UN Security Council Open Debate**  
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**All Survivors Project provides research to improve the global response to every survivor of sexual violence in situations of conflict and displacement. We document cases of abuse against men and boys to supplement work on girls and women to support a global response that includes all survivors of violence. All Survivors Project is an independent, international research organization working with individuals and organizations to strengthen communities by upholding the dignity of each individual.**

**Executive Summary**

All Survivors Project makes this submission to the United Nations (UN) Security Council to highlight the importance of recognizing sexual violence against men and boys in conflict as an essential component of any strategy to effectively prevent and address conflict-related sexual violence, promote equality and ensure access to justice for all survivors.

Sexual violence causes serious harm to its victims and if left unaddressed can continue to damage the fabric of communities, destroy families and prevent survivors from rebuilding their lives. There is an urgent need for comprehensive approaches to deliver justice and respond to the physical, mental and other harms suffered by male survivors of conflict-related sexual violence. Explicit strategies on sexual violence against men and boys should be factored into international and national efforts to prevent and respond to violations of international human rights and international humanitarian law in situations of armed conflict.

This briefing draws on ASP's emerging research on sexual violence against men and boys in Bosnia & Herzegovina (BiH), the Central African Republic (CAR), Sri Lanka, and Syria. ASP research demonstrates that male survivors of sexual violence face serious obstacles to justice in situations where laws fail to recognize male rape. Failures in the justice system, such as the lack of effective witness protection has a serious effect on accountability for male sexual violence. ASP advocates for programs and strategies aimed at combatting torture and ill-treatment of detainees and providing assistance to survivors as a means to address conflict-related sexual violence against men and boys, which frequently occurs in custodial settings. ASP emphasizes the need to recognize and address the wider context of social vulnerabilities, abuse and exploitation in which sexual violence against men and boys occurs.

ASP urges policymakers, donors and humanitarian implementers to embrace a working assumption that sexual violence against men and boys is highly likely in situations of armed conflict and displacement. ASP calls for dedicated resources, specialist expertise and capacity in key institutions to ensure that interventions that address conflict-related sexual violence are survivor-centred, inclusive, specific and competent to address the specialized needs and experiences of male survivors.

## Key Recommendations

ASP calls upon UN member states to:

- Encourage and support efforts to improve the documentation of rape and other forms of sexual violence against men and boys in situations of armed conflict to better inform responses.
- Ensure that funding for and implementation of legal reform programs aimed at addressing sexual violence, and all torture prevention programs take into account the risks faced by men and boys, particularly those in detention.
- Support specialized and survivor-centred medical and mental health and psychosocial support for male survivors of sexual violence committing, where necessary, additional funding to ensure that humanitarian programs have the capacity to respond to all survivors.
- Ensure that perpetrators of sexual violence in armed conflict are held to account, and remove all structural obstacles including discriminatory laws that prevent the investigation and prosecution of rape and other forms of sexual violence.

## Introduction

Patriarchy should be considered a primary driving factor in sexual violence against men and boys in armed conflict situations, which is used as a means to assert power and control over opponents.<sup>1</sup> It may also be a key reason why sexual violence against males is often unrecognized and underreported, and why programs that focus on conflict-related sexual violence often fail to address the specialized needs of male survivors despite the widespread nature of the problem. There remain many gaps globally in our understanding of sexual violence against men and boys in conflict and displacement, but the knowledge base is growing. ASP research in the [Central African Republic](#), [Sri Lanka and Bosnia & Herzegovina](#), and Syria (report forthcoming) identified a number of common patterns, concerns and lessons for interventions.<sup>2</sup>

ASP makes available on its [website](#) documentation by the UN and national bodies on sexual violence against men and boys in 22 countries: Burundi, Central African Republic, Democratic Republic of Congo, Kenya, Libya, Rwanda, Sierra Leone, Somalia, South Africa, South Sudan, Sudan, Argentina, Chile, Colombia, Afghanistan, Cambodia, Republic of Iraq, Sri Lanka, Syrian Arab Republic, Yemen, Former Yugoslavia, and Ukraine.

An examination of the data argues for a comprehensive approach to conflict-related sexual violence that can better respond to the needs of all survivors. Key concerns which emerge from ASP's research are outlined below:

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<sup>1</sup> ASP discussions with academics, policy makers and practitioners, ongoing.

