



CENTRE FOR AFRICAN JUSTICE

SEXUAL VIOLENCE
AGAINST THE MALE GENDER

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09-09-2020

The referring State requests the Prosecutor to initiate an investigation into crimes against humanity allegedly committed on the territory of Bolivia.

THE TRUST FUND FOR VICTIMS: US SANCTIONS COULD DEPRIVE VICTIMS OF REPARATIVE JUSTICE

09-09-2020

Reparative justice for victims of the most serious crimes is dependent on the ability of the ICC to hold perpetrators of these crimes accountable.

UN INTERNATIONAL RESIDUAL TRIBUNAL MECHANISM FOR CRIMINAL TRIBUNALS: STANIŠIĆ AND SIMATOVIĆ RETRIAL RESUMED

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Stanišić and Simatović retrial resumed on Tuesday, 8 September 2020 at 09:30 in Courtroom I of the #IRMCT Hague branch with continuation of the Defence Case.

AL HASSAN CASE: TRIAL RESUMED

THE PROSECUTOR V. AL HASSAN AG ABDOUL AZIZ AG MOHAMED AG MAHMOUDICC

01/12-01/18

08-09-2020

The presentation of the evidence of the prosecution is ongoing. Al Hassan is suspected of crimes against humanity allegedly committed in Timbuktu, Mali.

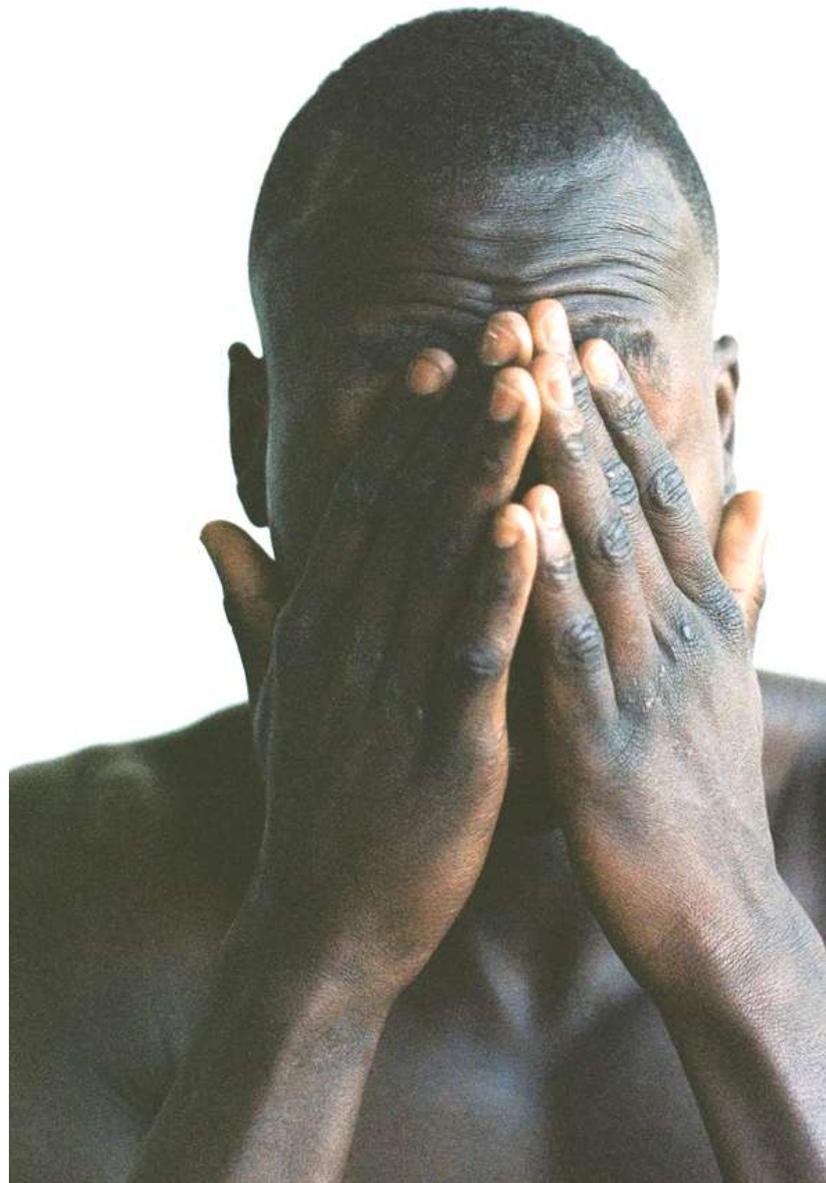
*90% of men in
conflict-affected
countries are in
situations where
the law still
provides no legal
protection for
sexual violence
victims.*

Male Victims Swept Under the Carpet

By Sofia Sideridou LLM

Talking about war and conflict-related situations one can automatically think of physical violence, beatings, murders, unlawful killings, and numerous other heinous crimes. For many years, courts and judges chose to focus on these forms of the most serious crimes prosecuted under the jurisdiction of International Criminal Court and International Criminal/Hybrid Tribunals. However, the much-anticipated evolution came, and academics and legal researchers shed light to another dark, inhumane, and degrading side of the story to wit sexual violence.

Sexual and gender-based violence (SGBV) is now a widespread weapon of war and ICC has fortunately taken the lead to address this thorny issue. During war and armed conflicts, perpetrators widely engage in acts of extreme sexual violence and torture. This is not always a simple unavoidable by-product for the sexual satisfaction of soldiers. Many times, sexual violence is 'utilised' as a heavy weapon of war and oppression.[1]

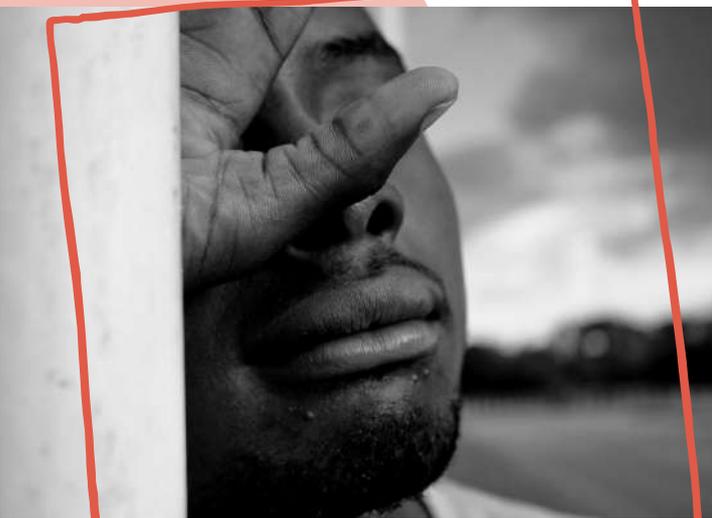


[1] Inger Skjelsbæk, 'The Elephant in the Room: An Overview of How Sexual Violence came to be Seen as a Weapon of War' (2010) Report to the Norwegian Ministry of Foreign Affairs.

Hence, ICC answered to this reality and made an initial effort towards fighting impunity. The **Rome Statute** became the first international treaty to establish conflict-related SGBV as crimes against humanity, war crimes and, in some instances, genocide.[2] Several forms of sexual violence are now explicitly articulated in the Rome Statute, synthesizing some ground-breaking provisions and capturing the whole spectrum of atrocities taking place under war and conflict-related circumstances. [3] The ICC Office of The Prosecutor (OTP) with the 2014 Policy Paper on Sexual and Gender-Based Crimes put the investigation and prosecution of sexual violence on top of the ICC agenda, considering that a few relevant cases in that respect had already slipped of justice (Lubanga and Katanga cases).[4]

GENDER BASED SEXUAL VIOLENCE

Albeit a remarkable step forward, a great misconception was maintained, leading to the marginalisation of male victims and the downplay of their victimisation.



From the very beginning of the conceptualization of SGBV, a narrowing approach was adopted by many, curtailing the understanding of how 'gender' must be interpreted in conflict-related sexual violence.[5]

Usually, Gender-based Violence (GBV) is “an umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e. gender) differences between males and females” [6]

GBV is a neutral, symmetric term, stripped of assigning specific roles to specific persons, and encompasses any form of violence which is addressed to a person due to their gender role.

Although this should have been the case, there is a prejudice about how SGBV is perceived. 'Gender', 'women' and 'victim' have been interchangeably used in literature and international policy papers, creating a completely false equation in people's mind, while due to this misconception, an entire category of victims, to wit men, had gone unnoticed under the framework of SGBV.[7]

[2] Coalition for the International Criminal Court, 'Sexual and Gender based Crimes'.

[3] Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90 (Rome Statute), art 7(1) (g).

[4] Valerie Oosterveld, 'The ICC policy paper on sexual and gender-based crimes: a crucial step for international criminal law' (2017) 24(3) Wm. & Mary J. Women & L., 443.

[5] Rosemary Grey and Laura J. Shepherd, 'Stop rape now? Masculinity, responsibility, and conflict-related sexual violence' (2013). 16(1) Men and Masculinities, 117-118

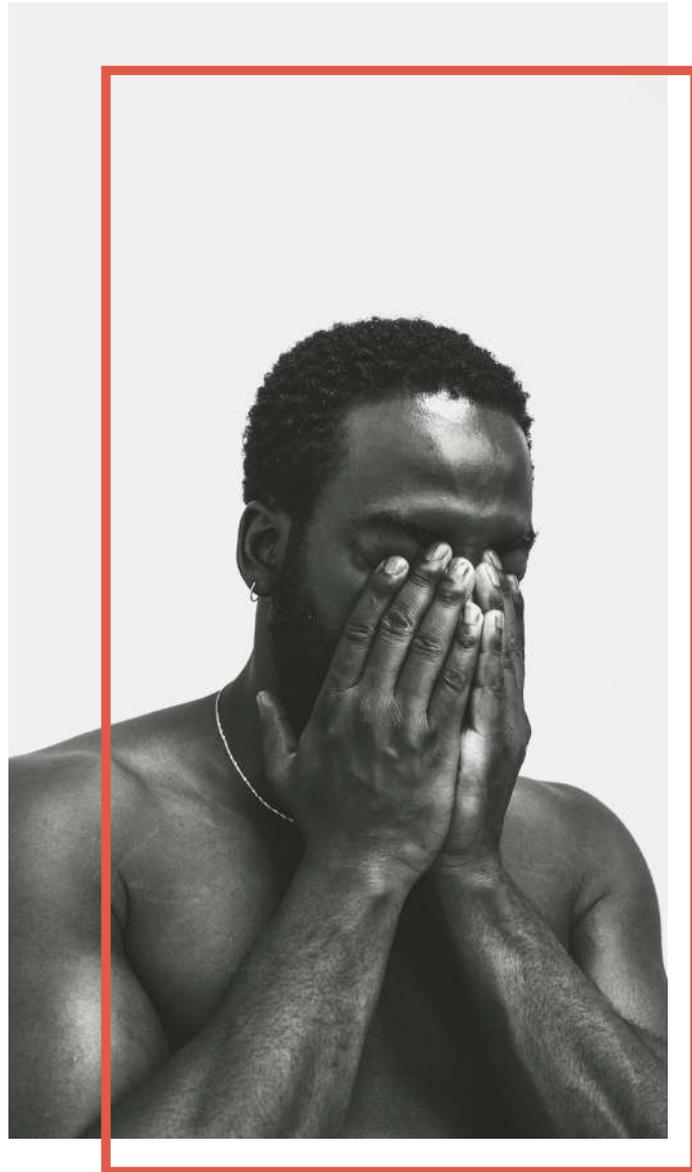
[6] UNCHR The UN Refugee Agency, 'Gender-based Violence'.

