

Chapter 19

Women and Genocide: Ending Impunity for Sexual Violence

Ellen J. Kennedy

Introduction

Women and girls are targeted and victimized during genocides and mass atrocities. To strike at them is to strike at the heart of a culture and a society. Such strikes provoke fear and intimidation; prevent the possibility of retaliation; break up families; destroy communities; and change the ethnic identity of subsequent generations. This chapter explores epidemics of violence against women during some of the major genocides of the twentieth century, including the kidnapping and sexual slavery of Armenian women during World War I; the medical cruelty and forced prostitution perpetrated in the Ravensbruck women's concentration camp during the Holocaust; the use of 'rape camps' in Bosnia in the 1990s war; the rape and intentional transmission of HIV/AIDS to more than 500,000 Rwandan women during the 1994 genocide; and sexual slavery of Yazidi women and girls in Syria and Iraq perpetrated by the terrorist organization ISIS. Significant advances in human rights in the past several decades have classified rape and other forms of sexual and gender violence as crimes against humanity, genocide, and war crimes, not as unavoidable collateral damages of war. This chapter examines prosecutions for these crimes as part of a profound legal shift towards ending impunity for perpetrators of violence against women and girls. This change is influenced, in part, by the increased numbers of women prosecutors and judges in national and international tribunals and an increased attention to 'gender justice' on a global scale. The impact of this profound shift is to communicate clearly the penalties of such crimes, provide deterrence for future sexual violence against women, and promote some measure of justice and the alleviation of suffering.

E.J. Kennedy (✉)

World Without Genocide, Mitchell Hamline School of Law, St Paul, MN 55105, USA
e-mail: kennedy@worldwithoutgenocide.org

Gender and Genocide

“The women are those who hold their families and communities together. Their physical and emotional destruction aims at destroying social and cultural stability. In many cultures, the female body embodies a nation as a whole. The rape of women of a community, culture, or nation can be regarded as symbolic rape of the body of a community” (MacKinnon 2006).

In recent years, prosecutors of genocide and crimes against humanity have sought successfully to include rape as a crime of genocide. This ‘gendering’ of genocide and mass atrocities represents a relatively recent phenomenon in both legal scholarship and in efforts to prosecute perpetrators who target women and girls. Females are victimized during genocides and mass atrocities because to strike at them is to strike at the heart of a culture and a society. These strikes also provoke fear and intimidation and prevent the possibility of retaliation; break up families and destroy communities; and the offspring born of rapes change the ethnic identity of subsequent generations. Sexual torture of women is used to cause terror sufficient to drive whole populations out of an area or to deter males from revolutionary activity.

Men and boys are targeted as well, as perpetrators attempt to eliminate retaliation from battle-age males. However, the nature of the targeting by sex is vastly different: males are typically killed, whereas women are violated – and then killed. Although sexual violence is also perpetrated against men (Féron 2014) and those who identify as LGBTQ (Flaherty et al. 2014), their rates of victimization are much lower. This discussion focuses only on crimes of sexual violence perpetrated by men against women, which not only constitute the preponderance of sexual violence crimes but also the greatest range of crimes within that category.

Margot Walstrom, Special Representative of the UN Secretary-General on Sexual Violence in Conflict, has said, “[Sexual violence] is a way of demonstrating power and control. It inflicts fear on the whole community. And it is unfortunately a very effective, cheap, and silent weapon with a long-lasting effect on every society” (Walstrom 2011). Sexual violence against women during armed conflict takes many forms: rape, forced sexual intercourse or other sexual acts with family members, forced pregnancy, sexual mutilation, sexual humiliation, medical experimentation on women’s sexual and reproductive organs, forced abortion, forced sterilization, forced prostitution, being compelled to exchange sexual favors for essential items or services or for the return of children, forced sexual slavery, being the subject of pornography, and forced cohabitation. In recent years, women and girls have been raped with burning wood, knives and other objects. They have been sexually assaulted and raped by government forces and non-state actors, friendly forces, police responsible for their protection, checkpoint guards, prison guards, administrators and staff of refugee camps, fellow refugees, looters, lawless gangs, local politicians, neighbors, and family members under threat of death. They have been maimed or sexually mutilated and later killed or left to die (Schneider 2006).

