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Out of the shadows? The inclusion of men and boys in conceptualisations of wartime sexual violence

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Abstract: *Researchers increasingly acknowledge that men and boys are frequent victims of sexual violence in conflict alongside women and girls, who remain the group that is disproportionately affected. This increasing awareness has contributed to significant efforts to include men and boys in conceptualisations of conflict-related sexual violence in policy as well as in international criminal law. This article analyses the changes that have occurred in these two fields in recent years. We argue that while a major shift towards including male victims in international policy on wartime sexual violence took place in 2013-2014, this development has yet to be consolidated in salient policy guidelines and handbooks. While men and boys' potential victimisation is frequently recognised, most policy documents do not treat the topic of male victimisation in depth. International criminal law on the other hand has pioneered gender-neutral and inclusive definitions. However, the interpretation and application of the gender-inclusive approach is often left to the discretion of judges and the prosecution who at times fail to take the experience of males fully into account, signalling the continuing influence of gender stereotypes and deeply held cultural myths. A renewed effort to fully integrate male victims into conceptualisations of conflict-related sexual violence in both policy and law is therefore advised. © 2016 Reproductive Health Matters. Published by Elsevier BV. All rights reserved.*

Keywords: sexual violence, gender-based violence, male victims, conflict, gender

Introduction: The increasing recognition of male victims of conflict-related sexual violence*

During war and conflict (as in peacetime), women and girls have historically been disproportionately affected by sexual violence, a phenomenon that has its roots in patriarchal social structures and harmful gender ideologies.¹ It was only when the issue was raised by the global women's movement that it was taken seriously by both policymakers and international law. A historical turning point was the recognition of rape as a war crime before the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the 1990s.² Recently, the issue has also been a priority in the international policy agenda. 'Gender-based violence' was coined to

bring attention to the underlying gender inequalities that underpin 'violence against women' and sexual violence. This has led to the unintended consequence that these terms have only been discussed in relation to women's experience, where 'gender-based violence' is used to describe violence suffered by women only. As a result, authoritative international policy documents on conflict-related sexual violence have, in the past, often focused exclusively on women and girls' victimisation.³

As demonstrated in a 2007 study, sexual violence against men is not a recent phenomenon. It has been documented in 25 conflicts and in 59 when including sexual violence against boys.⁴ Over the last two decades an increasing body of evidence has been produced pointing to the prevalence of sexual violence against men in conflict, demonstrating that men's victimisation is significantly higher than initially presumed.⁵ Johnson et al, for example, found that 64.5% of male study participants in the Democratic Republic of Congo reported being exposed to conflict-related sexual violence and 20% had been victims of rape.⁶ Similarly, the Uganda-based Refugee Law Project

*Our article's focus is on male victims of conflict-related sexual violence. We do not explicitly address in this article the problematic conflation of gender-based violence (GBV) with sexual violence (SV) in many policy frameworks nor the fact that broader definitions of GBV are often also very much centred on female victims.

found that more than one in three Congolese refugees had experienced sexual violence in their lifetime.⁷ In the context of Southern Sudan and Northern Uganda, Nagai et al found that 30.4% of male Sudanese refugees had experienced or witnessed the rape or sexual abuse of a man.⁸ In Europe in the 1990s, United Nations (UN) Security Council documented a high prevalence of sexual violence against men in the conflict in the Former Yugoslavia, including rape, forced sexual acts (including with family members) and castration.⁹

Research on sexual violence against men has shown that men are more reluctant to disclose and/or to seek support than women, and when they do go to service providers they often meet reluctance or hostility.¹⁰ Legal conditions are equally discouraging: in 79 countries around the world sodomy is a criminal offence, and many national laws do not include male victims in their definitions of rape and sexual violence.¹¹ Victims who report to the police, therefore, run the risk of getting arrested. First-line responders such as medics and police often do not recognise male victims of sexual violence, due to the deeply entrenched notion that only women can be victims while men are perpetrators of sexual violence.¹² Gender stereotypes also play a role in the investigation and analysis of sexual crimes. Sometimes sexual violence against men is seen strictly as anal rape, overlooking other forms of sexual violence such as castration and forced acts, which in turn are classified as torture.[†] This is complicated by the fact that men frequently describe the acts as ‘abuse’ or ‘torture’,^{13,14} finding the sexual violence aspect incompatible with masculine ideals.¹⁵ Cultural myths, gendered stereotypes, narrow legal definitions and policy conceptualisations combine to deter male victims from disclosing and hinder them from

getting the social, psychological, legal and medical help they need.¹⁶ These challenges in many ways mirror challenges found in peacetime situations for male victims of sexual violence.

The growing amount of evidence of men’s victimisation has necessitated a more inclusive understanding of sexual violence, while making sure that this does not come at a cost to women and girls, who remain disproportionately affected. Therefore, any approach that seeks to address the issue also needs to have women and girls at its centre. In past decades, significant steps have been taken towards more inclusive understandings of who can be a victim of conflict-related sexual violence. International law has been at the forefront, with the UN Special Tribunals and the 1998 Rome Statute, which has the most gender-inclusive definitions of conflict-related sexual violence. Growing recognition of male victims has also been noticed in international policy. UN Secretary-General Ban ki-Moon’s 2013 annual report on conflict-related sexual violence called men and boy victimisation “an emerging concern”, referring to Afghanistan, the Democratic Republic of Congo, Sudan and Syria.¹⁷ In the same year, three high-level documents on wartime sexual violence were adopted, all mentioning male victims for the very first time, and the UN Special Representative of the Secretary General on Sexual Violence in Conflict (SRSG-SVC) held a workshop on male victims. The subject of male victims was also discussed during the 2014 Global Summit on Sexual Violence, organised by the UK Government’s Prevention of Sexual Violence Initiative in collaboration with the SRSG-SVC.