[7] Ellen Anna Philo Gorris, 'Invisible victims? Where are male victims of conflict-related sexual violence in international law and policy?' (2015) 22(4) European Journal of Women's Studies, 415.

SOCIETY'S PERCEPTION

This is not ungrounded and is well understood based on **human beings' nature**. Sooner or later, a rule was already set and even today, when the discussion comes to sexual violence, most people automatically portray **women as the weak**, helpless victims and **men as the strong**, brutal perpetrators. Such a pattern stems from the inherent bodily construction of the two sexes.[8] This is indeed a prominent and shockingly excessive side of the story. Women experience predominantly the unpleasantly rough reality of sexual violence, representing the vast majority of victims.[9] Hence, that became the triggering point for further **academic attention** to this pattern, mostly for activists and feminist scholars. They dedicated their academic career to centralise women in legal discourses, empower them, fight all forms of discrimination against them and erase any effort of exploitation of their intrinsic nature.[10]

Therefore, inadvertently the **literature** narrowed down its approach and turned sexual violence merely to “a women's issue”. However, by confining our view simply to the rule, we totally forget that the exceptions may turn out to be rather ordinary and harsh situations. Unfortunately, legal researchers and practitioners of all related fields failed to deal adequately and timely with the more invisible side, neglecting sexual violence as a practice or strategy of war against **men and boys**.^[11] An overview of the academic literature demonstrates that male victims are barely discussed and totally overlooked.^[12] The immense international female-focused mobilization through the ratification of Conventions, adoption of legal instruments and initiation of policies and campaigns^[13] has, at some points, minimised the existence of male victimisation. While the unequal, one-dimensional overwork focusing on female victims has extremely helped out women, it worked in the cost of male victims, blocking their courage to report, talk about it and eventually initiate criminal proceedings, which would end impunity.^[14]



MALE SEXUAL VICTIMISATION

Therefore, the rule and the extreme efforts of feminism ‘swallowed’ male sexual victimisation. By constantly portraying women as the ‘fair sex’, and subsequently equating ‘victims’ with ‘women’, it rapidly came without saying that any form of male sexual victimisation was considered more humiliating, degrading and hard to talk about it, stripping men of their masculinity.^[15]

[8] Coalition for the International Criminal Court, 'Sexual and Gender based Crimes'.

[9] Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90 (Rome Statute), art 7(1) (g).

[10] Valerie Oosterveld, 'The ICC policy paper on sexual and gender-based crimes: a crucial step for international criminal law' (2017) 24(3) Wm. & Mary J. Women & L, 443.

[11] Rosemary Grey and Laura J. Shepherd, 'Stop rape now? Masculinity, responsibility, and conflict-related sexual violence' (2013), 16(1) Men and Masculinities, 117-118

[12] UNCHR The UN Refugee Agency, 'Gender-based Violence' < https://www.unhcr.org/gbv-toolkit/_test/ > accessed 7 November 2020.

[13] See, for example: UN General Assembly, 'Declaration on the Elimination of Violence against Women' (1993); UN, 'Beijing Declaration and Platform for Action' (1995).

[14] Chris Dolan, 'Has Patriarchy been Stealing the Feminists' Clothes? Conflict-related Sexual Violence and UN Security Council Resolutions' (n 10) 83.

[15] Sandesh Sivakumaran, 'Sexual violence against men in armed conflict' (2007) 18(2) European J of Int'l L, 270-274..

ARMED CONFLICT CONTEXT

Armed-conflicts and wars define a settled background, with different rules than peace-related situations. During war, sex and sexuality of the victim take a back seat, given the ultimate goal of power and showing off.[16] War-related agents and commanders exploit the stereotypical ideas of weak women and strong men. In an effort to establish power, dominance and superiority, they target men, utilise them as mechanisms of showing power, trivialise their dignity and severely victimise them. Sexual violence against men during war is a deliberate policy and a strong tactical weapon to silence soldiers, humiliate them and violate multiple of their rights.[17] Most of the times it is not driven by sexual satisfaction, but it is a rather purposeful tactic of war - blending together marginalization, humiliation, and domination.

2013 signals the international momentum on sexual violence against men. The UNSC Resolution 2106 (UN 2013) changed the international landscape and signalled for the first time a crucial shift in terms of the interpretation of 'gender' in SGBV.[18] This Resolution, coupled with the G8 2013 Declaration on Preventing Sexual Violence in Conflict,[19] should be considered an advancement and a critical moment in history, permitting all victims' voices to be heard and equally respected.

Nonetheless, besides this ambitious initiative, we are still at an initial stage. Although several international documents and policies seem to neutrally address both sexes regarding sexual violence, this happens only ostensibly, since the rationale behind is still female-oriented. Given the longstanding practice of disguising male sexual violence and leaving these victims in the dark, a huge 'campaign' should start taking place in order to facilitate a comprehensive and gender-symmetric response to sexual violence victims. Academics and legal activists should get in the front line, make male victims noticed and visible, and overall, break all remaining misconceptions and stereotypical ideas of 'gender'.

CONCLUSION

Borrowing Sandesh Sivakumaran's words, any form of sexual violence against men and boys is not less 'gendered'! It is essential to step out the stubborn one-directional perception of disadvantaged women as the only victims of sexual violence and understand that certain situations, like war, create equally disadvantaged grounds for men. When we reach this point, we already have a key-step towards concrete and efficient survivor-centred responses.



[16] Chris Dolan, 'Has Patriarchy been Stealing the Feminists' Clothes? Conflict-related Sexual Violence and UN Security Council Resolutions' (n 10), 81.

[17] Chile Eboe-Osuji, International law and sexual violence in armed conflicts (2012, M. Nijhoff Publishers) 83-86.

[18] UN Security Council, 'Resolution 2106: Women Peace and Security' (2013) <

https://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomen_SRES2106%282013%29%28english%29.pdf> accessed 7 November 2020.

[19] UK Government, 'G8 Declaration on Preventing Sexual Violence in Conflict' (2013).

There is a general misconception that men are immune from **sexual violence**, owing to gender stereotypes of women as weak and therefore victims, while men are either the powerful protector or perpetrators of violence.



CASES OF SEXUAL VIOLENCE AGAINST MEN

IN AFRICAN COUNTRIES
AFFECTED BY ARMED
CONFLICT

32.6%

of former male
combatants
experienced sexual
violence in LIBERIA
(2008 survey of 1,666
households)

7.4%

of non-combatant males
experienced sexual
violence in LIBERIA
(2008 survey of 1,666
households)

23.6%

of men had reported
sexual violence in DRC
(2010 survey of 998
households)

6%

of sexual violence victims
seeking medical care in
DRC and SOUTH AFRICA
are men and boys
(Mèdecins Sans
Frontières)



REFUGEE LAW PROJECT

at Makerere University has
studied many cases where men
have been sexually targeted in
UGANDA

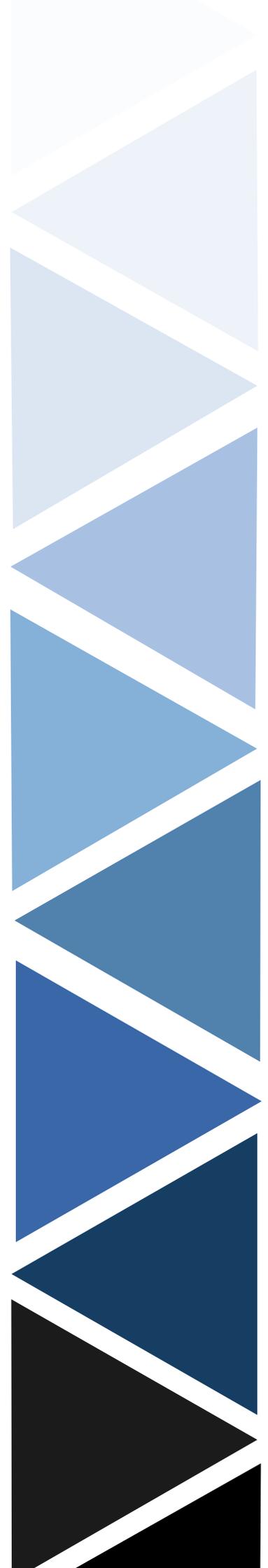
Understanding the Benefits of Group Psychotherapy for Male Survivors of Sexual Abuse

By Elena Koutsi

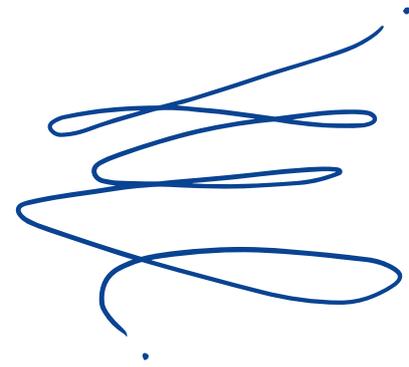
Sexual assault is a complex problem with medical, psychological, and legal aspects. It is commonly believed and estimated that women are the main targets of sexual violence, with large population-based surveys indicating a prevalence of 13 to 39% among women and only 3% among men. These data are most likely an underestimation, as male victims are more reluctant to disclose their traumatic experiences than females. Therefore, sexual abuse among men and boys is significantly under-reported.[1]

"Gender stereotypes are the main factor contributing to the silence of male survivors of sexual abuse and rape."