Rape and sexual violence are crimes of opportunity – and crimes of impunity, with deeply-rooted precedent in the historical license to ‘rape and pillage’ in the context of war, and indeed, with raping and pillaging often used as incentives and rewards for other acts of atrocity. These crimes of sexual and gender-based violence are often unpunishable because the victims remain silent, unable or afraid to accuse their violators. The women bear great shame and stigma in cultures that value their ‘purity’ and they become pariahs and outcasts, rejected from their own communities and from their own families. In some societies, women also have few legal rights to bring charges against their perpetrators or they face life-threatening reprisals for taking action. Women and girls have too little chance for justice – or for healing.

The twentieth century is replete with sexual violence against women perpetrated in the context of genocide. Although most of the stories remain unheard, the wall of silence is slowly crumbling. For example, in 2013, during the prosecution of former Guatemalan dictator Jose Efraim Rios Montt, the first former head of state to stand trial in his own country and by his own courts for crimes against humanity, ten rape victims came forward to break the taboo surrounding their own experiences.

“This is the first time in a national court that the issue of sexual violence has been aired more than fifteen years after the war ended,” said Alejandra Castillo, assistant director of Guatemala’s Human Rights Legal Action Centre. “It’s an issue that has until now remained invisible. It’s very important because it’s a recognition that sexual violence of this nature happened” (Moloney 2013). Under conditions of utmost security, brave women testified about their own rapes and one woman spoke about being forced to witness the rape of her 12-year-old daughter by four soldiers.

These stories are coming to light from conflicts that stretch across the globe and span a century. The next few sections of this chapter describe five major genocides spread across the twentieth century and ways in which women and girls were sexually victimized in each case. (NB: Many other tragic examples from the last century are not included because of space limitations, e.g. the abductions of babies and children from women in Argentina; brutal victimization of women and girls in the Democratic Republic of the Congo, referred to as ‘the rape capital of the world’ (Brown 2012); torture and violence against women in East Timor; and more). In each example, progress in prosecuting these crimes of sexual violence is summarized. Impunity for these crimes is slowly receding as the truth is brought forward.

Genocide of the Armenians

Sexual Violence and Tattoos

From 1915 to 1923, an estimated 1.5 million Armenians living in the Ottoman Empire perished in a genocide led by Turkish armed forces, militias, and ordinary members of the public. This death toll constituted three-fourths of the total Armenian

population. The systematic use of rape during this genocide was verified by Turkish, American, Austrian, and German witnesses and officials (Dadrian 2008).

Young girls were assaulted in their homes before forced relocation or on forced marches into the Syrian desert. Deported women were subjected to murder, rape, mutilation, and abduction. Those who were abducted were eventually forced into slavery and marriage. The abducted women were tattooed on the cheek, forehead, below the lip, and on the neck and chest with tattoos that indicated the name of the owner. Each time a slave girl changed owners, additional tattoos were placed on her (Sanasarian 1989).

An eyewitness testified, "It was a very common thing for them to rape our girls in our presence. Very often they violated eight- or ten-year-old girls, and as a consequence many would be unable to walk, and they were shot." Another testified that every girl in her village aged over twelve, and some even younger, had been raped (Smith 2013).

Once the men had been separated from the women, the women were systematically raped and then killed, along with any children. According to eyewitness accounts, the practice of rape was "more or less universal" (Theriault 2007).

Prosecutions

At the urging of the British government, military trials were held in Turkey after World War I for those accused of crimes against humanity. More than one hundred Turkish officials were arrested by April 1919.

A police chief testified that he had given young girls as a gift from the governor-general to the members of the central committee. A merchant testified that not only were children being killed at the Red Crescent Hospital, but young girls were also being raped and the governor-general himself kept fifteen girls there for his own sexual gratification. A military officer testified to the British that "government officials at Trebizond picked out some of the prettiest Armenian women of the best families. After committing the worst outrages on them, they had them killed" (Dadrian 2008). The court found Lieutenant-Governor Kemal Bey guilty of murder and forced relocation; he was given the death penalty. Major Tevfik Bey, a police commander, was also found guilty and received a 16-year prison sentence (DeLaet 2005). While the number of prosecutions was trivial, at least small steps were taken to address some of the crimes of sexual violence.