This article analyses these changes and aims to assess whether they have led to mainstreaming and a more inclusive understanding of sexual violence. We will discuss the recent changes in detail, focusing on two crucial fields for consolidating change: international policy and international criminal law. These two areas have been chosen because they represent different stages of this development: whilst international criminal law is considered a pioneer of the gender-inclusive approach when it comes to sexual violence, international policy has only recently started paying attention to male victims in high-level strategic documents. In the first part on policy, we analyse this major shift in language in high-profile documents, but demonstrate that despite this recognition, many gaps remain when it comes to the full recognition of male sexual victims. In the second part, our analysis of concrete cases shows that

[†]Sexual abuse against men is not limited to rape but can also include penetration with objects, castration and forced sterilization, genital mutilation, forced rape of others (including family members), sitting in chemical baths, forced marriage, forced oral sexual acts on soldiers, enforced nudity, forced masturbation. It can take place in a number of different settings, including detention, victims’ homes or in public. Many men who have been victims develop serious physical problems (including ruptured anus, incontinence, impotence, infertility, contracting sexually transmitted diseases). While the patterns of violence against women and men differ at times, the psychological effects on the individual are similar: many victims develop post-traumatic stress disorder, are emotionally numb, and disconnect from their families and the community at large.

while the legal field has historically been a frontrunner in using inclusive definitions and is therefore arguably already “a step ahead”, challenges remain for the full inclusion of male victims. While international criminal law uses gender-inclusive definitions, the application is left to the discretion of judges and prosecutors, where implicit bias and gendered understandings of sexual violence sometimes silence the issue of male victims.

International policy: recent developments towards the inclusion of men and boys

2013: A year of major change

It was the international women’s movement that drew attention to sexual violence in conflict. Their efforts led to the adoption of a number of international policy documents addressing sexual and gender-based violence, all focused on female victims. The most authoritative set of strategic policy documents at the United Nations to address war-time sexual violence are the Resolutions that make up the Women, Peace and Security (WPS) framework.¹⁸ This framework, born out of the milestone 2000 resolution, addresses the different dimensions of women and war. Among its aims are the protection of women and girls as potential victims and their empowerment as peacemakers and political leaders. The framework is also intended to tackle sexual violence in conflict, a subject to which a number of Women, Peace and Security Resolutions have been dedicated (1325, 1820, 1889, 1960, 2106).

A major shift towards a more inclusive language occurred in 2013. Three new high-level documents on sexual violence in war were adopted: a G8 Declaration (in April), UNSC Women, Peace and Security Resolution 2106 (in June), and a UN General Assembly Declaration (in September). All three documents are the first of their kind to explicitly recognise men and boys as victims of sexual and gender-based violence in war and to largely adopt a gender neutral language, referring to ‘victims/survivors’ or ‘individuals’. The inclusion of men and boys in the WPS Resolution 2106 is particularly significant. The paragraph in question reads:

“Noting with concern that sexual violence in armed conflict and post-conflict situations disproportionately affects women and girls, as well as groups that are particularly vulnerable or may be specifically targeted, while also affecting men and boys

and those secondarily traumatised as forced witnesses of sexual violence against family members.”

It is important to note here that the inclusion of men and boys in policy also leads to programmatic expectations, i.e. that male victims should be recognised and catered for in UN programmes that tackle sexual violence in conflict. Additionally, the inclusion of men and boys demonstrates growing awareness and openness in broadening our understanding of what ‘gender’ means. Whilst this newly found space and recognition is undoubtedly a great achievement, it should be noted that the remainder of Resolution 2106 continues to focus on women and girls: they are mentioned throughout the document, as victims, peacebuilders and political leaders, whilst men and boys are mentioned twice: as victims and in an instrumentalist capacity as a group whose engagement is warranted to prevent future violence. The Women, Peace and Security framework’s historic focus on gender inequality and discrimination against women and girls explains this imbalance, but the express introduction of men and boys into Resolution 2106 raises expectations that their particular situation will be further discussed, and could therefore be considered problematic. Possibly, conflict-related sexual violence could better be discussed in a framework separate from or alongside the WPS. This would benefit men and women: men and boys, because Resolution 2106 is a space that does not fully apply to or incorporate them; women and girls, because the inclusion of victimisation of men and boys may distract from the specific gender inequalities experienced by women. More generally, the continued large focus of the WPS framework on women and girls as victims (many of the WPS resolutions focus on conflict-related violence) may take attention away from their roles as peacekeepers or political leaders.

In July 2013, the UN SRSV-SVC and the US mission to the UN organised a workshop on Sexual Violence against Men and Boys in Conflict Situations, attended by activists and representatives of UN bodies.¹⁹ This two-day workshop produced a comprehensive report with 29 recommendations, grouped under five main headings:²⁰

- A. Determine the scope of sexual violence against men and boys and promote their protection
- B. Develop survivor-centred responses for men and boys
- C. Mainstream male-inclusive understandings and approaches to gender-based violence

- D. Build international momentum
- E. Enable survivors to access justice and strengthen domestic and international capacity to hold perpetrators to account

Recommendations C and E are particularly relevant for this article, since they pertain to both policy and international law.