Men and boys, as they grow up, are culturally and socially, directly and indirectly pressured to live by the male ethic of self-reliance. The socially portrayed "ideal" man, in most cultures, is viewed as tough, powerful, independent, silent, and in constant control of his emotions. As a result, male victims often express a lack of identification with their gender, haunted by doubts concerning homosexuality and especially worried that the abuse will be made aware to the public.[2]

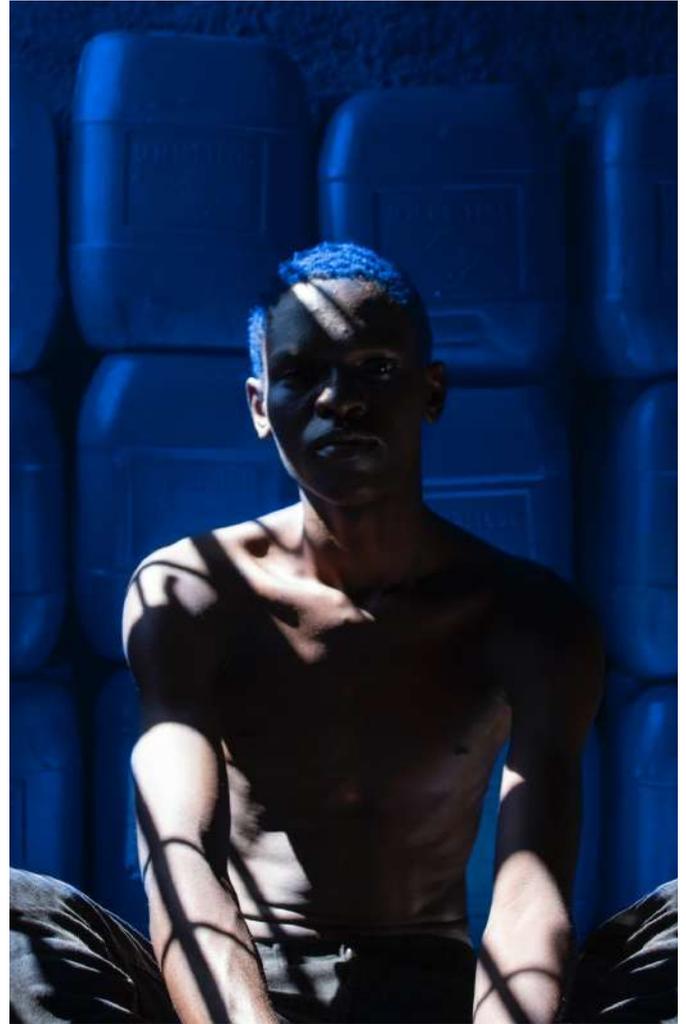


Because of the social taboos related to masculinity and sexual violence, many sexually abused males are not offered the chance to speak up about their experience, clarify the events as well as vent their feelings and inner struggles. Consequently, many victims' perception of sexual abuse is that of an experience unique to themselves and view themselves as social oddities or freaks.



MALE PSYCHOTHERAPY

Male psychotherapy is founded in the belief that the “male role” creates enormous constrictions for men, and the task of therapy is to provide the space where clients are able to identify themselves as “survivors” versus “victims”.[3] This short article aims to explore and promote the benefits of a group experience psychotherapy designed for male survivors of sexual abuse. The findings provided are based on clinical evidence of three group treatment models applied in practice by the Rape Intervention Program/Crime Victims Assessment Project at St. Luke's-Roosevelt Hospital in New York City (Paul J. Isely), the Minneapolis Veterans' Affairs Medical Center (VAMC), in the state of Minnesota, and the Portsmouth Abuse and Rape Counselling Service (PARCS).



EFFECTS OF GROUP TREATMENT BASED ON THREE CASE STUDIES WITH MALE SEXUAL ABUSE SURVIVORS

Group therapy is widely recognized as an effective treatment for women with histories of sexual assault and/or abuse.

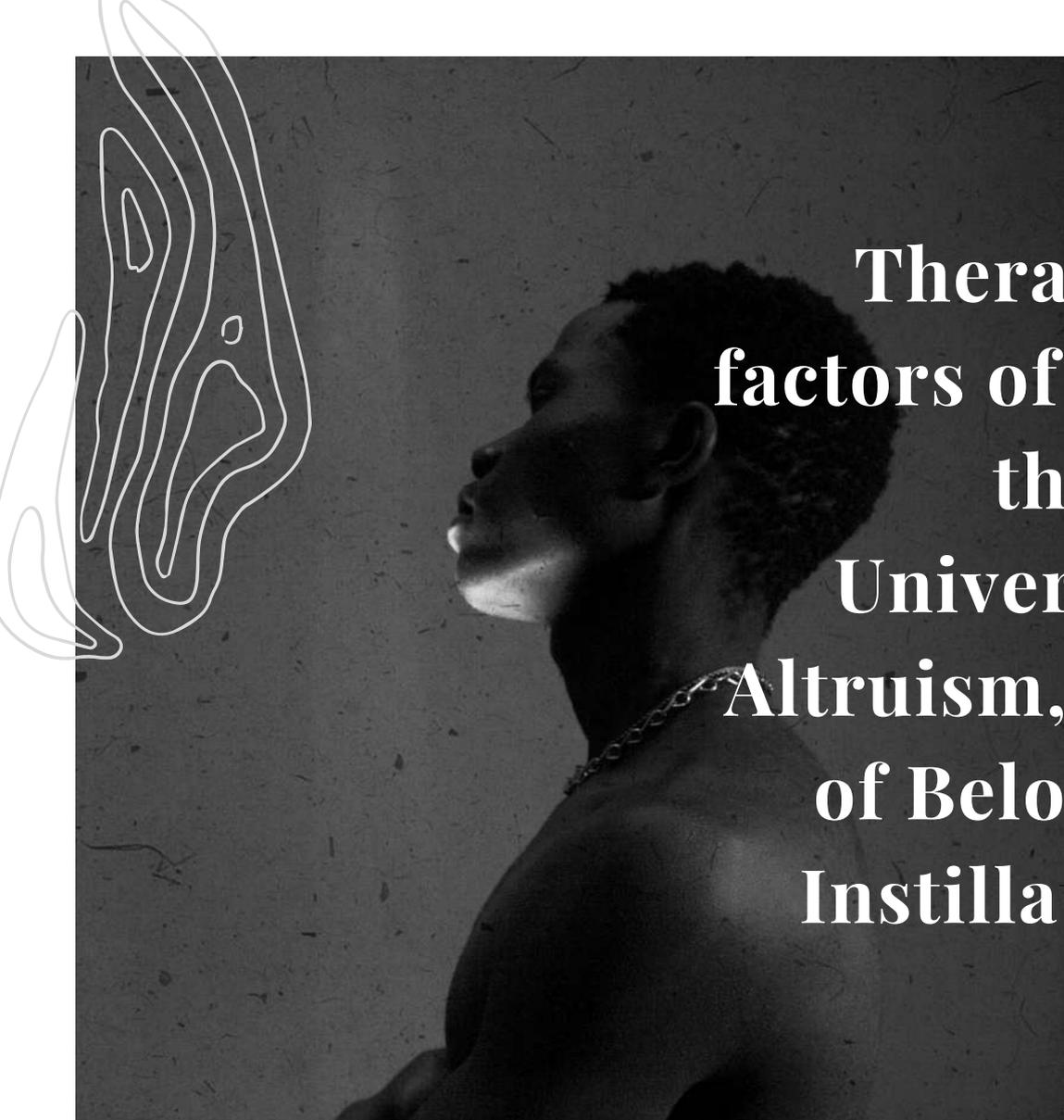
Research indicates that group treatment of abused women is effective in resolving shame, enhancing self-image, improving the fears of social judgement and reducing depression and distress. Even though, the literature offers little information in regards to the specific treatment approaches for male survivors of rape, it is suggested that since women and men experience similar responses to rape, similar strategies of assistance should be equally helpful.[4]

[1]Sarah Ben-David and Peter Silfen, 'Rape death and resurrection: Male reaction after disclosure of the secret of being a rape victim' (1993) *Medicine & Law*, 181.

[2]Joan M. Cook and Emy E. Ellis, 'The Other #MeToo: Male Sexual Abuse Survivors' (2020) 37(4) *Psychiatric Times*.

[3]Sarah Ben-David and Peter Silfen, 'Rape death and resurrection: Male reaction after disclosure of the secret of being a rape victim' (n 1).

[4]Jennie Leskela, Michael Dieperink and Cynthia J. Kok, 'Group Treatment with Sexually Assaulted Male Veterans: A Year in Review' (2001).



Therapeutic factors of group therapy: Universality, Altruism, Sense of Belonging, Instillation of hope.

1. UNIVERSALITY

"I feel understood"

Herman (1992) indicates that group therapy is uniquely effective for the treatment of sexual abuse and/or assault because the development of new relationships is an essential aspect of healing. Group therapy provides an opportunity for patients to learn from each other and gain insight on the universality of their traumas. Since individuals with a sexual trauma history often feel ashamed and isolated, group therapy has the potential to reduce such feelings by providing an experience of universality. When group members disclose similar experiences, the belief that each individual's trauma is unique is disconfirmed. As a result, patients are challenged to reassess their negative beliefs

about their self-worth, and thus, reduce their isolation and shame.[5]

2. ALTRUISM

"Watching your progress helps me"

Altruism is experienced by the group member when he has learned something new about himself by helping another male within the group. Group participation is essential because group members can offer support, reassurance, suggestions, insights and share similar problems with one another. All the men that participated in the group settings, reported that they were able to experience altruism through sharing their stories, providing helpful suggestions and risking emotional openness in order to empower another member to do the same.[6]

[5] Jennie Leskela, Michael Dieperink and Cynthia J. Kok, 'Group Treatment with Sexually Assaulted Male Veterans: A Year in Review' (2001).

[6] Paul J. Isely, 'A time-limited group therapy model for men sexually abused as children' (1992) 16(4) Eastern Group Psychotherapy Society.

3. SENSE OF BELONGING

"I am not alone"

Draucker and Petrovic (1996) suggest that an important part of the healing process for male victims is to develop a sense of belonging. The group setting provides an opportunity for a collective experience, with the possibility of developing positive, supportive and empathic relationships with other men.[7] A patient, who participated in the PARCS group therapy project, shared her thoughts on how group treatment helped with the feelings of loneliness: "The main thing was the support that you feel because there are people there who had experienced the same thing. It's nice to know that you are not alone. A lot of people in the group said that they felt that they were the only person, that they were an outcast from society, and that it was their fault in some way and felt bad about themselves. It was nice to know that you were not the only person that felt that way." [8] Being in a group reduces the sense of alienation, and introduces the sense of belonging which is both new and powerful for the male survivors.

4. INSTILLATION OF HOPE

"For the first time, I don't think about finding those guys that attacked me."

"Maybe it isn't my fault."

The feeling of optimism is crucial for the recovery of the sexual abuse survivor. Through group treatment members reported that they became optimistic by observing how others have improved or by sensing that the group can help each other face their traumas and accomplish their goals. According to reports from the VAMC, "as the group members became increasingly aware of positive changes that were occurring in their lives, they discussed their strengths more frequently and, for the first time, they dared to hope for recovery." [9]



