

Human Rights Committee

Gender-Based Violence

Introduction

War related, gender-based, sexual violence occurs during periods of aggression as a way for one warring actor to assert power over another. According to the United Nations High Commissioner for Refugees (UNHCR), “Sexual and gender-based violence (SGBV) refers to any act that is perpetrated against a person’s will and is based on gender norms and unequal power relationships.”¹ Although the UNHCR provides a definition of gender-based violence it does not properly address the variety of forms of victimization and the legal repercussions associated with SGBV.

The exploitation and domination of bodies targets the moral and theological values, such as virginity until marriage, of a nation-state, therefore causing the internal spirit of a warring actor to rapidly decline. This type of militaristic domination is described as being of individual assaults in nature or mass gang rapes done by large groups in order to terrorize communities; however, it can also involve genital mutilation, sexual assault, forced pregnancy, and enforced rape. These actions are maliciously based and are a constant fear for those who live in war-torn regions. Women and girls are often the only victims of sexual violence recognized in media and international discussions². This does not mean that men are not victims too. Sexual violence against men and boys goes beyond anal rape; it also includes forced genital mutilation and forced sexual acts. Sexual and gender based violence does not discriminate based on gender. Both women and men are subject to brutal violence during times of war.

Current Events

War-related sexual violence is a direct effect of war and forceful intrusions into another territory. It is hard to raise awareness of war-related sexual violence because there is no face, no trail of bodies. The victims are everyday citizens whose external wounds may heal with time, but suffer internally, which may never be fixed. As a result of war based sexual violence (WBSV), women are subject to sexually transmitted diseases, unwanted or forced pregnancy, prostitution, sexual slavery, and most girls are deprived of an education. Today, girls in Libya and Syria are being used as pawns in a game of conflict. Since the 1990s many NGOs have begun reporting increasing numbers of men as victims of sexual assault during wartime. Doctors in eastern Congo reported that a quarter of men and boys living in the region were victims of wartime sexual violence. Eighty percent of the six-thousand detainees in the Sarajevo concentration camp in Bosnia during the 1992-1995 war were raped. Many other cases of castration, sexual humiliation, and forced rape have been documented by the UN in Bosnia. As of present in Liberia, around one-third of male ex-combatants had been sexually abused. Wartime sexual violence has been documented in Sierra Leone (1991-2002), Colombia (1960-present), Chile (1990s), El Salvador (1980s), Guatemala (1960-1996), Argentina (1982), Northern Ireland (1969-1997), Rwanda (1994), Afghanistan (1979-1989), and many other countries. This is far from a contained problem.

¹ United Nations. “Sexual and Gender Based Violence.” *UNHCR*, www.unhcr.org/en-us/sexual-and-gender-based-violence.html.

² Stemple, Lara. "Male rape and human rights." *Hastings LJ* 60 (2008): 605.

Real-Life Problems

Although international crime tribunals have discussed sexual violence against men, they did not properly define crimes of sexual violence. Due to the nature of sexual violence against men, it is often prosecuted as general bodily harm and torture--this was most notably seen in cases regarding the former Yugoslavia³. The other problem is that there seems to be a bias towards prosecuting the cases of female victims, despite proof that sexual violence occurred against women, men, boys, and girls. This was seen in the 2009 *Sesay et al* case before the Special Court for Sierra Leone. Although the record included forced rape and genital mutilation of victims and acknowledged that rape is a "gender-neutral offense", the prosecution only pleaded sexual violence to women and girls in the indictment yielding no convictions in terms of male sexual violence⁴. In the *Lubanga* case at the International Criminal Court (ICC), a boy soldier testified that he was forced to rape, but his testimony was not used as evidence to prosecute a charge for sexual violence; rather, that his willingness to admit he committed a crime made him credible⁵. As shown by these cases, male victims are not given proper justice. They are not only victims of sexual violence, but also of discrimination.

History

Sexual violence against both men and women during wartime is far from a new occurrence. Male victimization can be traced back as far as Ancient Greece and has occurred all the way up to current conflict zones in Syria and Eastern Congo. When explorers first came to the Americas, many Aztecs and Native Americans were captured and raped in efforts to intimidate and dominate them. In early America, status could cause assaults, "When British officers confronted soldiers John Dunn and John Lusty with Elizabeth Johnstone's complaint of rape in 1776, the two Johns responded by claiming that 'she was a Yankee whore or a Yankee bitch, and it was no great matter.'"⁶ This nonchalant approach to violence against women during times of war engrained a systematic oppression and led to an inanimate attitude of assault towards women that continues to modern times. During the Armenian Genocide in 1915, many men were castrated, forced to walk to naked, or circumcised after being forced to convert to Islam⁷. Using sexual violence as a weapon of war is a manipulative way of attacking the structure of a society by targeting a specific group of people. The most notable case is the Rape of Nanking in 1937 in which Chinese men were raped and forced to rape others in front of Japanese soldiers. During WWII, women were taken as sexual slaves by both the axis and ally powers, "It is, I believe, a given that sexual slavery was a heinous practice and that women were thoroughly victimized by it"⁸. Sexual slavery is only one of the many consequences of war based

³ UN Security Council UN Commission of Experts, S/1994/674.

⁴ Sivakumaran, Sandesh. "Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict." *International Review of the Red Cross* 92.877 (2010): 259-277

⁵ L. Shepherd. *Gender matters in global politics: a feminist introduction to international relations*. 2015; Routledge: New York.

⁶ Heineman, Elizabeth D. "The History of Sexual Violence in Combat Zones." *Sexual Violence in Conflict Zones: from the Ancient World to the Era of Human Rights*, University of Pennsylvania Press, 2013. Pg 28

⁷ Feron, Elise, and Elise Feron. "An Ancient and Widespread Phenomenon ." *Wartime Sexual Violence against Men: Masculinities and Power in Conflict Zones*, Rowman & Littlefield International, 2018.