The changes in discourse in 2013 are partially the result of a general international momentum on sexual violence in war. The Preventing Sexual Violence Initiative (PSVI), launched in 2012, called for international fora to address the issue and organised the 2014 Global Summit to End Sexual Violence, where there was a session on male victims. The advocacy of a burgeoning community of male survivors and activists has also played a crucial role in driving change. In 2012, UNHCR released a document, *Working with Men and Boy Survivors of Sexual and Gender-based Violence in Forced Displacement*,²¹ authored by the Refugee Law Project (RLP)'s director, Chris Dolan, which is the only UN guideline for professionals working on gender-based violence that deals in depth with male victims. Three NGO's, Refugee Law Project, Male Survivors of Sexual Abuse New Zealand and First Step Cambodia) set up the South-South Institute for Sexual Violence against Men and Boys that holds a bi-annual conference on the issue connecting activists and survivors from all over the world.

Tracking recent progress through documents

In order to assess how far-reaching these changes have been, we conducted a document analysis of a selection of key materials, to see how conflict-related sexual violence was conceptualised and how male victims were framed. These were:

- 1) Inter-Agency Standing Committee (IASC) 2015 guidelines on responding to GBV in emergencies²²
- 2) UNFPA e-learning on responding to GBV in emergency settings²³
- 3) GBV AoR Handbook for Coordinating Gender Based Violence Interventions in Humanitarian Settings,²⁴ and
- 4) UN Action website dedicated to its initiatives against sexual violence (Stoprapenow.org)

The rationale behind selecting these documents was that they are, on the one hand, the UN's central communication tools on sexual violence and, on the other hand, key materials used by humanitarians in the field. They had been identified as key

documents in need of revision by the 2013 UN Workshop recommendations (1, 2 and 4) or by their inclusion in the toolbox of the Global Protection Cluster on Gender Based Violence (Gender Based Violence Area of Responsibility, GBV AoR), (1 and 3).

In the revised IASC Guidelines on Sexual and Gender-based Violence, published in 2015, men are consistently mentioned as "at-risk-groups". The guidelines also describe victims in a gender-inclusive way, and include data on sexual violence against men: both significant developments from the 2005 version.²⁵ Instead of positing a clear definition of either sexual or gender-based violence, the authors of the 2015 guidelines opt for a politically safe descriptive definition of how the term is used in practice:

*"Gender-based violence is most commonly used to underscore how systemic inequality between males and females – which exists in every society in the world – acts as a unifying and foundational characteristic of most violence perpetrated against women and girls. The term GBV is also increasingly used by some actors to highlight the gendered forms of violence against men and boys – particularly some forms of sexual violence committed with the explicit purpose of reinforcing gender inequitable norms of masculinity and femininity (e.g. sexual violence committed in armed conflict aimed at emasculating or feminising the enemy). This violence against males is based on socially constructed ideas of what it means to be a man and exercise male power. It is used by men (and in rare cases by women) to cause harm to other males."*²²

Nevertheless, aside from this recognition and inclusion in the definition of gender-based violence, there is no further in-depth analysis of male victims' needs and the guidelines fall short of discussing the vulnerability of men to particular forms of (sexual) violence. They do not detail what forms that violence might actually take, or what specific (mental) health needs men might have. In the subsequent chapters of the guidelines, gender-based violence against women is rightly described in detail, including its effects, but this sensitisation or reflection is not included for male victims.

A similar assessment can be made of the UNFPA e-learning tool on gender based violence, which has not yet been revised. It recognises male victims, stating that "Men and boys can also be victims of gender-based violence and especially

sexual violence”, adding that not much is known about its prevalence. Men and boys are discussed in a little more depth in Module 3 on prevention, but solely in their instrumentalist capacity (i.e. not as possible victims but as agents for change with regard to the victimisation of women), and in Module 4, where a male survivor’s experiences of discrimination are cited. There are no case studies or images of male victims. Whilst the fact that male victims are included is laudable, it is unclear from these documents how a humanitarian worker in the field could recognise a male survivor, how the survivor could be helped, what might ail him, or how all that affects the wider community. Men and boys are included as victims, but there is no further analysis of their situation.

The 2013 workshop also recommended the inclusion of men and boys in the reports and documents on the UN Action Against Sexual Violence in Conflict website. UN Action, established in 2007, is a UN umbrella organisation that coordinates the activities of 13 agencies on sexual violence and aims to raise awareness and “to improve coordination and accountability, amplify programming and advocacy, and support national efforts to prevent sexual violence and respond effectively to the needs of survivors”.²⁶ The 2015 SRSg-SVC report on conflict-related sexual violence mentions male victims explicitly (in paragraphs 2 and 6), stating, for example, that “the threat or use of sexual violence as a form of ill-treatment in detention settings (often against men and boys) is evident in many situations”.²⁷ It also calls for “differentiated responses for men and boys”, without explaining what these might be. In the text and images used in the comprehensive strategies to combat sexual violence listed on the website, however, male victims remain absent.²⁸ In the section on testimonies, none of the twelve examples are male. Nor are male victims considered in the country strategies on the website, with the exception of the strategy for Ivory Coast which mentions the need for “tailored strategies for male survivors”, albeit without discussing these further.²⁹ Surprisingly, despite the fact that studies have shown that a significant proportion of Congolese men are victims of conflict-related sexual violence, the country strategy does not address this population.³⁰