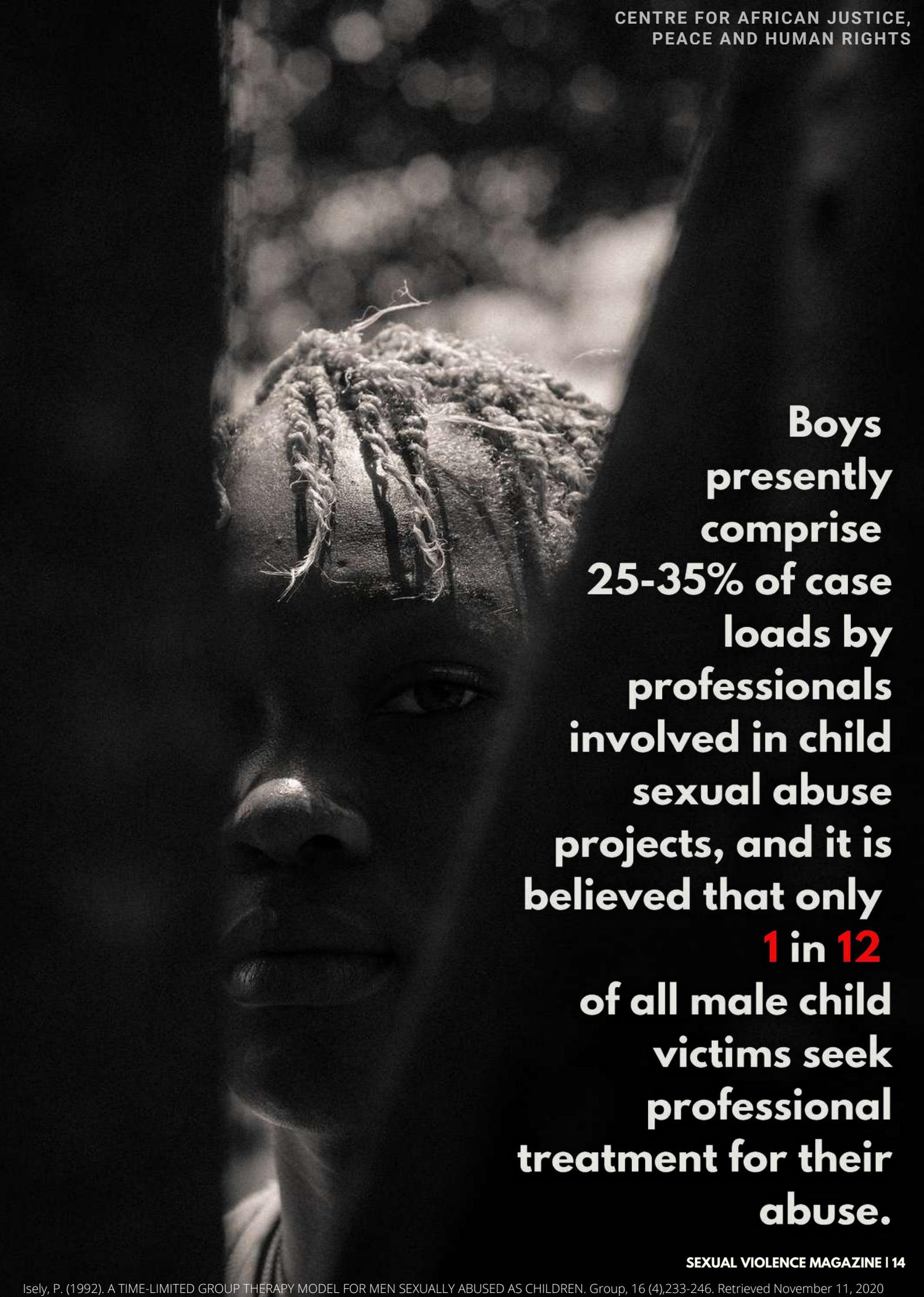
CONCLUSION

It is evident that literature lacks valuable information and data in the matter of male sexual abuse; its frequency and impact on male victims. It is believed that only 1 in 12 of all male victims seek professional help or report their abuse to the authorities, due to societal taboos around masculinity. It is crucial to end this on-going cycle of silence and provide male victims with safe platforms and facilities, where they can come forward about their personal experiences without feelings of fear and/or shame. A group therapy treatment provides male survivors with a safe space built on trust, participation, understanding and active listening, all essential elements for the victims to open-up. In an all-male group therapy setting members feel free to be nurturing and caring with each other, share their truths about their experiences, face their traumas and feel finally connected to other males without losing their identities as "men".

[7] Jennie Leskela, Michael Dieperink and Cynthia J. Kok, 'Group Treatment with Sexually Assaulted Male Veterans: A Year in Review'.

[8] Nina Burrowes, 'The courage to be me. Evaluating group therapy with survivors of rape and sexual abuse' (2013).

[9] Jennie Leskela, Michael Dieperink and Cynthia J. Kok, 'Group Treatment with Sexually Assaulted Male Veterans: A Year in Review'.



**Boys
presently
comprise
25-35% of case
loads by
professionals
involved in child
sexual abuse
projects, and it is
believed that only
1 in 12
of all male child
victims seek
professional
treatment for their
abuse.**



THE US SANCTIONS ON THE ICC PROSECUTOR

A THREAT TO INTERNATIONAL PEACE AND JUSTICE



Written by Evelien Bruce

The International Criminal Court, hereinafter referred to as 'The ICC', is a permanent court with the primary aim to help put an end to the crime of genocide, crimes against humanity, war crimes, and the crime of aggression.[1] The ICC opened an investigation on the situation in the Islamic Republic of Afghanistan.[2] The Taliban, radical Islamists located in Afghanistan, protected Osama Bin Laden, whom the US held responsible for the attacks on 9/11.[3] The refusal to surrender Osama Bin Laden to the USA caused the US to respond with air strikes against Afghanistan, a month after the 9/11 attacks. Today, 18 years later, there is still a war going on due to the fierce resistance of the Taliban and the limitations of Afghan forces and governance. However, it seems like the US president Donald Trump did not completely agree with the ICC investigation on the US troops in Afghanistan. Therefore, the Trump administration decided to impose sanctions on the ICC prosecutor

Ms. Fatou Bensouda, and the head of the office of the prosecutor's jurisdiction, the complementarity and cooperation division, Mr. Mochochoko.[4] Nevertheless, the question remains: Was the act of President Donald Trump a threat to international peace and security, and its fight against injustice?

In July 1998, the UN General Assembly adopted the founding treaty of the ICC.[5] After the treaty was ratified by more than 60 countries, the founding treaty, which is the 'Rome Statute', entered into force on the 1st of July 2002. Article 13 of the Rome Statute gives the ICC the power to investigate, prosecute and try individuals that are accused of committing the crimes stated in article 5 of the Rome statute against the international community as a whole.[6] This is done with the aim of fighting injustice, and creating an international community of peace, justice and unity.

[1] International Criminal Court, 'What is the ICC and what does it do?.'

[2] International Criminal Court, 'Afghanistan: Situation in the Islamic Republic of Afghanistan'.

[3] BBC, 'Why is there a war in Afghanistan? The short, medium and long story' (2020).

[4] Human Rights Watch, 'US Sanctions International Criminal Court Prosecutor' (2020).

[5] International Criminal Court, 'Joining the International Criminal Court', 3.

[6] International Criminal Court, 'What is the ICC and what does it do?' (n 1).

[7] Chile Eboe-Osuji, 'The US and the ICC' (14 November 2019).

.During the creation of the ICC, the US was one of the countries that participated in the negotiations. [7] However, today, the US is neither a state party to the Rome Statute nor has it ratified the Statute.

Today, the US is neither a state party to the Rome Statute, nor has it ratified the Statute.



The ICC Investigation

The ICC recently opened an investigation on the ongoing situation in the Islamic Republic of Afghanistan. A previous request by the prosecutor to investigate the ongoing situation in Afghanistan was denied, as the Pre-Trial Chamber II found that it was not in the interest of justice. Nevertheless, the prosecutor appealed, and the Appeals Chamber overturned the decision of the Pre-Trial Chamber. Afghanistan has been a state party to the Rome Statute since the 10th of February 2003.[8] Therefore, the ICC may exercise its jurisdiction over the crimes that are stated in the Rome Statute and are committed on the territory of Afghanistan or by its nationals. The ICC opened this investigation, as crimes against humanity and war crimes have allegedly been committed in Afghanistan since the 1st of May 2003. In addition to these alleged crimes, the Appeals Chamber found that the ICC prosecutor is authorised to investigate other alleged crimes that have a connection to the armed conflict in Afghanistan after the 1st of July 2002.

The office of the Prosecutor, as a result of its study, has decided that there is a rational basis to believe that several categories of crimes within the jurisdiction of the court have occurred.

These categories are crimes against humanity and war crimes committed by the Taliban and their affiliated Haqqani Network, war crimes committed by the Afghan National Security Forces, and war crimes committed by members of the United States armed forces on the territory of Afghanistan, in the period of 2003-2004. With the absence of the relevant national proceedings against those that are responsible for the most serious crimes in this situation, the prosecutor, Ms. Bensouda, considers these cases admissible under article 53(1)(b).



During this fight against injustice, the Trump administration announced, on the 2nd of September 2020, that the United States had sanctioned the ICC prosecutor, Ms. Bensouda, and the head of the office of the prosecutor's jurisdiction, complementarity and cooperation division, Mr. Mochochoko.[9] The former US president, Trump, sent out an executive order earlier this year that allowed the freezing of assets and the travel ban of family to be imposed on certain ICC officials.[10] This was due to the fact that the ICC prosecutor listed the United States Military and the CIA as a case to be tried before the Court. Sanctions are designed for those that have allegedly violated the law, such as alleged terrorists and drug lords. Imposing these sanctions on the ICC prosecutor, who is seeking justice for these dangerous and alarming crimes, reveals the weak stand of the US to prosecute torture and inhumane acts.[11]

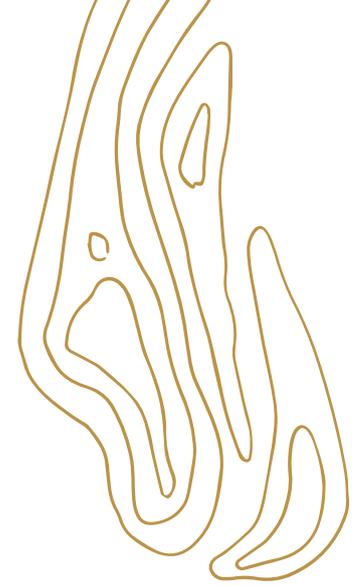
[8] International Criminal Court, 'The States Parties to the Rome Statute'.

[9] Reuters in Brussels, 'US sanctions on ICC prosecutor unacceptable, says EU' The Guardian (3 September 2020).

[10] Jennifer Hansler, 'Trump authorizes sanctions against international criminal court officials' CNN (14 June 2020).

[11] Human Rights Watch, 'ICC: Member Countries Rally Around Court' (23 June 2020)..

Besides obstructing the fight against injustice and ensuring accountability for the worst crimes, the US has managed to neglect the victims of these mass atrocities. Many countries showed their commitment to the ICC after the executive order of the former President Trump. A joint statement was released on the 23rd of June 2020, stating the continuous support to the ICC by many countries, including France and The United Kingdom, two of the five veto powers of the UN.[12] The joint statement reaffirmed the commitment of the state parties to the Rome Statute, stating that the countries continue to uphold and defend the principles and values preserved in the Rome Statute.



Conclusion

As the world's first permanent international criminal court, it is essential for the state parties to commit to the values of the court. The ICC fights against impunity and pursues justice globally, and in order to have lasting peace, there must be justice.[13] Having international justice and accountability contributes to the creation of international peace. Imposing sanctions on the ICC officials who are seeking for international justice is an interference in the journey to achieve global justice. This hindrance is evident through the fact that these sanctions were imposed as a warning to Ms. Bensouda and Mr. Mochocoko, to quit the investigation on the US forces in Afghanistan.

The current investigation in Afghanistan is an attempt to restore international peace and security, however, the lack of cooperation by the US can be a stumbling block in achieving the wanted result. Nevertheless, the sanctions will not stop the ICC's fight against impunity and injustice.



Kabul, Afghanistan

[12] Government of Canada, 'Joint statement in support of the International Criminal Court' (23 June 2020)

[13] Ministère De L'Europe Et des affaires étrangères, 'Reconciliation is essential for building lasting peace' (19 November 2019).