The Holocaust – Ravensbruck Concentration Camp for Women

Forced Sterilization and Forced Prostitution

Although there were approximately 42,500 concentration camps in the Nazi network throughout occupied Europe (Lichtblau 2013), only one main camp was built exclusively to house women prisoners. Ravensbruck concentration camp, about 50 miles north of Berlin, began operating in 1939 and housed women from more than 30 countries, Jews and non-Jews. Over the 6 years of the camp's operations, an estimated 132,000 women were imprisoned there. Fully 90% perished from various causes: starvation, disease, torture, and extermination, either after transport to Auschwitz or other extermination centers, or through killing practices instituted at Ravensbruck itself, including poisonings and death in a gas chamber built on the premises near the end of the war.

Because Ravensbruck's population was almost exclusively women, including the guards, the practices related to sexual violence that were often carried out by the female guards are particularly heinous to me. Two practices in particular are noteworthy: medical experiments to determine the 'best' methods of forced sterilization, and the use of Ravensbruck's women prisoners as prostitutes in brothels that Heinrich Himmler established in many of the concentration camps.

In 1933, the Nazis passed the Law for the Prevention of Genetically Defective Progeny. This legalized the involuntary sterilization of people with various characteristics and encouraged the growth of the Aryan race. The Nazis sterilized about 400,000 German women (United States Holocaust Memorial Museum 2016), using techniques that were developed at Ravensbruck and other concentration camps.

Ravensbruck women were sterilized through multiple means including surgery, drugs, or severe radiation under the direction of Dr. Carl Clauberg. Clauberg's earlier experiments at Auschwitz had failed and he experimented again at Ravensbruck in the final months of the war. In particularly horrific tests, sterilization started at Ravensbruck on Roma and Sinti (also known as Gypsy) girls aged eight to ten. "Clauberg sprayed a substance into the womb under pressure and watched the effect on the fallopian tube through an X-ray screen" (Helm 2014). According to figures discovered in German records after the war, "between Christmas 1944 and February 1945, 500 Gypsies [sic] were sterilized at Ravensbruck, including 200 young girls" (Helm 2014).

In 1942 the SS began opening brothels in some of the concentration camps. Camp authorities used the women who were forced to work in these brothels as a reward to male prisoners for meeting production quotas. Most of the women were prisoners from Ravensbrück; their numbers are estimated to be at least 100. Ravensbruck doctor Gerhard Schiedlausky selected women to be prostituted at Mauthausen, Dachau, Buchenwald, and Flossenburg concentration camps. The women often were forced to service at least ten men each night (Helm 2014).

Ravensbruck Prosecutions

Following the war, national trials were held in Germany (most notably the Hamburg Ravensbruck Trials from 1946 to 1948), Poland, and the United States to prosecute the SS leadership and the female guards from Ravensbruck, many of whom were sentenced to death or to various terms of imprisonment. Ravensbruck commandant Fritz Suhren was captured and tried by a French military court in 1949 and was sentenced to death and hanged in 1950 (Cook 2006). These trials did not focus specifically on crimes of sexual violence but served to punish perpetrators for a wide range of heinous crimes against the women.

Rape Camps in Bosnia

Fifty years after the Holocaust, war broke out again in Europe in the former Yugoslavia. This conflict was marked by intense sexualized violence, most notably the creation of “rape camps” in which women were tortured and repeatedly violated.

Although violence was perpetrated by all sides in this conflict, Bosnian Serbs were responsible for most of the sexualized attacks, which were directed against Bosnian Muslim women. Estimates of the number of women raped range from 20,000 to 60,000 (Hirsch 2012).

Rape and sexualized violence were used as several different types of weapon in this war (Hirsch 2012). *For ethnic cleansing*,¹ women testified that soldiers told them, during rape, that they wanted to get the women pregnant or force them to have children who would look ethnically different from their mother (Cohen 2011). *To humiliate*, women were raped in front of their husbands and children, who were held at gunpoint; even elderly women were raped, clearly not to impregnate them but to demean them and their families. *To instill fear*, women were raped in public, which caused the flight of entire Muslim communities. Rapes were even committed outdoors, in broad daylight. *To coerce information*, women were raped to force them to divulge the whereabouts of men who were hiding in the forests. *As spoils of war*, women were raped alongside the looting and theft of private property (Hirsch 2012).