The Handbook for Coordinating Gender-Based Violence Interventions in Humanitarian Settings, one of the documents in the GBVAOR toolbox, identifies male victims as being of secondary concern. Based on the IASC 2005 guidelines, the

Handbook states that GBV has a greater impact on women and girls than on men and boys. While it is true women and girls are disproportionately affected by gender-based and sexual violence, this phrasing unfortunately seems to suggest that the impact of such violence on individual men and boys is less severe. This reinforces the unhelpful notion that there is a competition of suffering between female and male victims. The following paragraph also alludes to the fact that male victims should not necessarily be included in programming, as the outcomes of such violence for them is different:

*“Addressing violence against men and boys is important, but the causes, contributing factors and outcomes of that violence are different than violence against women and girls. Therefore, a decision should be taken as to whether male survivors should be included as target ‘beneficiaries’ of GBV coordination and programming efforts.”*²⁴

In accordance with the high-level documents discussed earlier, the materials analysed in this section recognise men and boys as possible victims of conflict-related sexual violence, a laudable development. However, we were unable to find an example where their victimisation is discussed in detail. Men are not seen as victims in their own right in the IASC guidelines and the GBV Handbook in particular, further perpetuating the idea that violence is essentially a ‘women’s issue’. The lack of full inclusion of male victims signals a continued lack of awareness or knowledge of how to address the issue. It also implies a hierarchy of victimhood that fails to take into account the specific needs of a significant proportion of victims (one third of all victims according to the research we cited) and the typologies of violence they may be victim of.

One of the reasons sometimes given for the lack of in-depth analysis is a lack of knowledge on prevalence.³¹ While further epidemiological data could indeed shed more light on prevalence, the current growing body of evidence of men’s victimisation justifies their inclusion in policies. Furthermore, there is the issue of whether sexual violence data are an accurate reflection of reality, given the fact that many victims (both women and men) do not disclose.³² There is also concern in part of the feminist movement that focussing on male victims might reduce the available resources for women.³³ Care should be taken that including males does not come at a cost to female victims, and both

groups should not be seen as in opposition to each other. Other scholars rightly argue that sexual violence against men is also a feminist issue and that it fits the feminist research agenda of uncovering marginal issues within dominant perceptions.^{34,35} It is indeed imperative to take into account all victim groups, as this can only lead to furthering our understanding of why sexual violence in war occurs and why certain groups may be targeted. To include male victims, however, does not mean that a gender-neutral approach to gender-based violence in wartime should be adopted. Such an approach would indeed fail to take into account the social gender dynamics that perpetuate the control of women. Broadening the understanding of gender-based violence in this way would also downplay gender power relations, as most of the perpetrators of sexual violence against both women and men are men.

Assessing progress in international criminal law

International law has long been a frontrunner in the use of inclusive definitions and conceptualisations of conflict-related sexual violence. The different ad hoc international criminal tribunals (particularly for Former Yugoslavia, Rwanda and Sierra Leone) and the permanent International Criminal Court are considered pioneers in defining and reconceptualising acts of sexual violence³⁶ and have produced a wealth of jurisprudence,³⁷ including on sexual violence against men.³⁸ Perhaps this can be explained by the fact that international prosecutors and judges cannot deny the existence of male victims of sexual and/or gender-based crimes when the facts are presented in their courtrooms. International criminal law is lauded for its gender-inclusive definitions of sexual violence, which are recognised in the UN Workshop report as best practice. To illustrate, the permanent International Criminal Court's (ICC) 1998 Rome Statute stipulates that "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence" can constitute a crime against humanity and a war crime, and may amount to genocide.³⁹ The Court's 2010 Elements of Crime document⁴⁰ defines rape and sexual violence in a way that covers both men and women, specifically to include male victims of rape.^{41,42} A historical turning point was the recognition of rape as a war crime

before the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the 1990s.²

Nevertheless, whilst international criminal tribunals have indeed considered instances of sexual violence against men,⁴² these were not always explicitly qualified as crimes of sexual violence. Sexual violence against men is often treated more as general bodily harm, prosecuted as 'torture' or beatings,⁴³ notably in a number of cases before the International Criminal Tribunal for the Former Yugoslavia.⁴⁴ Second, in some cases there seems to be a bias towards prosecution of female victims' cases, even when the facts show that sexual violence occurred against women, men, boys and girls. This happened in the 2009 *Sesay et al.* case before the Special Court for Sierra Leone, where the Trial Chamber's record included enforced rape and sexual mutilations of male and female victims – and even acknowledged that the definition of rape "is broad enough to be gender neutral" and that "both men and women can be victims of rape" – yet the prosecution only pleaded sexual violence to women and girls in the indictment and no convictions could be entered in terms of male sexual violence.⁴⁵ Similarly, in the *Lubanga* case at the ICC, a boy soldier testified that he had been forced to rape. This testimony was not used as evidence to prosecute a charge, but rather that his willingness to admit to committing a 'crime' was a sign of his credibility.⁴⁶ Moreover, whilst reports of sexual violence against male child soldiers were widespread in this case, there were no prosecutions, a decision that was criticised widely.⁴⁷ That sexual violence against women and men continues to be treated differently is demonstrated by the recent *Kenyatta* case at the ICC, where forced circumcision of men and penile amputation, though prosecuted by the prosecutor's office as 'other forms of sexual violence' as a part of the crime against humanity charge, were not considered forms of sexual violence by the Pre-Trial Chamber in the confirmation of the charges. The Pre-Trial Chamber stated they were not of a "sexual nature" and should be prosecuted as 'other inhumane acts'.⁴⁸ Given the lack of prosecution of sexual violence in general, one could say that men experience a double victimisation; where they are not only discriminated as *victims of sexual violence* (who in general suffer from lack of prosecutions), but also as *male* victims of sexual violence (due to the challenges listed above).