<sup>2</sup> ASP's findings are based on interviews with key informants (survivors and former detainees, humanitarian workers, lawyers, human rights defenders, medical professionals, psycho-social professionals, retired military and police officers and participants in focus group discussions) and supplemented with desk reviews of publicly available literature, including existing UN and I/NGO documentation, media reports, scholarly articles and legal documents where available.

## Access to Justice

There is a need for legal reform to ensure recognition under law that males can be victims of sexual violence, and implementation of existing laws to ensure protection and access to justice for all survivors.

- In Sri Lanka and Syria rape is defined as an act perpetrated by a man on a female victim. Absence of legal recognition and proscription of sexual violence against men and boys' triggers impunity and informs broader social attitudes. Lack of acknowledgement of male victimisation restricts the availability of essential support including medical and mental health services.
- Similarly, the prohibition of statutory rape in Sri Lanka applies only to girls (under the age of 16 years) and not to boys. Widespread discrimination enshrined in law against homosexuals, and the criminalisation of consensual same-sex sexual acts may further discourage male survivors from reporting sexual violence or accessing services for fear that they may be accused of homosexual activity and themselves be prosecuted.<sup>3</sup>
- Legal reforms to the BiH Criminal Code over the years have brought its laws relating to rape and sexual violence (which is applied in the state-level War Crimes Chamber) in line with international standards of gender neutrality, but they are still not completely adequate for prosecuting cases of wartime sexual violence, and thus contribute to impunity for these crimes.<sup>4</sup>
- In CAR, rape and other forms of sexual violence are prohibited under national law and the right to reparations for victims is guaranteed under the Constitution,<sup>5</sup> but the gap between the laws and their enforcement is vast. Existing measures to prevent and respond to sexual violence focus predominantly on women and girls, largely ignoring and in some cases excluding men and boys.<sup>6</sup>

ASP research found that broader problems within criminal justice systems, including lack of or inaccessibility of courts, dangerous security conditions and the lack of effective witness protection also pose obstacles to accessing justice:

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<sup>3</sup> Legacies and Lessons; Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina, All Survivors Project, page 3, <http://allurvivorsproject.org/wp-content/uploads/2017/05/Sexual-violence-against-men-and-boys-in-Sri-Lanka-and-BiH.pdf>

<sup>4</sup>A National Strategy for Fighting Violence Based on Gender in the Central African Republic 2018-2021 will be key to efforts to bridge the gap between law and practice going forward. But a version of the Strategy seen by ASP, shows a focus primarily on addressing the vulnerability and needs of women and girls. If the National Strategy is to be fully effective, it must also recognise and address the vulnerabilities of males and include actions that explicitly include men and boys in responses. See, Legacies and Lessons; Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina, All Survivors Project, pages 7 and 25, <http://allurvivorsproject.org/wp-content/uploads/2017/05/Sexual-violence-against-men-and-boys-in-Sri-Lanka-and-BiH.pdf>

<sup>5</sup> Constitution of the Central African Republic, 2015, Articles 1, 3, 4, 5, 6 and 17, [www.assembleenationale-rca.org/wp-content/uploads/2016/04/projet-constitution-RCA-adopte-par-CNT-2015.pdf](http://www.assembleenationale-rca.org/wp-content/uploads/2016/04/projet-constitution-RCA-adopte-par-CNT-2015.pdf)

<sup>6</sup> "I don't know who can help" Men and boys facing sexual violence in Central African Republic, All Survivors Project, page, 29, <http://allurvivorsproject.org/wp-content/uploads/2018/03/ASP-Central-African-Republic.pdf>