⁸ Goodman, Grant Kohn. "Comfort Women: Sexual Slavery in the Japanese Military during World War II, and: Japan's Comfort Women: Sexual Slavery and Prostitution during World War II and the US

sexual violence. Massacres like the Rwandan genocide (1994) allowed for assaults on women to be carried out extensively, creating an invisible grave for the dignity of victims.⁹ Wartime sexual violence has stretched across thousands of years and is a constant problem in conflict zones.

Role of the UN

The United Nations has identified sexual and gender based violence as a worldwide problem. The Security Council has denounced SBGV multiple times, yet the issue continues to arise, especially in times of conflict. In April of 2019, the Security Council adopted a resolution calling upon the world to put an end to sexual violence during war. There were no votes against, as Russia and China abstained from voting. The UN's main purpose with Resolution 2467¹⁰ was that sexual violence is being used increasingly as a weapon during war in order to manipulate the enemy. These violent sexual acts have become so brutal and deplorable that putting a stop to them is no longer a need, it is a necessity. The Security Council strongly encouraged existing Sanctions Committees to impose sanctions on perpetrators and directors of sexual violence in times of conflict. Resolution 2467 calls upon member states to implement appropriate support systems both nationally and locally so that victims of these crimes can seek assistance without fear of discrimination or further violence against them. However, Resolution 2467 does not address the repercussions of sexual assault on reproductive health, a serious issue that needs to be investigated going forward. There were also provisions adopted so that these crimes would not be allowed to continue during a ceasefire or, during a peace agreement. This resolution is one of the first the Security Council has passed that specifically addresses sexual violence.

The International Criminal Court (ICC) first began pioneering the definitions and reconceptualizations of sexual violence in the 1990s in response to the crimes committed during the collapse of the former Yugoslavia. The ICC 1998 Rome statute determined "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any form of sexual violence" can be prosecuted as a crime against humanity and a war crime. International criminal law has taken a gender-neutral approach in defining sexual violence, as supported by the 2013 UN Workshop report¹¹. The problem remains that traditional gender roles are not addressed. The Handbook for Coordinating Gender-Based Violence Interventions in Humanitarian Settings identifies male victims as a secondary concern, further pitting male and female victims against each other¹².

Occupation (Review)." *The Journal of Japanese Studies*, vol. 30, no. 1, 2004, pp. 183–186., doi:10.1353/jjs.2004.0012.

⁹ Heineman, Elizabeth D. "The History of Sexual Violence in Combat Zones." *Sexual Violence in Conflict Zones: from the Ancient World to the Era of Human Rights*, University of Pennsylvania Press, 2013.

¹⁰ Dresslar, Thomas. "UN Security Council Adopts Resolution 2467." *UN Security Council Adopts Resolution 2467 - Global Justice Center*, www.globaljusticecenter.net/press-center/press-releases/1117-un-security-council-adopts-resolution-2467.

¹¹ Peacekeeping, U. N. "Women, peace and security." (2015).

¹² Cluster, Global Protection. "GBV AoR Handbook for Coordinating Gender-based Violence Interventions in Humanitarian Settings." (2013).

Challenges

Wartime sexual violence is primarily caused by the power dynamics embedded in a patriarchal system that allow the marginalized and oppressed people in a society to become victims to the atrocities of war¹³. Specific regions have cultural ties to genital mutilation and systematic oppression. It is difficult to regulate and place restrictions on wartime sexual violence as there must be no infringement on the cultural history of another nation-state. More developed countries where women receive more rights are likely to clash with nation-states that have not yet, granted the same rights to their female citizens. In many countries, sodomy is considered a crime; therefore, male victims of anal rape are more reluctant to go to authorities in fear of getting arrested themselves or are met with insufficient help¹⁴.

Conclusion + Committee Directive

It is the utmost importance of the Human Rights Committee to protect all citizens of the world, but at this time specific attention needs to be given to the victims and potential victims of gender-based violence as a result of war. We invite delegates to establish a clear, standard, universal definition of sexual violence to encompass all human beings - regardless of gender. It is important to specifically address male victims separately due to their different circumstances and harmful stereotypes regarding male victims. Additionally, it is imperative to note that the goal is not to lessen support for female victims but to ensure that all victims are given equal treatment under international law. Consider the sources of funding to protect and support marginalized and oppressed individuals in wartime nations. Debate and establish a system of sanctions against nations who use sexual violence as a weapon of war. The delegates of the Human Rights Committee should work to create resolutions addressing the general issue of sexual violence and the ramifications that follow the malpractice. Delegates should not only take into consideration those currently at war but all nations, as each has both history and potential of conflict, when composing a resolution. Delegates may find difficulty in finding a resolution that addresses each facet of the broad issue of sexual violence. Another challenge may be producing a resolution with guaranteed effectiveness and longevity. Additionally, delegates should consider ways to balance between the regulation of national customs as they pertain to sexual violence. Delegates should consider a resolution that is adaptable to nations with vastly different cultures and customs. We urge delegates to consider the potential challenge of how can sexual violence be combatted when individual nations do not see it as an act of violence. Delegates should familiarize themselves with the governing powers of the United Nations and take into consideration the seventeen United Nations Sustainable Development Goals while working towards a resolution combating gender-based violence.

¹³ Slack, Mark. "Women as Victims of War." *OBSTETRICS & GYNAECOLOGY FORUM*, vol. 27, no. 4, pp. 36–40.

¹⁴ Solangon, Sarah, and Preeti Patel. "Sexual violence against men in countries affected by armed conflict." *Conflict, Security & Development* 12.4 (2012): 417-442.