Although the definitions used in criminal law are gender-neutral, the identified challenges are

arguably the result of implicit gender stereotypes about (1) *who* can be a victim of sexual and gender based violence, (2) *what* criminal acts constitute sexual violence, as well as (3) the reluctance of the victims to come forward. Thus, whether sexual violence will be recognised as such largely depends on the prosecutor and in some cases the judges. Whilst international criminal law is possibly more advanced than international policy when it comes to the recognition of male victims, these accounts demonstrate that gender-inclusive definitions are not enough. For meaningful change, and a truly gender-inclusive *approach*, more needs to be done, particularly to overcome continued gender stereotyping and implicit biases surrounding sexual violence.

A 2014 policy paper from the Office of the Prosecutor of the ICC on sexual and gender-based crimes, signals important steps in trying to overcome some of these challenges in understandings of violence. The document treats sexual and gender-based crimes comprehensively, consistently referring to “victims” in gender-neutral terms. It states that GBV refers to “crimes committed against persons, whether male or female, because of their sex and/or socially constructed gender roles”, and that this is not always manifested as a form of sexual violence, and may include non-sexual attacks on women, girls, men and boys because of their gender.⁴⁹ It broadens the definition to include also acts such as enforced nudity. The document clarifies that the ICC “acknowledges the social construction of gender, and the accompanying roles, behaviours, activities, and attributes assigned to women and men, and to girls and boys”.⁴⁹ Most promising, the document signals a commitment from the Prosecutor’s office to centralise the experiences of the victims, and understand and document the crimes that occurred in a comprehensive manner, recognising that victims may face additional risks of discrimination, social stigma and exclusion.

The very recent *Bemba* judgment signals that this gender-inclusive approach is starting to appear, as former Congolese vice-president Jean-Pierre Bemba was convicted on 21 March 2016 of murder, rape and pillage for acts by his militia in the Central African Republic in 2002–03. This was the first-ever ICC case to explicitly charge and convict sex crimes in conflict.⁵⁰ In their judgment, the judges referred to a series of rapes by Bemba’s militia, stating that women, girls and men were targeted, and citing a particular incident where a man was raped after he protested the rape of his wife.⁵¹ A further ongoing ICC case addressing male

victims is *Ntaganda*, where the charges include prisoners being forced to rape, as well as civilians who were anally raped by soldiers.⁵²

International criminal law can therefore provide useful guidance to the international policy community. International criminal law takes a victim-centred approach, demonstrating that true representation of male victims in policy guidelines on gender-based violence, including reference to various forms of sexual violence targeting male victims, can lead to change.

Conclusion

While women and girls remain disproportionately affected by conflict-related sexual violence, data indicate that men and boys are also victims of sexual crimes. While male sexual victims have been relatively invisible in the discourse on conflict-related sexual violence, significant efforts have been made to provide more inclusive conceptualisations in both policy and law. Our analysis of a selection of key international policy documents and training manuals as well as recent cases in international criminal courts has shown that despite notable progress, more needs to be done.

Efforts to include men and boys in high-level policy instruments and other initiatives are laudable, but they are very much first steps. The recommendations of the 2013 UN Workshop on Sexual Violence against Men and Boys, in particular with regard to the further mainstreaming of male-inclusive understandings of sexual violence in conflict, remain valid. Only one in four of the documents where revision was recommended were actually revised. Policy documents and guidelines should not only acknowledge that male victims exist, but also discuss them in depth, including the types of sexual violence they may be victims of, the impact of their victimisation and follow-up. This should of course not come at a cost to the focus on female victims, nor should it lead to a watering down of gender-inclusive to a gender-neutral language. Neither should sexual violence against men seen as in opposition to sexual violence against women.

International law has pioneered gender-inclusive definitions of sexual violence, and is considered best practice, although implicit bias and flawed understandings of male victimisation still appear to dominate their practical application. More work is needed to ensure that prosecutors and judges maintain an open perspective on who can be a victim of sexual

violence, and what constitute sexual crimes. The reconceptualisation of sexual and gender-based violence and further sensitisation towards male victims in the 2014 policy paper of the ICC Office of the Prosecutor are promising.

While the developments towards a gender-inclusive language should be welcomed, the remaining challenges should be identified. International policy-makers can also learn from international criminal law, which demonstrates that whilst gender-inclusive definitions are a first step, a truly gender-inclusive approach will require further measures.

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Poster for a film made by the Ugandan support group 'Men of Hope' that aims to break the silence around Sexual Violence against Men in Conflict.