- Witness protection in Sri Lanka remains inadequate. There have been reported instances where survivors were explicitly warned by officials not to lodge formal complaints or have been deterred from doing so.<sup>7</sup> A long-pending law on victim and witness protection (the Victim and Witness Protection Act No. 4), was adopted in 2015 and a Victim and Witness Protection Authority (the Authority) appointed in January 2016 but concerns have been raised about its lack of independence.<sup>8</sup>
- Impunity for crimes of sexual violence in CAR has been well documented. The latest upsurge in conflict has further degraded an already broken justice system, causing insecurity and leaving only 14 courts operational outside of Bangui. For most survivors, there is nowhere to report incidents and, even if a complaint is filed, no guarantee that it will be pursued. Survivors have little legal support, and, in the absence of victim and witness protections, there exists no protection from reprisals.<sup>9</sup>
- A 2014 Law on Witness Protection Programme provides for protection of witnesses during criminal proceedings before the Court of BiH, but the law does not apply to cases before the cantonal or district courts where there have been long-standing concerns about the capacity to deliver effective protection. Male survivors, including boys have refused to testify, or withdrawn co-operation upon realising that investigators had information about sexual violence they had endured. Stigma, slow judicial prosecutions, fear of re-traumatisation or breaches of confidentiality also prevent victims and witnesses from coming forward.<sup>10</sup>

## Torture Prevention

Combatting torture in all custodial settings is essential to addressing conflict-related sexual violence. Sexual violence is a very common method of torture of detainees, and in many conflicts the majority of detainees are men and boys. Without adequate safeguards they are extremely vulnerable to sexual violence.

ASP found patterns of sexual violence against male detainees in Sri Lanka, Syria, and the Central African Republic and historically in what is now Bosnia-Herzegovina, but it has been documented

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<sup>7</sup> Interview with lawyer, Northern Province, February 2017, cited in Legacies and Lessons; Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina, All Survivors Project, page 20, <http://allurvivorsproject.org/wp-content/uploads/2017/05/Sexual-violence-against-men-and-boys-in-Sri-Lanka-and-BiH.pdf>

<sup>8</sup> Legacies and Lessons; Sexual violence against men and boys in Sri Lanka and Bosnia & Herzegovina, All Survivors Project, page 20, <http://allurvivorsproject.org/wp-content/uploads/2017/05/Sexual-violence-against-men-and-boys-in-Sri-Lanka-and-BiH.pdf>

<sup>9</sup> Despite these obstacles, several developments give grounds for some optimism. Most notable among these are the establishment of a Special Criminal Court (SCC) to investigate serious crimes under international human rights and humanitarian law, and the creation of a specialised unit to investigate crimes of sexual violence. Both are at an early stage and face significant challenges but nevertheless offer some prospect of justice to victims. The extent to which they will address sexual violence against men and boys remains unclear. "I don't know who can help" Men and boys facing sexual violence in Central African Republic, All Survivors Project, page, 36, <http://allurvivorsproject.org/wp-content/uploads/2018/03/ASP-Central-African-Republic.pdf>

<sup>10</sup> See, OSCE report, An analysis of criminal proceedings before the courts of the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District BiH between 2004 and 2014, June 2015. See also, Her Honour Judge Joanna Korner CMG QC, Processing of War Crimes At The State Level In Bosnia And Herzegovina, OSCE, 16 June 2016, <http://www.osce.org/bih/247221?download=true>, as cited in "I don't know who can help" Men and boys facing sexual violence in Central African Republic, All Survivors Project, page 36, <http://allurvivorsproject.org/wp-content/uploads/2018/03/ASP-Central-African-Republic.pdf>

in many other contexts.<sup>11</sup> Although other potential situations of risk also need attention, effective safeguards to protect detainees from sexual violence would reduce vulnerabilities in detention settings. All those working in or supervising detention, as well as independent detention monitors, should be attuned to the specific vulnerability of detainees and trained to respond appropriately.

- In Syria ASP research found that adolescent boys may endure even worse treatment than adult males (whose experiences with sexual violence in detention have already been well documented).<sup>12</sup> Reports relating to men and boys held in government detention predominate, but detainees of non-state armed groups are also at risk. Investigations by the Independent International Commission of Inquiry on the Syrian Arab Republic (IICoI) have found that torture, and sexual and gender-based violence has been used against thousands of detainees including boys as young as 11 years old at a level that amounts to war crimes and crimes against humanity.<sup>13</sup> UN Secretary-General reports on conflict-related sexual violence have referred to systematic sexual torture of men in detention centres<sup>14</sup> in order to extract confessions of anti-government activities.
- In Sri Lanka, investigations into the events of the conflict and its immediate aftermath led the UN to conclude in 2015 that male detainees in Sri Lanka “were as likely to be subjected to sexual violence as female detainees,” and that incidents of sexual violence were part of a deliberate institutional policy of torture by the Sri Lankan security forces, designed to obtain information, intimidate, humiliate and inflict fear.<sup>15</sup>
- In CAR, ASP found cases in which men were subjected to prolonged and repeated acts of sexual violence after they were captured during armed attacks by members of ex-Séléka. They also reported witnessing the rape of other men or boys detained with them or being forced to rape or commit other acts of sexual violence on fellow captives. Similar treatment of individuals captured by anti-Balaka or other self-defence groups has been documented by the UN.<sup>16</sup>
- It has been suggested that 3,000 men and boys may have been raped during the three-year conflict in Bosnia,<sup>17</sup> but with no accurate database of survivors of wartime abuses, including sexual violence, there are no reliable or definitive numbers. The majority of documented cases took place in detention, often in concentration camps in which civilians