In some countries, where homosexuality is illegal, anti-gay sentiment has led to survivors of sexual assault being arrested after they tried to report the crimes committed against them.

67 states criminalise men who report abuse.

Rehabilitation and Reintegration of Male Child Soldiers

Article by Kristina Bosja

The recruitment of children for warfare as soldiers is a deep-rooted issue in the world today. [1] According to the Coalition to Stop the Use of Child Soldiers, over

300,000

children under the age of eighteen actively participate in armed conflicts in countries across the globe.[2] The majority of child soldiers are active in Africa (100,000), especially in the sub-Saharan Africa area, which is the epicentre of this phenomenon, and, to a lesser extent, in the Middle East and Asia.[3] Approximately two million children have died in armed conflicts during the last decade, and an estimated six million left permanently disabled.[4]

Children enter armed conflicts either involuntarily, through the threat or use of violence against them or their loved ones, or voluntarily due to dire poverty, feelings of helplessness and of the desire for revenge.[5] Typically, the majority of child soldiers are abducted in order to commit



atrocities, and face severe treatment, including rape, torture, and death. They are also used as cooks, porters, messengers, spies or for sexual purposes.[6]

[1] Brittany Ursini, 'Prosecuting Child Soldiers: The Call For An International Minimum Age OfCriminal Responsibility' (2015) 89, 1027.

[2] Nienke Grossman, 'Rehabilitation or Revenge: Prosecuting Child Soldiers for Human RightsViolations' (2007) 38 Geo J.L 323, 325.

[3] Alexandre J. Vautravers, 'Why Child Soldiers are Such a Complex Issue?' (2009) 27(4) RefugeeSurvey Quarterly.

[4] Christopher L Dore, 'What to Do with Omar Khadr - Putting a Child Soldier on Trial: Questions ofInternational Law, Juvenile Justice, and Moral Culpability' (2008) 41 J Marshall L Rev 1281, 1293.

[5] Nienke Grossman, 'Rehabilitation or Revenge: Prosecuting Child Soldiers for Human RightsViolations' (2007) 38 Geo J Int'l L 323, 325.

[6] Tamara Anaie, 'Victimized Perpetrators: Child Soldiers in ISIS and the Need for a New InternationalLegal Approach' (2019) 20 Rutgers Race; L Rev 93, 95.

Post Trauma Consequences

The majority of child soldiers become victims of severe sexual abuse either directly by their commander or indirectly through peer pressure. The prevalence of sexual abuse in both male and female child soldiers is partially known, especially against young boys who are often silent related to this subject due to the taboo factors and feelings of shame and burden.[7] Numerous reports indicate that many male child soldiers are not only victims of sexual violence but also are often coerced to becoming “forced perpetrators” of sexual violence, or have to witness sexual exploitation. For example, in Afghanistan, the practice of Bacha Baazi - a phenomenon of dancing boys - remains high.[8] It is a form of child prostitution and sexual slavery, where boys are sold to wealthy men, including military or political men, for sexual activates.

The trauma faced by the child soldier when forced to commit or witness several sexual acts in war highlights that the participation in sexual violence is highly damaging and perhaps irreversible.[9] Based on several studies, the trauma faced by child soldier after the commitment or witness of sexual abuse includes high levels of psychological symptoms such as depression, anxiety, post-traumatic stress, etc. In addition, child soldiers also suffer health problems including transmitted infections such as HIV/AIDS.

Rehabilitation and reintegration of male child soldiers

An effective rehabilitation and reintegration should be a priority. Socially, there needs to be a shift from treating and stigmatizing former child soldiers as victims in need of protection and psycho-social treatment

rather than as criminals.[10] A community-based approach that focuses on the strength and resilience of children should be taken. Economically, education and youth employment are important in preventing children from being recruited, abused and left on the streets.

Family Reunification

The first step for the reintegration of child soldiers is family reunification. The appropriate institutions should reunite child soldiers with their family members, and provide monetary and institutional support. [11] Where family reunification is not possible, foster families can assist child soldiers. In Angola, there is a self-building program supporting child soldiers and their families with the construction of their houses.[12]



[7] Ilse Derluyn, 'Toward a New Agenda for Rehabilitation and Reintegration Processes for Child Soldiers' (Journal of Adolescent Health, July 2011).
 [8] 'Sexual Violence Against Children' (Children and Armed Conflict).
 [9] Ilse Derluyn, 'Toward a New Agenda for Rehabilitation and Reintegration Processes for Child Soldiers' (Journal of Adolescent Health, July 2011).
 [10] 'Reintegration and Rehabilitation of Child Soldiers: A Crucial Step to End Cycles of Violence' (TBC, 27 July 2016).
 [11] 'Child Soldiers: Prevention, Demobilization, and Reintegration' (Conflict Prevention and Reconstruction Unit, May 2002).
 [12] Beth Verhey, Child Soldiers: Preventing, Demobilizing, and Reintegrating (The World Bank 2001) 16.
 [13] Katherine Curtis, 'Rehabilitation & Reintegration Can Heal Former Child Soldiers' (Global Citizen, 15 February 2016).

Medical Treatment

Medical treatment is instrumental in getting former child soldiers rehabilitated and reintegrated.[13] Besides war-related injuries such as: land mines, gunshot wounds, etc., children also experience common viruses and diseases such as HIV/AIDS, malaria, yellow fever, etc.

UNICEF Transitory Care Centres

UNICEF transitory care centres care for the children, their rehabilitation and integration for three months for both girls and boys, focusing on nursing the child back to health and providing immediate psychological therapy. Child soldiers and other survivors are placed in families of 30 and are given appropriate care by staff counsellors.

Reports indicate that the sustained commitments and programs to child soldiers result in positive outcomes.

Support Groups

After the three months are over, the second step is establishing support groups for the child in their community. These groups provide safe spaces for children, where children are learnt how to talk about their past trauma. In some states such as: Betancourt states this trauma is also transformed in TV shows where they show the children how to bear dangerous environments.

Education to Reintegrate

The Betancourt's research indicates the importance of child soldiers returning back to schools. Many of them never had the possibility of attending schools at a young age. Through sustained interaction with peers and a normalized schedule, children will begin building a new identity disassociated with conflict. Even though returning to school highlights peace throughout the community,



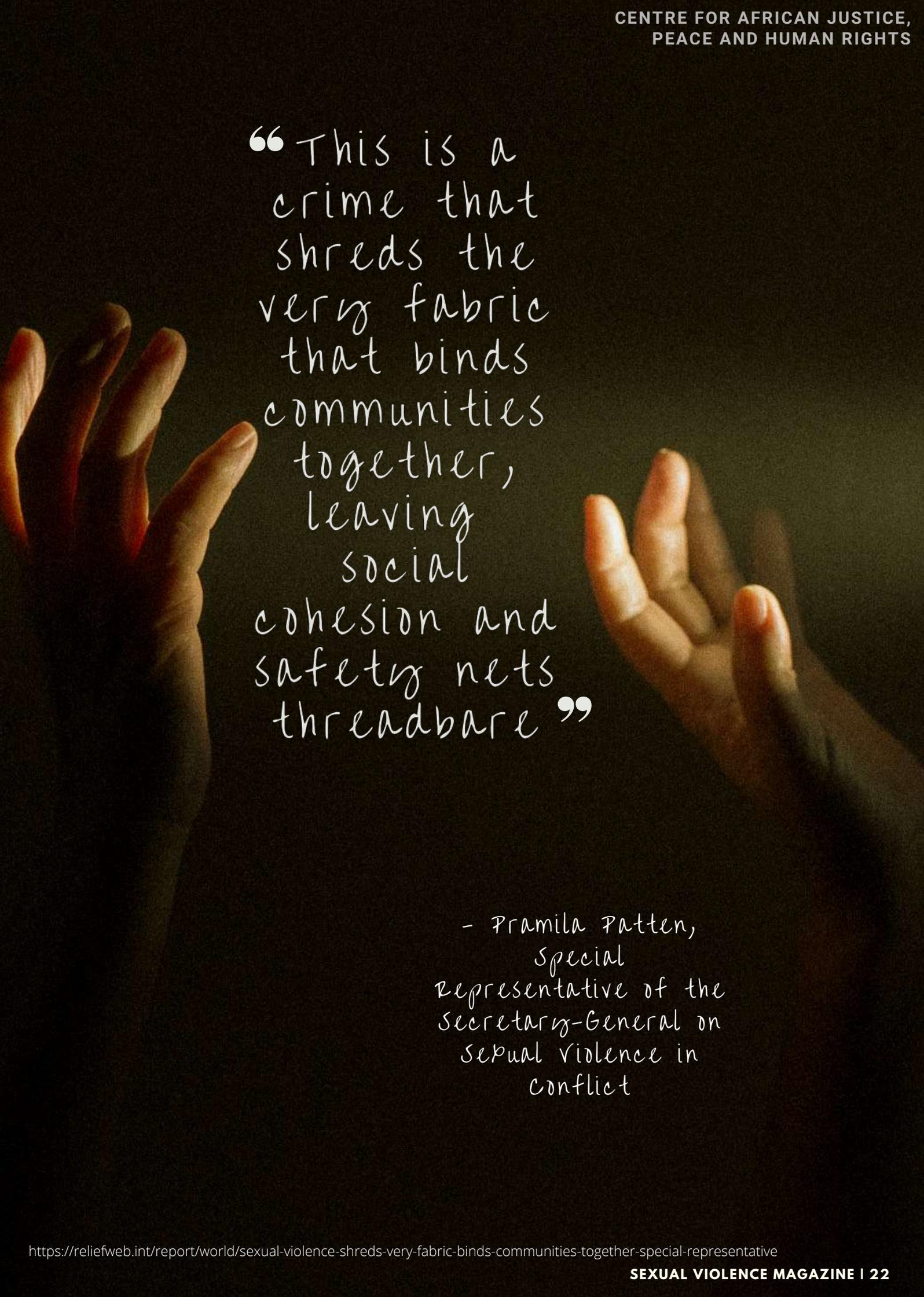
the educational environment can be difficult due to poverty reasons. Therefore, it is important to strike a balance between education and economic opportunities.[14] This balance includes accelerated education programs which will assist child soldiers, by focusing education on subjects which can generate income. Such subjects could detail the inclusion of child soldier reintegration in the post-conflict economic policy of the country in question.

Conclusion

Overall, the problem of re-recruitment of child soldiers by various armed groups entails a serious challenge for their rehabilitation and reintegration.[15] Several international and humanitarian agencies like MINUSCO have managed to bring and retain the attention of policy makers and human rights defenders on the issues of child soldiers. Based on national and international efforts, there has been some success actions dealing with such issues, in demobilizing and integration of child soldiers in the society.

[14] Beth Verhey, Child Soldiers: Preventing, Demobilizing, and Reintegrating (The World Bank 2001) 16.

[15] Prof. Peter Kagwanja (ed), Reintegration of Child Soldiers in Eastern Democratic Republic of Congo: Challenges and Prospects (IPSTC 2013) 22.