References

- Harrington C. Politicization of sexual violence: From abolitionism to peacekeeping. Farnham: Ashgate Publishing, 2010. <http://pas.sagepub.com/content/37/1/75.short>.
- Shepherd L. Gender, Violence & Security. London: Zed Books, 2008.
- Stemple L. Male rape and human rights. Hastings Law Journal, 2008;60:605–647. http://scienceblogs.de/geografritico/wp-content/blogs.dir/70/files/2012/07/i-e76e350f9e3d50b6ce07403e0a3d35fe-Stemple_60-HLJ-605.pdf.
- Geneva Centre for Democratic Control of Armed Forces, Bastick et al. <http://www.dcaf.ch/Publications/Sexual-Violence-in-Armed-Conflict>. 2007.
- Féron É. Suffering in Silence? The Silencing of Sexual Violence Against Men in War Torn Countries. In: World Suffering and Quality of Life. Amsterdam: Springer, 2015. p.31–44.
- Johnson K, et al. Association of sexual violence and human rights violations with physical and mental health in territories of the Eastern Democratic Republic of the Congo. Jama, 2010;304(5):553–562.
- Wirtz A, Pham K, Glass N, Dolan C, Ongwech O, Rubenstein L, Vu A. Sexual violence, HIV risk and prevention among male refugees in Ugandan settlements. In: Poster presented at the 20th International Aids Conference, Melbourne Australia <http://pag.aids2014.org/Abstracts.aspx?AID=4431>.
- Nagai M, et al. Violence against refugees, non-refugees and host populations in southern Sudan and northern Uganda. Global Public Health, 2008;3(3):249–270.
- UN Security Council, UN Commission of Experts, S/1994/674. http://www.icty.org/x/file/About/OTP/un_commission_of_experts_report1994_en.pdf. 27 May 1994.

10. Donnelly D, S. K. "Honey, We Don't Do Men". Gender Stereotypes and the Provision of Services to Sexually Assaulted Males. *Journal of Interpersonal Violence*, 1996; 11(3):441–448. <http://jiv.sagepub.com/content/11/3/441.short>.
11. Solangon S, Patel P. Sexual violence against men in countries affected by armed conflict. *Conflict, Security & Development*, 2012;12(4):417–442. <http://dx.doi.org/10.1080/14678802.2012.724794#.Vj9eY3ubNPM>.
12. Chapleau K, Oswald D, Russell B. Male rape myths: The role of gender, violence, and sexism. *Journal of Interpersonal Violence*, 2008. <http://jiv.sagepub.com/content/early/2008/02/07/0886260507313529.short>.
13. Loncar M, Henigsberg N, Hrabac P. Mental Health Consequences in Men Exposed to Sexual Abuse During the War in Croatia and Bosnia. *Journal of Interpersonal Violence*, 2009;24:191–203. <http://jiv.sagepub.com/content/25/2/191>.
14. Weishut D. Sexual torture of Palestinian men by Israeli authorities. *Reproductive Health Matters*, 2015;23(46):71–84.
15. Oosterhoff P, Zwanikken P, Ketting E. Sexual torture of men in Croatia and other conflict situations: an open secret. *Reproductive Health Matters*, 2004;12(23):68–77. <http://www.rhm-elsevier.com/article/S0968-8080%2804%2923115-9/abstract>.
16. Monk-Turner E, Light D. Male sexual assault and rape: who seeks counseling? *Sexual abuse: a journal of research and treatment*, 2010;22(3):255–265.
17. United Nations, Security Council. <http://www.un.org/sexualviolenceinconflict/key-documents/reports/>. 14 March 2013.
18. United Nations Peacekeeping. Women, Peace and Security. <http://www.un.org/en/peacekeeping/issues/women/wps.shtml>.
19. UN News Centre. UN forum highlights plights of male victims of sexual violence in conflict. <http://www.un.org/apps/news/story.asp?NewsID=45532#.VjDbMqKGsbs>. 30 July 2013.
20. UN Office of the Special Representative of the Secretary General on Sexual Violence in Conflict. In: Report workshop Sexual Violence against Men and Boys in Conflict Situations <http://www.slideshare.net/osrsgsvc>.
21. UNHCR. In: Working with Men and Boy Survivors of Sexual and Gender-based Violence in Forced Displacement. <http://www.refworld.org/docid/5006aa262.html>.
22. Inter-Agency Standing Committee. Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Actions. <http://www.interaction.org/document/iasc-gbv-guidelines>. 2015.
23. UNFPA. Managing Gender-based Violence Programmes in Emergencies. E-learning companion guide. <http://www.unfpa.org/publications/managing-gender-based-violence-programmes-emergencies>. 2012.
24. Global Protection Cluster. GBV AoR Handbook for Coordinating Gender-based Violence Interventions in Humanitarian Settings. <http://cpwv.net/resources/gbv-aor-handbook-for-coordinating-gender-based-violence-interventions-in-humanitarian-settings-2/>. 2013.
25. Dolan C. Letting go of the gender binary: Charting new pathways for humanitarian interventions on gender-based violence. *International Review of the Red Cross*, 2014;96: 485–501. <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=9912110&fileId=S1816383115000120>.
26. United Nations Stop Rape Now UN ACTION website. <http://www.stoprapenow.org/>.
27. UN Security Council. Conflict related sexual violence. In: Report of the Secretary General http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_203.pdf.
28. Grey R, Shepherd L. "Stop Rape Now?" Masculinity, Responsibility, and Conflict-related Sexual Violence. *Men and Masculinities*, 2013;16(1):115–135. <http://jmm.sagepub.com/content/16/1/115.abstract>.
29. National strategy to combat sexual violence Cote d'Ivoire. http://stoprapenow.org/uploads/docs/CDI_-_Exec_Summary_English.pdf. 2009.
30. Comprehensive strategy on combatting sexual violence in DRC. <http://stoprapenow.org/uploads/features/CSonDRCforweb.pdf>. 2009.
31. For an example of this argument being used see: Goetz A. In: Stopping sexual violence in conflict: gender politics in foreign policy. OpenDemocracy, 2014 <https://www.opendemocracy.net/5050/anne-marie-goetz/stopping-sexual-violence-in-conflict-gender-politics-in-foreign-policy>.
32. Peterman A, Cohen D, et al. Rape reporting during war. In: Why the numbers don't mean what you think they do. Foreign Affairs, August 2011. <https://www.foreignaffairs.com/articles/2011-08-01/rape-reporting-during-war?page=show>.
33. Kirby P. Ending sexual violence in conflict: the Preventing Sexual Violence Initiative and its critics. *International Affairs*, 2015;91(3):457–472. <http://onlinelibrary.wiley.com/doi/10.1111/1468-2346.12283/abstract>.
34. Lewis C. Systemic Silencing: Addressing Sexual Violence against Men and Boys in Armed Conflict and its Aftermath. In: Rethinking Peacekeeping, Gender Equality and Collective Security. 203. <http://www.palgraveconnect.com/pc/doi/finder/view/10.1057/9781137400215.0021>.
35. Cohen C. Male Rape is a Feminist Issue. Palgrave Macmillan UK, 2014.
36. Vojdik V. Sexual Violence Against Men and Women in War: A Masculinities Approach. *Nevada Law Journal (Research Paper No 217)*. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2271222