One of the most notorious sites of gang rape during the beginning of the war, April to July 1992, was in Foča, a town in southeastern Bosnia. Rape camps were

¹The United Nations Commission of Experts defined “ethnic cleansing” as “rendering an area ethnically homogenous...” Ethnic cleansing was carried out in the former Yugoslavia through murder, torture, arbitrary arrest and detention, extrajudicial executions, rape and sexual assault, confinement of the civilian population, deliberate military attacks or threats of attacks on civilians and civilian areas, and wanton destruction of property. <http://www.crimesofwar.org/a-z-guide/ethnic-cleansing/#sthash.Bilw6RGn.dpuf>

set up in restaurants, motels, schools, and other large buildings. In one single location in Foča, more than 70 women were held captive and tortured for months.

Prosecution

In 2001, the International Criminal Tribunal for former Yugoslavia, a United Nations ad hoc tribunal established solely to adjudicate crimes that occurred during the Yugoslav war, pronounced 'guilty' verdicts for three Foča defendants accused of rape and sexual enslavement as a crime against humanity. This was the first time in history that rape had been labeled a crime against humanity (International Criminal Tribunal for the Former Yugoslavia 2001), and it represents a landmark shift in human rights law. It is not coincidental that lead prosecutors and judges in the case were women (Women, War, and Peace 2011).

Rape and AIDS in Rwanda

In 1994, during the hundred-day genocide in Rwanda, an estimated 500,000 women were raped (Aginam 2012), and thousands were intentionally infected with HIV/AIDS. Hundreds of male patients who were suffering from AIDS had been released from hospitals and formed into "rape squads" by Hutu perpetrators, with the deliberate intent to infect Tutsi and moderate Hutu women with the disease and to cause a "slow, inexorable death" (Drumbl 2012). Some observers believe that almost every woman and adolescent girl who survived the genocide was raped. Although the exact number of women raped will never be known, testimonies from survivors confirm that thousands of women were individually raped, gang-raped, raped with objects such as sharpened sticks, machetes, knives, or gun barrels, held in sexual slavery (either collectively or through forced "marriage"), or sexually mutilated (Human Rights Watch 1996).

In Rwanda, as elsewhere in the world, rape and other gender-based violations carry a severe social stigma. The physical and psychological injuries suffered by Rwandan rape survivors were aggravated by a sense of isolation and ostracism. Rwandan women who have been raped or who suffered sexual abuse generally do not dare reveal their experiences publicly, fearing that they will be rejected by their family and wider community and that they will never be able to reintegrate or to marry. Others fear retribution from their attackers if they speak out. Often, rape survivors suffer extreme guilt for having survived and having been held for rape, rather than having been executed (Human Rights Watch 1996).

Many of the rapes during the genocide resulted in what were called "pregnancies of war." According to estimates of the National Population Office, survivors of rape have given birth to between 2000 and 5000 children who are known as "enfants

non-desirés” (unwanted children), “enfants de mauvais souvenir” (children of bad memories), or “children of hate” (Human Rights Watch 1996).

Prosecution of Rape

The International Criminal Tribunal for Rwanda (ICTR), a United Nations ad hoc tribunal established in the aftermath of that genocide to prosecute the perpetrators, handed down the first conviction for the use of rape as a weapon of war. It was the first time that mass rape during wartime was found to be an act of genocide (Office of the UN Special Adviser on the Prevention of Genocide 2016; Russell-Brown 2003).

Jean-Paul Akayesu of Rwanda is the first person to have been convicted for using rape as genocide. While the Yugoslav tribunal, ICTY, had classified rape under the category of a ‘crime against humanity,’ the Akayesu case was the first instance in which rape also became part of the definition of ‘genocide.’ Initially gender-based violence had not been included in the indictment against Akayesu. However, after pressure was brought to bear by non-governmental organizations an amendment was made to the indictment. During Akayesu’s trial, the ICTR affirmed that sexual violence, including rape, fell under paragraph B of the Convention on the Prevention and Punishment of the Crime of Genocide, as the rapes had been carried out with the sole intent to destroy, in whole or in part, a specific group. The ICTR also ruled that the sexual violence against the Tutsi women was a systematic part of the genocide, which was carried out against all Tutsi women. To this extent the finding against Akayesu, that rape can be an act of genocide, is a major step forward in international jurisprudence for prosecutions on charges of genocide. On September 2, 1998, Akayesu was sentenced to life imprisonment after being found guilty of genocide and crimes against humanity, which included rape. Like the result from the ICTR ‘rape camp’ trial, this was a major achievement in promoting justice for victims of sexual violence.