“This is a
crime that
shreds the
very fabric
that binds
communities
together,
leaving
social
cohesion and
safety nets
threadbare”

- Pramila Patten,
Special
Representative of the
Secretary-General on
Sexual Violence in
Conflict



NEWS



ONGWEN CASE: TRIAL CHAMBER IX POSTPONES DELIVERY OF THE VERDICT TO 4 FEBRUARY 2021

30-11-2020

Trial chamber IX of the International Criminal Court announced that the judgment on conviction or acquittal pursuant to article 74 of the Rome Statute in the case *The Prosecutor v. Dominic Ongwen* will be delivered on 4 February 2021. The verdict will be read out in public and will either acquit or convict the accused.

INTERNATIONAL CRIMINAL COURT OPENS INVESTIGATION INTO #ENDSARS PROTEST

04-11-2020

The International Criminal Court (ICC) said it is conducting a preliminary examination into the recent #EndSARS protests against police brutality in Nigeria. BBC reports that the office of the ICC prosecutor in a statement said it had received information on alleged crimes. The examination, ICC said, will “assess whether the legal criteria for opening an investigation under the Rome Statute are met.”

SEXUAL ABUSE OF MALES: A GROUP OF ROHINGYA MEN QUEUEING FOR MEDICAL CHECK-UPS AT A TRANSIT CAMP

21-11-2020

According to a 2018 report by the Women’s Refugee Commission (WRC), in a focus group discussion with 89 Rohingya men and boys, a third of them personally knew a Rohingya man or boy who had experienced conflict-related sexual assault in Myanmar. The conversation surrounding male rape needs to be amplified in Southeast Asia, so that victims can receive full support and aid without feeling shame or guilt.



MINUSCA and the situation in the Central African Republic

AN ARTICLE BY TAMIA BRITO

On November 15th, 2020, the designated timeframe for the latest mandate of the UN Multi-dimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) will come to an end. Yet, as seen on other six occasions,[1] it may not actually be terminated. The efforts in the Central African Republic (CAR) have not yet reached the objectives of the mandate, undermined by conflict and violence. This article illustrates the situation in CAR and the need for MINUSCA to remain in CAR by shedding light on a particular issue in the highest need of attention: conflict-related Sexual and Gender-Based Violence (SGBV) against the male gender.

The context in the CAR

CAR does not have a peaceful history. The young republic has suffered armed violence since its independence in 1960, through successive coups and armed violence.[2] The most recent peak of armed conflict was triggered in 2012, when the Séléka group - a Muslim rebel aggrupation - initiated a military campaign to overthrow the President, F. Bozizé. After the coup succeeded in March 2013, local defense groups (Anti-Balaka) emerged and carried out retaliatory attacks as a response.

With a worrisome setting, the United Nations Security Council (UNSC) addressed the situation on numerous occasions,[3] and in 2014, it established MINUSCA. The Peace-Keeping Operation (PKO) showed promising effects in its first two years of existence. It assisted in CAR's first free and fair elections of 2016,[4] trained thousands of domestic forces and civil servants, provided infrastructure and rehabilitated local one, and enabled the launch of the Special Criminal Court. However, since then, the situation has rapidly deteriorated. Armed groups have multiplied and expanded their presence throughout the country, reaching control over 70% of the territory.[5] Their clash and disputes over territory and natural resources have led to outbreaks of violence, protracting serious human rights violations.[6] Thousands have been killed and over one million people have been displaced.[7] In February 2019, the government and 14 armed groups signed the fifth Political Agreement for Peace and Reconciliation. Yet, despite all efforts, MINUSCA continues to report rising violence and escalating insecurity, worsening an already grave situation of conflict-related SGBV in the country.

[1] See MINUSCA's extended mandates. UNSC Res 2217 (28 April 2015) S/RES/2217; 2281 (26 April 2016) S/RES/2281; 2301 (26 July 2016) S/RES/2281; 2387(15 November 2017) S/RES/2387; 2446 (15 November 2018) S/RES/2446; 2448 (13 December 2018) S/RES/2448.

[2] Henry Kam Kah, 'History, External Influence and Political Volatility in the Central African Republic (CAR)' (2014) 3(1) Journal for the Advancement of Developing Economies 17.

[3] See e.g., UNSC Res 2121 (10 October 2013), 2127 (5 December 2013), 2134 (28 January 2014), 2149 (10 April 2014), 2181 (21 October 2014), 2196 (22 January 2015) and 2212 (26 March 2015).

[4] Lise Howard, 'Assessing the Effectiveness of the UN Mission in the Central African Republic' (International Peace Institute, 21 Nov 2019).

[5] Allan Ngari, 'Sexual violence against men and boys in CAR' (Institute for Security Studies, 23 Jul 2018).

[6] International Crisis Group, 'Avoiding the Worst in Central African Republic' (International Crisis Group, 28 Sep 2017).

[7] Office of the High Commissioner for Human Rights, Central African Republic: Mapping human rights violations 2003-2015 (2017).

“ **CAR does not have a peaceful history** ”

Conflict-Related SGBV Against the Male Gender

Identified as a weapon of war,[8] conflict-related SGBV has mainly been associated with female victims. Yet, the situation in CAR has proven the great impact it can have on men and boys as well. Research shows a ‘discernible pattern’ of SGBV-related victimization towards the male gender that ‘warrants urgent attention’.[9] There is an intent to degrade male victims through the destruction of socio-cultural roles. Also, there are circumstances where sexual violence against the male gender is more common, during recruitment and training for example. Further, there are prevailing forms of violence specially directed at the male gender, such as individual and gang rape, genital violence, forced nudity, and sexual humiliation. Along with these issues that directly target male victims, there is also shame and stigma following sexual violence, and difficulties in obtaining reliable information in armed conflict settings.



The United Nations and the Peace-Keeping Operation

Conflict-related SGBV against the male gender is one of CAR’s main struggles. Hence, it is at the core of the UN’s - and thus MINUSCA’s - priorities. And both have acknowledged and directed efforts towards the eradication of

conflict-related SGBV against the male gender. Since 2011, the UN Secretary-General (UNSG) has presented annual reports on conflict-related sexual violence, providing extensive information on CAR. [10] And, in 2019’s report, the Secretary-General recognised for the first time the nuances of conflict-related SGBV against the male gender.[11] Following the milestone, and one month before the seventh renewal of MINUSCA’s mandate (November 15th, 2019), the UNSC formally recognized that men & boys are a target of SGBV both in times of war and in post-conflict settings. [12]

MINUSCA’s numerous mandates have yet to specifically address the SGBV issues against the male gender in conflict contexts, although they do highlight challenges and responses from a victim-centered perspective.[13] As for the UNSG’s reports regarding MINUSCA,[14] even though each one of them has a specific section to address conflict-related sexual violence, there is a major oversight of victims of the male gender. Since the UNSG started reporting on the situation in CAR concerning the PKO, only three out of eleven reports have mentioned male victims,[15] with the highest number of reported victims being two. The latest report of October 2020 does not mention male survivors of conflict-related SGBV at all.

[8] Human Rights Watch, ‘They Said We Are Their Slaves’ Sexual Violence by Armed Groups in the Central African Republic (2017).
[9] All Survivors Project, ‘I don’t know who can help’ Men and boys facing sexual violence in Central African Republic (2019).

[10] UNSC Res 1960 (16 December 2010).

[11] Human Rights Watch, ‘Men Can Experience Sexual Violence in War Too’ (2019).

[12] UNSC Res 2467 (23 April 2019).

[13] See UNSC, *supra* note 3.

[14] When extending MINUSCA’s mandate, the UNSC also requested from the UNSG a strategic review of the Mission.

[15] UNSC Res. 824 (29 September 2016), 611 (18 June 2018), and 545 (16 June 2020).



The Need for More Time

This is the result of crass underreporting. Sexual violence against boys and men remains largely neglected, hidden, and even actively ignored. Generally, acts of sexual violence against men and boys have been framed and reported as torture. While this type of violence can amount to torture, disregarding all acts of sexual violence against male perpetuates the invisibility of the problem. It is possible that SGBV is not 'disproportionally affecting girls and women', as it has been extensively stated, but rather boys and men continue to be omitted in the analysis of the issue. Thus, there is a need to deepen the focus. With the latest acknowledgements and developments from the UNSC and the UNSC, and given the situation in CAR, MINUSCA seems to be a perfect candidate to take upon such a remarkable endeavor.

Conclusion

The PKO has been in the country for over six years, approaching a variety of issues related to the armed conflict. It has the capacity and potential to remain steady in CAR and expand its expertise on the problem. It can become a key actor in the detection, approximation, and rehabilitation of male survivors of conflict-related SGBV. It also has the potential to advance awareness, design a multi-disciplinary strategy that can effectively challenge the shame and stigma surrounding the problem, and meet the particular needs of male survivors. But it needs more time. MINUSCA's efforts are still eagerly needed. With the deadline of November 15th, 2020, the UNSC embraced such reality and extended once again the mandate of the PKO. Yet, it is necessary that such decision follows the milestones, and includes a specific call for action on the issue of male victims of conflict-related SGBV. With the international community granting and increasing attention to this problem, there are high expectations for that to be the case.

As many as 23.6 % of
all men in Eastern DRC
have experienced
conflict-related sexual violence
in their lifetime, according
to a population-based survey.



yet 62 countries -
representing almost 2/3 of
the world's population - still
recognise only female
victims of rape.

STATISTICS:

MEN AND BOYS AT RISK

PATTERNS AND PERCEPTIONS OF SEXUAL VIOLENCE AGAINST MALES IN CENTRAL AFRICAN REPUBLIC

CAR

UNDER REPORTING AND LACK OF RELIABLE DATA ON SEXUAL VIOLENCE

2011-2015

8 OUT OF 521 CASES OF SEXUAL VIOLENCE AGAINST CHILDREN VERIFIED BY UN-LED MONITORING AND REPORTING MECHANISM ON GRAVE VIOLATIONS OF CHILDREN'S RIGHTS INVOLVED BOYS

2016

14% (1,555) OF RECORDED CASES OUT OF 11,110 INVOLVED CRIMES AGAINST MEN OR BOYS

SINCE MID-2017

MINUSCA VERIFIED 13 CASES INVOLVING MALES



MALE RAPE SURVIVORS SHARE THEIR STORIES

By SUELA DERVISHI

Storytelling has become an acceptable intervention tool among justice promoters and peace-builders because of its ability to help society in transition to come to terms with a traumatic past.[1] It has provided an avenue for survivors of sexual violence to acknowledge trauma and attain healing, while also playing a significant role in the area of truth finding and accountability. This article aims to do exactly the same – share the perspective of male survivors of sexual violence, with the aim of shifting the stigma of shame and rape from the victims to the perpetrators.

Throughout history, rape has been used as a weapon of war against women, men and children. In some cases, armies, rebel groups and terrorist organizations employ sexual violence as a strategy to pursue their objectives.

[2]

While many people assume that rape happens only towards women, that is not true. Male on male rape remains one of the last remaining taboos; the victim is often unwilling to speak out about it due to humiliation and mislabeled idealizations of machismo.[3] According to a UNICEF child protection expert, “the main reason behind the low numbers of boys is because they are not being screened and identified. It is not because there are no cases.”[4] This veil of silence inadvertently protects the perpetrator – even more so in patriarchal societies.