37. Oosterveld V. The Gender Jurisprudence of the Special Court for Sierra Leone: Progress in the Revolutionary United Front Judgments. *Cornell International Law Journal*, 2011;44(1):49–74. <http://www.lawschool.cornell.edu/research/ILJ/upload/Oosterveld-final.pdf>.
38. This includes the following case: ICTY, Tadic (IT-94-1). <http://www.icty.org/case/tadic/4>.
ICTY. Du (Ko Tadi) (IT-94-1-A). <http://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf>.
ICTY. Celebici (IT-96-21). <http://www.icty.org/case/mucid/4>.
ICTY. Todorovic (IT-95-9/1). <http://www.icty.org/case/todorovic/4>.
ICTY. Stakic (IT-97-24). <http://www.icty.org/case/stakic/4>.
ICTY. Cestic (IT-95-10/1). <http://www.icty.org/case/cesic/4>.
ICTR. Niyitegeka (ICTR-96-14-T). https://www1.umn.edu/humanrts/instree/ICTR/NIYITEGEKA_ICTR-96-14/NIYITEGEKA_ICTR-96-14-T.html.
SCSL. RUF Trial. <http://www.rscsl.org/RUF.html>.
ICC. Bemba (ICC-01/05-01/08). https://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200105/related%20cases/icc%200105%200108/Pages/case%20the%20prosecutor%20v%20jean-pierre%20bemba%20gombo.aspx.
ICC. Mbarushimana (ICC-01/04-01/10). https://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200104/related%20cases/icc01040110/Pages/icc01040110.aspx.
39. Rome Statute of the International Criminal Court (last amended 2010). Article 7(1)(g), Article 8(2)(b)(xii), Article 8(2)(e)(vi). <http://www.refworld.org/docid/3ae6b3a84.html>. 17 July 1998.
40. International Criminal Court. Elements of Crimes. <http://refworld.org/docid/4ff5dd7d2.html>. 2011.
41. Oosterveld V. The Gender Jurisprudence of the Special Court for Sierra Leone: Progress in the Revolutionary United Front Judgments. *Cornell International Law Journal*, 2011;44(1):49–74. <http://www.lawschool.cornell.edu/research/ILJ/upload/Oosterveld-final.pdf>.
42. Sivakumaran S. Lost In Translation: UN Responses to Sexual Violence Against Men and Boys in Situations of Armed Conflict. In: *International Review of the Red Cross*, vol. 92. ICTY, 2010. p.259–276 <https://www.icrc.org/eng/assets/files/other/irrc-877-sivakumaran.pdf>, citing Prosecutor v Todorovic, Judgment, IT-95-9/1, 31 July 2007, ICTY, Prosecutor v Stakic, Judgment, IT-97-24-A, 22 March 2006, ICTY, Prosecutor v Cestic, Judgment, IT-95-10/1-S, 11 March 2003.
43. Sivakumaran S. Lost In Translation: UN Responses to Sexual Violence Against Men and Boys in Situations of Armed Conflict. *International Review of the Red Cross*, 2010;92:259–276. <https://www.icrc.org/eng/assets/files/other/irrc-877-sivakumaran.pdf>.
44. Oosterveld V. Sexual Violence Directed Against Men and Boys in Armed Conflict or Mass Atrocity: Addressing a Gendered Harm in International Criminal Tribunals. *Journal of International Law and International Relations*, 2014;10:107–128. <http://heinonline.org/HOL/LandingPage?handle=hein.journals/jilwirl10&div=10&id=&page>, citing Prosecutor v Simic, Judgment, IT-95-9-T, 17 October 2003, para. 278.
45. Sivakumaran S. Lost In Translation: UN Responses to Sexual Violence Against Men and Boys in Situations of Armed Conflict. *International Review of the Red Cross*, 2010;92:259–276. <https://www.icrc.org/eng/assets/files/other/irrc-877-sivakumaran.pdf>, citing SCSL, Prosecutor v Sesay et al, Judgment, SCSL-04-15-T, 2 March 2009, paras 146, 1205, 1207, 1208, 1303, 1308.
46. Shepherd L. Gender matters in global politics: a feminist introduction to international relations. New York: Routledge, 2015. http://samples.sainsburysebooks.co.uk/9781134752522_sample_645870.pdf, which cites ICC, Prosecutor v Thomas Lubanga Dyilo, Prosecution's Closing Brief, 1 June 2011, paragraph 479. <https://www.icc-cpi.int/iccdocs/doc/doc1123809.pdf>.
47. ICC Women. ICC Judges uphold conviction of Lubanga. <http://www.iccwomen.org/documents/First-conviction-and-sentence-upheld-on-appeal-at-the-ICC-REVISED-April-2015.pdf>. 1 December 2014.
48. Oosterveld V. Sexual Violence Directed Against Men and Boys in Armed Conflict or Mass Atrocity: Addressing a Gendered Harm in International Criminal Tribunals. *Journal of International Law and International Relations*, 2014;10:107–128. <http://heinonline.org/HOL/LandingPage?handle=hein.journals/jilwirl10&div=10&id=&page>.
ICC. Prosecutor v Francis Kirimi Muthuara, Uhuru Muigai Kenyatta and Mohammed Hussein Ali, Decision on the Confirmation of the Charges. 23 January 2012 paragraphs 260, 262, 266. <https://www.icc-cpi.int/iccdocs/doc/doc1314543.pdf>.
49. ICC. the Office of the Prosecutor. Policy Paper on Sexual and Gender-Based Crimes. <https://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes-June-2014.pdf>. 2014.
50. de Vos D. Historic Day for the ICC. <https://me.eui.eu/dieneke-de-vos/blog/historic-day-for-the-icc-first-command-responsibility-and-sexual-violence-conviction/>. 20 March 2016.
51. Yahoo News. ICC passes judgment ex-Congolese Vice-President Bemba. <https://www.yahoo.com/news/icc-pass-judgment-ex-congolese-vice-president-bemba-104651936.html?ref=gs>.
This link was included as the final judgment has not been uploaded yet at the time of writing. The judgment will become available on the ICC website: https://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200105/related%20cases/