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<sup>11</sup> “Very commonly, sexual violence against men is committed in situations of detention. Studies have shown this pattern in contexts such as Chile, El Salvador, Libya, Sri Lanka, Syria, the United States, and the former Yugoslavia.” When No One Calls It Rape Addressing Sexual Violence Against Men and Boys in Transitional Contexts, ICTJ, [https://www.ictj.org/sites/default/files/ICTJ\\_Report\\_SexualViolenceMen\\_2016.pdf](https://www.ictj.org/sites/default/files/ICTJ_Report_SexualViolenceMen_2016.pdf)

<sup>12</sup> Dr. Sarah Chynoweth, “We Keep It in Our Heart” - Sexual Violence Against Men and Boys in the Syria Crisis, UN High Commissioner for Refugees (UNHCR), October 2017, <http://www.refworld.org/docid/5a128e814.html>, accessed 25 March 2018

<sup>13</sup> For its latest report, see: “I lost my dignity”: Sexual and gender-based violence in the Syrian Arab Republic; Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, Human Rights Council Thirty-seventh session, 26 February – 23 March 2018, Agenda item 4, Human rights situations that require the Council’s attention, A/HRC/37/CRP.3

<sup>14</sup> Report of the Secretary-General on conflict-related sexual violence, United Nations Security Council, 20 April 2016, S/2016/361, para 68

<sup>15</sup> Report of the OISL, 16 September 2015, UN Doc. A/HRC/30/CRP.2, paras 586 and 603.

<sup>16</sup> “I don’t know who can help” Men and boys facing sexual violence in Central African Republic, All Survivors Project, Page 6, <http://allurvivorsproject.org/wp-content/uploads/2018/03/ASP-Central-African-Republic.pdf>

<sup>17</sup> See, European External Action Service, Report, EU Member States annual meeting on UNSCR 1325 Transitional justice and gender: reducing impunity, Brussels, 27 May 2013, [http://eeas.europa.eu/archives/features/features-working-women/working-with-women/docs/11-eu-ms-annual-meeting-on-unscr-27052013\\_en.pdf](http://eeas.europa.eu/archives/features/features-working-women/working-with-women/docs/11-eu-ms-annual-meeting-on-unscr-27052013_en.pdf), accessed 5 April 2018



were interned in appalling conditions, although there were also cases of sexual violence against men in other contexts including during lootings and household interrogations.

## Recognizing and addressing vulnerabilities

Sexual violence against men and boys in conflict-related situations often takes place in a wider context of social vulnerabilities, abuse and exploitation. Conflict-related sexual violence may therefore be most effectively tackled as part of or in co-ordination with strategies that challenge prevailing societal attitudes and cultural norms (for example discrimination against LGBTI persons) that may place individuals at increased risk of sexual violence, or contribute to an environment where survivors are ignored, unreachable and/or face barriers to seeking redress.