ISIS and Sexual Slavery

Sexual Violence Against Yazidis

The extremist group ISIS (aka Islamic State, ISIL, or Daesh) has perpetrated rape, sexual slavery, forced marriage, and other forms of sexual and gender violence against the Yazidis, a Kurdish ethnic group who follow an old religion that teaches a single God created seven archangels to help rule the world. The Yazidis are located primarily in the Nineveh province of northern Iraq (Joshua Project 2016).

According to a 2014 Human Rights Watch report, ISIS forces took several thousand Yazidis into custody in 2014 (Muscati 2015). Men and women were separated; the men were killed and several thousand women and girls were sold into sexual slavery and repeatedly bought and sold.

The trade in Yazidi women and girls created an ISIS infrastructure that includes a network of warehouses where victims are held, viewing rooms where they are inspected and marketed, and a fleet of buses used to transport them from one area to another.

A total of 5270 Yazidis were abducted in 2015, and at least 3144 are still being held as of this writing, according to community leaders. To handle them, the Islamic State has developed a detailed bureaucracy of sex slavery, including sales contracts notarized by the ISIS-run Islamic courts. And the practice has become an established recruiting tool to lure men from deeply-conservative Muslim societies where casual sex is taboo and dating is forbidden (Callimachi 2015).

But unlike the situation for women in Rwanda, Bosnia, and other cases examined in this chapter, Yazidi women who have been sexually violated by ISIS are promised to be welcomed back into the Yazidi community. Baba Sheikh, a Yazidi religious leader, issued a statement on September 6, 2014 welcoming escaped women to return and stating that no one should harm them. Six months later he re-issued the appeal, saying, "These survivors remain pure Yazidis and no one may injure their Yazidi faith because they were subjected to a matter outside their control.... We therefore call on everyone to cooperate with and support these victims so that they may again live their normal lives and integrate into society" (Muscati 2015). The Yazidi community in this way demonstrates that the alleviation of all suffering from mass sexualized violence includes strategies to eliminate social suffering through community acceptance of victims.

Prosecutions

A report released in 2015 by the U.N. Assistance Mission in Iraq and the U.N. High Commissioner for Human Rights concluded that actions by ISIS "may amount to war crimes, crimes against humanity, and possibly genocide" (Keating 2015). There have been an increasing number of calls for ISIS leaders to be prosecuted by the International Criminal Court (ICC, or Court) at The Hague. The ICC's chief prosecutor, Ms. Fatou Bensouda, addressed the issue, saying that while ISIS has committed "crimes of unspeakable cruelty," her jurisdiction is too narrow to launch a prosecution (ICC Office of the Prosecutor 2015). Neither Iraq nor Syria, where the crimes in question have taken place, is a party to the Rome Statute, which in 1998 established the ICC, the world's only permanent court to prosecute genocide, war crimes, and crimes against humanity. Since most of the crimes in question took place in these two countries and most known ISIS leaders are thought to be citizens of one of them, the crimes and the perpetrators fall outside the Court's jurisdiction. However, foreign fighters from ICC member countries could theoretically be tried

by the ICC. The Court *can* start an investigation of crimes by outside member states if the situation is referred to the ICC by the U.N. Security Council.

Prosecutor Bensouda has said, "I remain profoundly concerned by this situation and I emphasise our collective duty to respond to the plight of victims whose rights and dignity have been violated. The international community pledged that appalling crimes that deeply shock the conscience of humanity must not go unpunished" (ICC Office of the Prosecutor 2015).

Conclusion – Gendering Justice and Alleviating Suffering

Customary international law refers to international obligations that arise from established practices and custom, as opposed to formal laws, treaties, or other related documents. Earlier sections of this chapter illustrate that customary international law is moving in the direction of prosecuting crimes of sexual violence. There are important reasons to applaud this shift. One is, without doubt, that our collective moral imperative is charged with eliminating these brutal crimes. Second is that, although nothing can ever provide closure to the survivors or their communities, prosecution establishes confidence in the rule of law and develops a social and legal infrastructure that promotes long-term peace and stability. Finally, sexual violence is a known component in enabling genocides, crimes against humanity, and war crimes to occur. The reduction or elimination of sexual and gender violence would herald an important step towards genocide prevention.