"Shift the stigma of rape from the victims to the perpetrators."

This short article will provide five stories of male survivors of sexual violence: three stories from Democratic Republic of the Congo (DRC), one from South Africa and another one from Central African Republic (CAR).

[1] Seun Bamidele, 'There's no thing as a whole story' (2016).

[2] Dr. Denis Mukwege Foundation, 'Sexual violence as a weapon of war'.

[3] J.S. von Dacre, 'Male Rape: The Secret Weapon of War' (10 May 2019).

[4] Zack Baddorf, 'They amused themselves with my body: Male survivors of sexual violence stay silent in CAR' (5 March 2018).

Alain's Story



Alain calmly recounted his story and described the night in May 2012, when government forces attacked his family's home in the DRC.[5] The attack started with an accusation towards Alain and his family of being rebel sympathizers, and as a consequence, the government forces started raping Alain. "I used to be big and strong, but I couldn't fight off all three. I closed my eyes, and I only heard sounds. I heard the cries of my mother and sister as they were raped in the next room. Then shots rang out, and my father was dead." Alain recalled. Alain underwent surgery in the hospital, after which he said the pastor there told him that he would never again be considered a real man. "When I retell my story," he said, "I will go home and be alone and that's when it starts replaying in my mind like a movie." Today, Alain lives in Uganda, where he continues to suffer from trauma, physical injuries and social stigma. He joined the Men of Hope Refugee Association – a group based in Uganda – which has taken up the fight against sexual violence in conflicts across Africa. Its members are men who have survived rape and torture in the DRC.

Male Victim of Rape in DRC

This boy says a lieutenant in the army raped him while another man held him down.[6] He passed out during the attack, but when he came to, unlike most male rape victims in Congo, he went to the police. He recalled that the police did not believe him until he showed an officer his injuries. He then accused the soldier publicly. He said he was terrified of reprisals, but wanted justice more. Victims' rights advocate and lawyer Florentin Basima says he asked the court to lock up the officer, and order \$10,000 in reparations. Mr. Basima stated that reparations are almost never actually paid, despite court orders. However, in this case, the army officer was sentenced to 14 years in prison. The case is unusual in that male victims almost never seek help. Mr. Basima says most are psychologically and physically devastated, and too humiliated to tell anyone. Emmanuel Atibasay, a psychologist, says male victims in this deeply conservative society lose their identity as men. He says Congolese culture rejects homosexuality, further humiliating the male victims by bringing their sexual preference into question.



[5] Josh Estey and Sarah Thust, 'DRC male and female rape survivors share their stories' (14 April 2020).
[6] Heather Murdock, 'Rape in Congo Devastates Male Victims' (17 November 2011).



The Husband's

Story

Eunice Owiny, a counsellor for Makerere University's Refugee Law Project told the Guardian that a woman complained to her because this woman's husband was not being intimate.^[7] The husband finally confided to Ms. Owiny: "It happened to me. Mama Eunice, I am in pain. I have to use this." He reached into his pocket, and showed her a pus-covered sanitary pad. During his escape from civil war in Congo, rebels had separated him from his wife. His captors raped him – three times a day – every day for three years. He watched as man after man was taken and raped daily – one of whom died in front of him from extensive injuries caused by rape.

It is not uncommon for such victims to be aggrieved with lifelong injuries. Some still experience bleeding when walking or sitting, and often have to restrict their diet to soft foods. Since very few speak up about these crimes, perpetrators continue to get away and it is victims who are burdened with the guilt instead. That much needed change will not be forthcoming – unless the degenerate taboo is challenged and de-stigmatized.

During an attack on his village near Kaga Bandoro in April 2017, Emmanuel was captured by an armed group. They took him to a temporary military base in the bush along with seven other men and boys. For about a month, Emmanuel endured repeated sexual assault and other forms of physical violence.

"They stripped and tortured me until I had no more strength. Some soldiers amused themselves with my penis, others with my body." He recalls.

Emmanuel was forced to perform oral sex on the troops and have anal sex with the other prisoners. He tried to resist but was beaten and left unconscious, nearly dead.

"They said they were doing this to dominate us and make us fear them." Emmanuel recounts.

Emmanuel says he is "disgusted with life". He managed to escape from his captors after being sent to collect firewood and fled to the capital. Once in relative safety, Emmanuel did not seek medical care, even though he was suffering pain in his stomach, abdomen and anus. Emmanuel says he wanted to go to hospital, but was afraid of being "condemned" by healthcare staff. "People will start to stigmatize me," he says.

[7] J.S. von Dacre, 'Male Rape: The Secret Weapon of War' (10 May 2019).



Rees' Story

"I knew the force behind the apartheid government. I knew the power that they had. I knew people's stories were made, and I got violently raped for it." Rees recalls.[8] After graduating, Rees was conscripted into the South African Air Force. He opposed the government's Apartheid policies, but that did not exempt him from service. It did put him in danger. His opinions were well known among the pro-apartheid soldiers and Rees paid a terrible price. He was gang-raped by three special forces soldiers. Afterwards, Rees sat in the shower, bleeding, in the loneliest abyss of his life, contemplating suicide.

Rees did not use any narcotic substances to heal his pain. He kept himself busy with work, sought help with a psychologist, and committed to heal and to fellow survivors. Rees is the founder of South African Male Survivors of Sexual Abuse, which provides services for survivors and works to raise awareness about the reality of male sexual victimization.



The horror that these survivors experience is unimaginable.



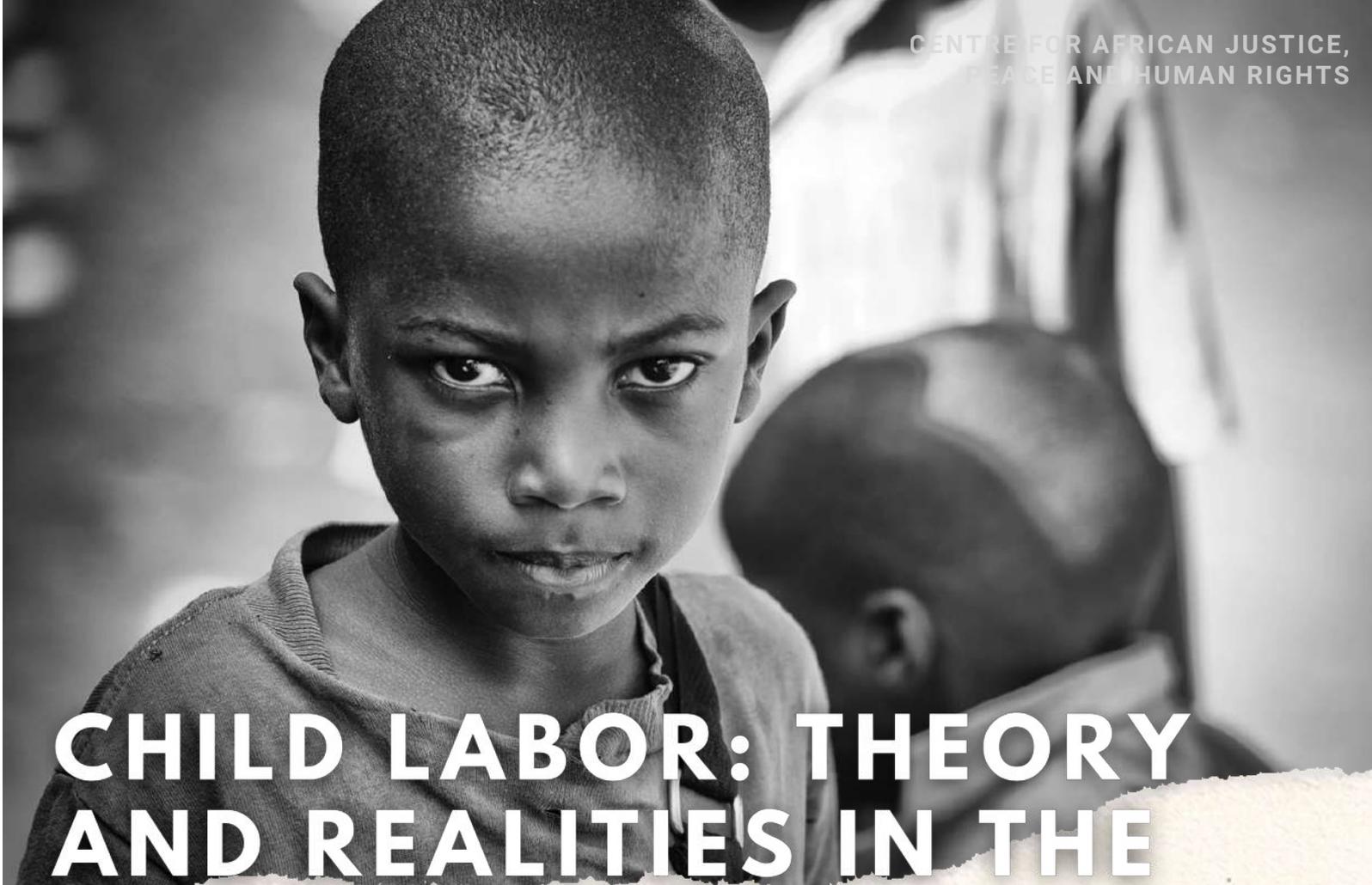
Conclusion

The horror that these survivors experience is unimaginable. These brave survivors still continue to suffer from trauma and physical injuries. And they suffer twice – from the act itself, and from the social discrimination they endure as a result of it. The pain that they had to go through only gets worse with their silence because of the existing stigma of shame. Stop the silence and shift the stigma of rape from the victims to perpetrators!

[8] 1in6, 'Male Survivor Stories: Rees Mann'.

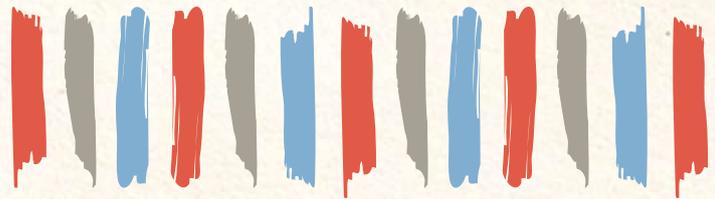
**IN A CONTEXT OF SHAME,
STIGMA, AND SILENCE
SURROUNDING SEXUAL VIOLENCE
AGAINST MEN AND BOYS—
WHATEVER THEIR SEXUAL
ORIENTATION—AND ALSO FOR
TRANSGENDER WOMEN AND
NON-BINARY PEOPLE,
ACKNOWLEDGING SUCH
VIOLENCE IS A PREREQUISITE TO
PROVIDING ADEQUATE SERVICES
AND CARE.**





CHILD LABOR: THEORY AND REALITIES IN THE CENTRAL AFRICAN REPUBLIC AND ETHIOPIA

*Guest Article Written by
Diana Mocioc*



*T*he very near universal ratification of the Convention of the Rights of the Child (hereinafter: CRC), emphasizes a globalized notion of children's rights in theory.[1] Nonetheless, in contrast with the CRC, which only portrays children as rights-holders, The African Charter on the Rights and Welfare of the Child (ratified by both the Central African Republic and Ethiopia) includes responsibilities and duties for the child.[2] This emphasizes a different cultural approach. Article 31 stipulates that the child is responsible to assist elders and parents if in need, and to serve the country and community through his intellectual and physical skills. Most African communities are characterized by the presence of an unwritten moral code that stresses the importance of reciprocity and solidarity between generations.[3]

[1] UNGA, Convention on the Rights of the Child (entered into force 2 September 1990) 1577 UNTS 3 (CRC)
[2] OAU, African Charter on Human and Peoples' Rights (entered into force 1986) CAB/LEG/67/3 rev.5 21 ILM
[3] George Nii Armah Clerk, 'Child Labour in Ghana: A Study of Law and Policy in a Global Context' (2008)
[4] Ghana Official Gazette No 560 1-41, Children's Act Ghana (adopted on 30 Dec 1998)

The Children's Act Ghana expresses that each child is entitled to right to life, liberty, health, shelter, and education from his parents.[4] It portrays the parent and not the state as the duty-bearer, in contrast with Western concepts.