- The vast majority of documented survivors of conflict-related sexual violence against men and boys in Sri Lanka have been ethnic Tamils.<sup>18</sup> The 2015 report of the OHCHR Investigation on Sri Lanka (OISL) found, specifically in relation to Tamils displaced by fighting in the late stages of the conflict: “reasonable grounds to believe that the IDPs were treated as suspects and detained because of their Tamil ethnicity and because they had come out of LTTE-controlled territory. This may amount to discrimination under international human rights law, and, if established by a court of law, may amount to the crime against humanity of persecution.”<sup>19</sup>
- Deeply rooted attitudes towards what constitutes acceptable expressions of masculinity in Sri Lanka also result in discrimination, and in some cases sexual violence against those who challenge accepted gender norms concerning sexual orientation and gender expression, including lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. There are documented cases of LGBTI people being detained, harassed, raped, threatened with rape and sexually assaulted by police officers.<sup>20</sup>
- Civilians in Syria have been subjected to grave violations of their rights in the context of the armed conflict, with violence affecting every aspect of their lives.<sup>21</sup> Systems of protection have broken down and civilian vulnerabilities have been multiplied by violence, prolonged, repeated and sometimes forced displacement, separation from family and other protective structures of society, obstruction of humanitarian aid by parties to the conflict and resulting poverty. ASP research found that these conditions exacerbate the problem of child labour, and that child workers face increased protection risks, including exposure to sexual violence.

## Inclusiveness, Specificity and Competence of Interventions

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<sup>18</sup> The armed conflict in Sri Lanka grew out of demands for greater political autonomy for the Tamil minority in the North and East of the island and had developed into a full-fledge war of separation by 1983. The conflict was characterized by grave violations of international human rights and international humanitarian law. Security forces practiced ethnic and regional profiling of Tamils, arresting and detaining them in large numbers under Emergency Regulations and the Prevention of Terrorism Act (PTA); many of these detainees were tortured, See, Sri Lanka: Locked Away: Sri Lanka's Security Detainees, Amnesty International, 13 March 2012, Index number: ASA 37/003/2012, <https://www.amnesty.org/en/documents/asa37/003/2012/en/>, accessed 5 April 2018.

<sup>19</sup> OHCHR Investigation on Sri Lanka (OISL) Para 1174,

<sup>20</sup> Page 17, <http://allurvivorsproject.org/wp-content/uploads/2017/05/Sexual-violence-against-men-and-boys-in-Sri-Lanka-and-BiH.pdf>

<sup>21</sup> Children and armed conflict, Report of the Secretary-General, 24 August 2017, A/72/361–S/2017/821, paras 170-186

There should be a working assumption in policymaking and in humanitarian implementation, funding and support that sexual violence against men and boys is highly likely to be perpetrated in situations of armed conflict by both state and non-state armed groups: There are particular challenges to documenting sexual violence against men and boys. The absence of reports does not necessarily mean that sexual violence has not occurred, but rather that there may be barriers that inhibit reporting.

Rigid patriarchal gender norms contribute to the invisibility of sexual violence against men and boys as an issue in communities, provoking stigma and fear that reinforces barriers to disclosure and help-seeking. These same biases influence policymakers and humanitarian agencies. Because of this, relatively little attention has been given to the protection of men and boys, the impact on male survivors or their access to services and support. Without services specifically designed for them, men and boys who have experienced sexual violence are denied an entry point to seek help, which augments their invisibility and lack of access to care.

### **Lack of specialist expertise and capacity in key institutions is a barrier to addressing conflict related sexual violence against men and boys**

Sexual violence can have serious and damaging short and long-term physical, sexual, psychological and social consequences on survivors. They may suffer a range of physical injuries, both genital and non-genital as well as increased risk of sexually transmitted infections (STIs), including HIV/AIDS. Mental health impacts can be severe. Knowledge and expertise on preventing, investigating and responding to sexual violence against men and boys should form an integral part of training of all relevant government, official and professional stakeholders.

Humanitarian programming and state-provided services for survivors of sexual violence must be inclusive, specific and competent, and designed from the outset to respond sensitively and appropriately to all survivors. Where necessary, additional resources including funding should be made available to ensure that programming and provision of services for men and boys is not to the detriment of women and girls. Given the critical role that civil society typically performs in exposing and documenting human rights abuse, greater investment is also needed to ensure awareness and understanding of male sexual violence among non-governmental stakeholders including human rights defenders, lawyers, community-level victim support networks, and journalists.

Rather than accepting under-reporting of sexual violence as an inevitable consequence of stigma, careful inquiry and investigation is necessary, and specific strategies should be adopted to encourage and support all survivors to safely and confidentially report and seek assistance. If conflict-related sexual violence, whether against males or females, is denied and suppressed, it will almost inevitably continue in one form or another.