[icc%200105%200108/Pages/case%20the%20prosecutor%20v%20jean-pierre%20bemba%20gombo.aspx](http://www.icc-cpi.int/iccdocs/doc/doc1783301.pdf).

52. ICC. The Prosecutor v Bosco Ntaganda, Decision on the Charges. 9 June 2014. paragraphs 49-52. <http://www.icc-cpi.int/iccdocs/doc/doc1783301.pdf>.

Résumé

Les chercheurs sont de plus en plus nombreux à admettre que les hommes et les garçons sont fréquemment victimes de violence sexuelle dans des conflits, aux côtés des femmes et des filles, qui restent le groupe le plus fortement touché. Cette prise de conscience a débouché sur d'importants efforts pour inclure les hommes et les garçons dans les conceptualisations de la violence sexuelle liée aux conflits dans les politiques ainsi que dans le droit pénal international. Cet article analyse les changements qui se sont récemment produits dans ces deux domaines. Nous avançons que si une évolution majeure vers l'inclusion des victimes masculines dans les politiques internationales sur la violence sexuelle en temps de guerre a eu lieu en 2013-2014, cette nouveauté doit encore être consolidée dans les principaux principes directeurs et guides politiques. Si la victimisation potentielle des hommes et des garçons est souvent reconnue, la plupart des documents politiques n'abordent pas cette question en profondeur. D'autre part, le droit pénal international a innové avec des définitions neutres et inclusives. Néanmoins, l'interprétation et l'application de l'approche intégrant les deux sexes sont souvent laissées à la discrétion des juges et de l'accusation qui ne tiennent pas toujours pleinement compte de l'expérience des hommes. Cela révèle l'influence persistante des stéréotypes sexuels et des mythes culturels profondément ancrés. Il est donc conseillé de redoubler d'efforts pour intégrer pleinement les victimes masculines dans les conceptualisations de la violence sexuelle liée aux conflits dans les politiques et le droit.

Resumen

Cada vez más los investigadores reconocen que los hombres y niños son víctimas frecuentes de violencia sexual en conflictos, junto a mujeres y niñas, que continúan siendo el grupo afectado de manera desproporcionada. Esta creciente conciencia ha contribuido a esfuerzos significativos para incluir a hombres y niños en conceptualizaciones de violencia sexual relacionada con conflictos en las políticas y en el derecho penal internacional. Este artículo analiza los cambios que han ocurrido en estos dos campos en los últimos años. Argumentamos que aunque en 2013-2014 hubo un cambio importante para incluir a víctimas de sexo masculino en las políticas internacionales sobre violencia sexual en tiempos de guerra, este suceso aún no ha sido consolidado en directrices y manuales de políticas salientes. Aunque la posible victimación de hombres y niños es reconocida con frecuencia, la mayoría de los documentos de políticas no tratan a fondo el tema de victimación de hombres. Por otro lado, el derecho penal internacional ha liderado definiciones inclusivas y neutrales con relación al género. Sin embargo, la interpretación y aplicación del enfoque inclusivo de género a menudo se deja a la discreción de jueces y la fiscalía, quienes a veces no toman en cuenta la experiencia de los hombres, lo cual es indicio de la continua influencia de estereotipos de género y mitos culturales muy arraigados. Por lo tanto, se aconseja emprender un esfuerzo renovado por integrar en las políticas y leyes a las víctimas de sexo masculino en las conceptualizaciones de la violencia sexual relacionada con conflictos.