The International Criminal Court

The various cases examined in this chapter illustrate that significant efforts occurred during the twentieth century to reduce impunity for sexual violence. The most significant commitment to date has been undertaken by the International Criminal Court, the permanent tribunal in operation in The Hague, Netherlands since 2002. Most nations in the world have ratified the Rome Statute, the 1998 treaty that formed the basis for this Court. Although the United States has not yet ratified the Rome Statute, the US supports many of the Court's activities, and the challenges to address both gender justice and 'gendered justice' are central to the mission and vision of this Court.

The Rome Statute explicitly codifies crimes of sexual and gender violence as war crimes and crimes against humanity. These crimes include rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, and sexual violence. In addition to the legal codification of these human rights violations that overwhelmingly apply to women and girls, the Rome Statute also requires that the Court must have an adequate representation of women judges as well as experts on gender and violence against women who are required to serve on the Court (Spees 2003).

the International Criminal Court today, six of the 18 judges are women, which reflects women's increasing rise in the field of international criminal law as well as achievements of the Court in enhancing 'gendered justice.' This female representation at such high levels is notable in a field where male judges typically outnumber female judges by a significant number.

In 2014, Chief Prosecutor Ms. Fatou Bensouda's office published A Policy Paper Sexual and Gender-Based Crimes to guide the Office of the Prosecutor in combating impunity for sexual and gender-based crimes (International Criminal Court Office of the Prosecutor 2014). The policy was designed to insure not only the effective investigation and prosecution of these crimes, but to enhance access to justice for victims of these crimes through the Court. The Court's public statement accompanying release of the policy adds, "Sexual and gender-based crimes are among the gravest under the Rome Statute, and investigating and prosecuting such crimes is a top priority for the Office" (International Criminal Court Office of the Prosecutor 2014).

The Court also has a mandate to address victims' concerns, including providing safety, reparations, support services, access to the Victims' Trust Fund, and other programs that serve to alleviate, in at least a small measure, some of the harm and suffering that was experienced (Human Rights Center, UC Berkeley School of Law 2015).

United Nations

The United Nations Security Council (SC) has also taken many steps to address this historical, systemic, global problem at a world-wide level and to promote action against sexual violence in conflict. There have been seven Security Council resolutions on this topic since 2000 (United Nations, Outreach Program on the Rwanda Genocide and the United Nations 2013):

- SC Resolution 1325 (2000) calls for increased participation of women in the prevention and resolution of conflicts, the maintenance and promotion of peace and security, and the incorporation of policies and procedures to protect women from gender-based crimes such as rape and sexual assault.
- SC Resolution 1820 (2008) calls for an end to acts of sexual violence against women and girls as a war tactic, an end to perpetrators' impunity, and protection in UN-led security endeavors including refugee camps.
- SC Resolution 1888 (2009) calls for a special UN representative to lead the UN work on this issue, to send experts to situations of particular concern, and to mandate peacekeepers to protect women and children.
- SC Resolution 1889 (2009) reaffirms Resolution 1325 and calls for greater empowerment of women and girls in post-conflict programming.
- SC Resolution 1960 (2010) asks the Secretary-General to establish monitoring, analysis, and reporting specific to conflict-related sexual violence.

- SC Resolution 2106 and 2122 (2013) calls for stronger monitoring and prevention of sexual violence in conflict and reiterates the importance of women's roles in conflict prevention, resolution, and peace-building.

In 2007, the work of thirteen separate UN agencies that all address the elimination of sexual violence was put under one umbrella: UN Action Against Sexual Violence in Conflict. The goal was to improve coordination, accountability, and to support national efforts at violence prevention and to respond to survivors' needs (Stop Rape Now: UN Action 2014)

At present, despite UN resolutions and actions, best efforts of the International Criminal Court, and changes in the definitions of genocide and crimes against humanity to include sexual violence, women and girls continue to constitute 90% of casualties of war and 80% of those who are displaced by violence. Despite their overwhelming victimization and vulnerability during times of conflict, women still comprise only 8% of participants in peace negotiations and fewer than 3% of signatories in peace negotiations (United Nations Entity for Gender Equality and the Empowerment of Women 2012).

The Legal Profession

A critical step in advancing justice for women and insuring their representation in peace processes is to increase women's presence in the highest reaches of the law and in equal proportion to their male counterparts. Equal representation of men and women in the criminal law process enhances normative legitimacy and frees decisions from gender biases, while also including the unique perspectives of both men and women in the courtroom. Although empirical studies of women judges and international courts have been quite rare, one study of ICTY sentencing practices showed that ICTY panels with female judges imposed more severe sanctions on defendants who assaulted women than did their male counterparts (Grossman 2011).

