



‘INVISIBLE VICTIMS?’: MALE RAPE AND OTHER FORMS OF SEXUAL VIOLENCE AGAINST MEN IN ARMED CONFLICT

FINAL THESIS

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ABSTRACT

In this thesis the author has explored relevant legal and human security frameworks specifically covering wartime sexual violence to assess the position, protection or visibility of the relatively ‘silent’ victim group of male victims. It was found that in the current instruments, the *visible* victims are ‘women and girls’. They are often *included* explicitly in legal and policy provisions, thereby seemingly *excluding* male victims. However, many reports substantiate significant male victimization of wartime sexual violence. The apparent *female-focused approach* has programmatic implications for male victims, who are under-recognized and under-protected. The instruments in place follow traditional gender roles, where men are conceptualized as aggressive perpetrators and women as non-violent victims, being traditional notions of hegemonic masculinity and heterosexuality. The existing serious dichotomy between visible and invisible victims is prominently based on their ‘gender identity’ and leads to structural discrimination of, for instance, male victims of rape or other forms of sexual violence. To overcome this situation and develop more inclusive instruments, it is advised to reconceptualise the meaning and use of words like ‘gender’, ‘gender perspective’ and ‘gender dimension’. Additionally, a more *intersectional approach* to sexual violence should be adopted, understanding that victims have a multitude of identities such as ethnicity or religious affiliation that make them particularly vulnerable to suffering.

THESIS INFORMATION

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This thesis was inspired by a short essay written in the fall semester of the *European Master's Degree in Human Rights and Democratisation* (E.Ma) at the European Inter-University Centre in Venice, Italy. The purpose of that paper was to critically assess the implementation of United Nations Security Council Resolution 1325 (2000), which started the discourse *Women, Peace and Security* and brought women's issues during and after war high on the international human security agenda. During my research, I came across news articles on sexual violence in conflict directed against men. To that point, I was only aware of *female* victims of wartime sexual violence, having previously written an LL.M. thesis on United Nations Peacekeepers individual criminal responsibility for sexual abuse, focussing on human trafficking. Reading Resolution 1325, I realised that male victims fell out of the scope of its protection seemed to be an invisible victim group. This is what led me to draft a research proposal on male victims of wartime sexual violence. As the E.MA program is multidisciplinary and I have an exclusively *legal* background, it seemed educational for me to compile a critical perspective on the issue of male victimization from other relevant disciplines, especially gender studies.

For the development of this thesis, I would like to thank the E.Ma team in Venice for the wonderful first semester and discussions leading up to the submitted research proposal. In particular, I am thankful to John Reynolds, for the first discussions on my topic, Monika Bartoszewicz, for her confidence in me, and Angela Melchiorre, for advising me but also for her tireless dedication to the E.Ma program, ensuring the well being of all students. I also would like to thank Dr. Orsolya Salat, our E.MA National Director, who always kept a careful eye out for the E.MA students in Budapest, and who was always up for a nice discussion on our topics, or the current democratic situation in Hungary.

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projected by the many different debates within feminism and sociology. This co-supervision from two disciplinary angles was a unique opportunity for me, as it provided interesting insights from both sides, making my thesis come to live through debates in their offices. From both I have learnt tremendously, like I have from researching and writing this thesis. As a lawyer, I care about categorization and systems that clarify who is to be protected or prosecuted for what. Writing this thesis has however taught me the danger of not being critical about what (system or categorization) is in place, because this may foster an attitude of complacency with what we have rather than one of continuous improvement. This is what I experienced in this thesis regarding the dichotomy between visible/invisible victims and 'rights holders'.

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Ellen Anna Philo Gorris

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ABBREVIATIONS

In this thesis some of the following abbreviations shall frequently be used.

CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
DEVAW	Declaration Against Violence Against Women
DRC	Democratic Republic of the Congo
ECHR	European Court of Human Rights
GBV	Gender-Based Violence
IAC	International Armed Conflict
IACHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
ICC	International Criminal Court
NIAC	Non-International Armed Conflict
NGO	Non-Governmental Organisation
SCSL	Special Court for Sierra Leone
SGBV	Sexual and Gender-Based Violence
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSG	United Nations Secretary-General
WPS	Women, Peace and Security (Resolution 1325 discourse)

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