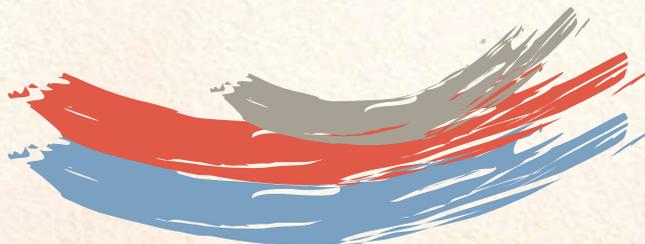
The Convention on the Worst Forms of Child Labor provides that child labor is stemming out notably from deprivation and poverty.[5] Impossibility of school attendance, on account of lack of resources, increases the risk of children being involved in child labor. Various socioeconomic issues are hindering the realization of children's rights. Chiwa describes the African child of many communities as an 'Invisible Worker', in support of the socio-cultural milieu. The truth is poverty is not the only factor that catalyzes the existence of child labor. It is also triggered by poor governance and by the orphanhood phenomenon, which is the result of war and the spread of deadly diseases, including AIDS.[6]



Academic economists emphasize that, on many occasions, children's involvement into light work is essential for the survival of the household. Moreover, they regard child labor as a necessity and constraint that is less horrible than death or illness, as a result of a very little income. It is argued that conducting very light work for the family subsistence or as a sign of respect for the community, and ancestors does not always pose a detriment to the child. That is because a lot of children combine school and work, and sometimes school schedules are accommodating the agricultural seasons. Child work in its light forms for the household benefit- in farming or agriculture, for instance- that is not impacting upon the child's health is never going to be abolished in the African communities characterized by extreme poverty, as it is a means for survival. However, the most abominable problem on which all efforts should be concentrated is the exploitation of children, i.e. for work in hazardous environments/ in forced work/ for armed conflict, for sexual work etc., as well as the gender-based discrimination, many adult caregivers preventing girls from school attendance, and imposing them to maintain the household.

The Central African Republic

The Central African Republic has been and is confronted with conflict and instability, armed groups controlling a big part of the country.[7] The society of the Central African Republic has faced violence directed against the civilians, as well as direct conflicts between factions. A significant part of the country's population has been internally displaced. It should be noted that countries facing armed conflict have an incident of child labor 77% higher than the rest of the world, and an incident of hazardous work 50% higher than the rest of the world.[8]



[5] ILO, Worst Forms of Child Labor Convention (entered into force 19 Nov 2000) C 182
 [6] Sonia Bhalotra, 'Child Labor in Africa' OECD Social (2003) Employment and Migration Working Papers No 4
 [7] US Department of Labor, 'Central African Republic' Findings on the worst forms of child labor (2015) 2
 [8] ILO, 'Ending child labour by 2025: A review of policies and programmes (2018) 63



The Labor Code establishes 14 as the minimum employment age. Moreover, it provides that children of 12 years old can involve themselves in light work in agriculture, or work for private household. Children younger than 18 are prohibited by the law from working in dangerous environments, for instance mines. Additionally, the Labor Code stipulates that all forms of forced labor and slavery are strictly banned. Regardless of it being accountable to monitor and apply the legislation addressing hazardous and forced child labor, the Ministry of Labor does not possess an effective system for tracking child labor complaints.

The recruitment of children for the purpose of armed conflict is highly prohibited. In 2011, the government of Central African Republic signed a written agreement with UNICEF with the scope of demobilization of child soldiers, and further reinforced its commitment to the matter in a general action plan. Nevertheless, the government did not investigate into the instances of child labor between its borders, did not implement effective programs, and did not even prevent local authorities from supporting militias using children. In 2015, ten armed groups signed a written commitment with the Transitional Government to cease the recruitment of children in armed conflict.

Unfortunately, in the Central African Republic, a huge number of children are still recruited and used in armed groups for carrying out diverse tasks, including the following: to serve as combatants, as cooks, to carry various supplies, to serve as concubines and sexual slaves, to commit violent acts against individuals. Extremely gravely, children have been used for serving as human shields. In some situations, they may be also used for working in producing conflict minerals.[9] Many children have been abducted by the Lord's Resistance Army in the Central African Republic and from neighboring states with the scope of serving as soldiers. On account of the continual instability, as well as insufficient resources caused by the government's inability to apply policies addressing the worst forms of child labor, approximately 1.4 million children lack access to education in the Central African Republic. Even though the Constitution stipulates for free education, the reality is heartbreaking. Schools have been used as bases for the armed groups. In 2017, the Central African Republic acceded to the UN CRC Optional Protocol on the involvement of children in armed conflict.[10]

[9] ILO, 'Ending child labour by 2025: A review of policies and programmes (2018) 14

[10] Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

[11] US Department of Labor, 'Central African Republic' Findings on the worst forms of child labor (2011)

]Shockingly, the situation did not change but the recruitment of child soldiers even aggravated as a result of intensified violence. One positive aspect is that the Ministry of Education implemented measures on improvement of access to education, including the waive of the exam taxes for the children affected by conflict. However, this is not enough, and there should be enacted measures of assistance provision to the children that underwent conflict, in the form of psychological support to address post-traumatic stress disorder and anti-social behavior.

There are many gaps in the law regarding hazardous work as well. For instance, the Labor Code is not addressing diamond mining as hazardous work for children. In the Central African Republic, children are still engaged in the worst forms of child labor, in diamond mining, and forced agricultural labor.[11] Children are susceptibly involved in agricultural products production, including coffee, cotton, cassava and peanuts, under very harsh conditions. They are forced to carry loads having a great weight, to work with pesticides. Moreover, fishing exposes children to risk of drowning and water borne diseases. Children engaged in work in diamond mines and gold mines are obliged to dig pits, to transport gravel, and, carrying very heavy loads. They are also working in functions of domestic servants. In this context, they work very long hours and live in private homes, where they are on many occasions confronted with physical and sexual abuse on the part of the home owners. In addition, many orphan children live and work in the street, as street vendors. Not only do they face harsh weather conditions, but they become the target of criminal organizations, including criminal organization exploiting children for child prostitution. Moreover, children are being trafficked for commercial sexual exploitation between the Central African Republic and Cameroon, Democratic Republic of the Congo, Sudan, and Chad.



*Ethiopia
underwent a civil
war of long
duration that
ended in 1991 and
ongoing tensions
with Eritrea,
being in a
constant state of
uncertainty and
vulnerability.*

[12] Labour Proclamation No. 42/1993 (20 Jan 1993) 52 Negarit Gazeta 27 268-328

[13] US Department of Labor, 'Ethiopia' Findings on the worst forms of child labor (2017)

[14] Minimum Age Convention C 138 (entered into force 19 June 1976)

[15] 'Ethiopia' Findings on the worst forms of child labor (2018) 3

[16] Ethiopia: Criminal Code, Proclamation No 414/2004 (9 May 2005)

[17] Alliance, 'Child labour and forced labour in Sub-Saharan Africa: Preparation of the IV Global Conference on the Sustained Eradication of Child Labour and Consultation on Alliance 8.7' (2017)

[18] US Department of Labor, 'Ethiopia' Findings on the worst forms of child labor (2017) 2



Ethiopia

The Labour Proclamation No. 42/1993 establishes the age 14 as minimum working age.[12] Additionally, children shall not be employed to carry out assignments posing dangers to their health. Moreover, it prohibits employers from employing children for works in mines or with electric power plants. Nonetheless, the Labour Proclamation is not in full compliance with the international standards. That is because it permits children older than 14 to work hazardous jobs once they undergo and pass a vocational training course that is approved by the government.[13] This is in contradiction with ILO Convention 138 that sets the minimum age for hazardous work at 16.[14] Additionally, the laws are not covering weaving as a type of hazardous work, even though it is highly dangerous.[15]

The Forum of Street Children in Ethiopia designed child protection units on the premises of police stations for a better assistance to the children facing crime, victims of child labor.

Another important aspect is that the Constitution of Ethiopia banned compulsory child labor and slavery since 1942. Furthermore, The Penal Code of Ethiopia addresses the issue of child labor.[16]

In 2017, consultations were held in Addis Ababa with the scope of exchange of good practices for the further consolidation of the regional effort to fasten the elimination of forced and child labor. [17]Although Ethiopia has in place rules and regulations for the advancement of the fight against child labor, there are gaps in the law related to the adequate protection of children against the worst forms of child labor. Moreover, there are many gaps concerning the implementation of these laws by the Ministry of Labor and Social Affairs. Furthermore, Ethiopia is not providing free basic education, which poses a great threat to children to becoming the prey of armed groups.



Conclusion

Child labor is a very common phenomenon in Ethiopia, and, unfortunately, it commences at an extremely young age, by the approximate age of 6. This is highly accusable, since it poses a threat to the normal physical and psychological development of the child. In Ethiopia, children are confronted with household assignments, including fetching of wood and water, since an extremely young age. Additionally, children are being trafficked from the rural areas of Ethiopia to other regions for forced labor in domestic work and weaving industry.[18]

Considering the situations of the two scrutinized countries, one can conclude that it is urgent to implement an improved response to the need of children of being protected from child labor and the worst forms of child labor. Conflict is a catalyzer to the use of children as child soldiers and for hazardous work. Perhaps the problem of child labor will only be solved efficiently once the countries become more stable and peaceful. For that, the international community has to fight impunity.

HOW TO SUPPORT MALE SURVIVORS:

LISTEN.

VALIDATE THEIR FEELINGS.

EXPRESS CONCERN.

DON'T ASK DETAILS.

PROVIDE APPROPRIATE
RESOURCES.

STATISTICS:

SEXUAL VIOLENCE

AGAINST MALES - AND LACK OF REPORTING

REFUGEE LAW PROJECT

>20%

OF WOMEN REPORTED BEING RAPED IN UGANDA

4%

OF MEN REPORTED BEING RAPED IN UGANDA

Legal challenges still pose obstacles to reporting rape

ROME STATUTE

RAPE as wide enough to include women and men

- Lack of inclusion of male SV in domestic legislation
- Criminalisation of same-sex activity causes LACK OF REPORTING - homosexuality is illegal in UGANDA

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