Former Inter-American Court of Human Rights Judge Cecilia Medina Quiroga has recounted how her woman's perspective affected the elicitation of facts relevant to reparations in a Guatemalan massacre and rape case (Grossman 2011). Further, women judges have, in fact, had an impact on the actual development of law and facts on international criminal courts. Judge Navi Pillay, the only woman judge on the ICTR panel trying Jean-Paul Akayesu, is widely credited with taking the initiative to question witnesses about evidence of sexual violence. Her insistence, combined with the efforts of non-governmental organizations, resulted in amending Akayesu's indictment to include charges of sexual violence (Grossman 2011).

Alleviating Suffering

Sexualized atrocities in large-scale violent conflict produce intense suffering for young girls and women. This genocidal aggression results in deep mental suffering, severe physical injury and pain, and often a lifetime of humiliation and stigma. This special suffering accompanies hopelessness and despair, the essence of existential suffering. The cases of genocide examined in this chapter illustrate that the situation of civilians in armed conflict zones, especially women, remained “grim and bleak” throughout the twentieth century.

“Even war has rules,” stressed Jan Eliasson, United Nations Deputy Secretary-General, as he addressed the Security Council. While progress had been made over the past 40 years in establishing international norms to enhance the protection of civilians, large numbers of civilians today are still deliberately or recklessly killed, maimed, tortured or abducted. The United Nations has announced that 2016 must be the time to turn rhetoric into concrete action to mitigate civilian suffering (Eliasson 2016). This focus is embodied at the United Nations Security Council, in countless resolutions, in programs at the International Criminal Court, and as the mission of thousands of governmental and nongovernmental organizations around the world.

The genocides profiled in this chapter together reveal that gender-based victimization and suffering continue to occur over and over again. The progress made by the International Criminal Court, other tribunals, and related initiatives of the UN give hope for the future. While these changes at the international level have been ground-breaking, sexualized violence will continue until the spirit of the international steps filters down to the national, city, community and family levels.

At a domestic level, the levels of sexual assault and violence in the United States are shocking. According to the National Sexual Violence Resource Center, one in five women will be raped at some point in their lifetimes. Annually, rape costs the U.S. more than any other crime (\$127 billion). Nearly 20,000 women in the U.S. military report sexual assaults (Military Times). The Centers for Disease Control reports that one in five undergraduate women on college campuses will experience an attempted or completed sexual assault. The CDC also reports that for more than half of all women rape victims, the perpetrator was their intimate partner.

We will never end all sexual violence, and we will certainly never prosecute all cases of rape. But as this chapter demonstrates, the changes in both customary and official laws are sending a message that gender-based violence will not be tolerated. Prevention is a more effective strategy than prosecution, and protection begins with educating young girls and boys about respectful relationships and gender equality (UN Women). The alleviation of sexualized suffering depends upon replacing gender-based aggression with gender-based justice from the couple upward to the whole of society.

“If we can travel to the moon and back—then of course we can end sexual violence.” - Charlotte Isaksson, Senior Gender Advisor, Swedish Armed Forces, Sweden.

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Chapter 20

Support Programs for Male Survivors of Conflict-Related Sexual Violence

Élise Féron

Introduction

Instances of sexual violence against men have been documented in a great number of conflicts and wars, both ancient and contemporary. A study conducted by Johnson et al. (2010) has, for example, established that 23.6% of men and boys living in Eastern DRC (39.7% of women and girls) have experienced some form of conflict-related sexual violence. In Bosnia, a survey of 6000 concentration-camp inmates in Sarajevo found that 80% of men reported having been raped during the war (Stemple 2009: 613). In Liberia, Johnson, et al. (2008) have shown that approximately one-third of adult male ex-combatants in their sample had experienced sexual violence. Numerous cases have also been reported in Colombia where 15% of victims of conflict-related sexual violence are male (Quijano and Kelly 2012: 490), in Chile (Oosterhoff et al. 2004: 68), in El Salvador (Leiby 2012), in Afghanistan and Syria (UN 2015), in Kashmir (Sengupta 2011); also in Sri Lanka (Sooka 2014), in Sudan and South Sudan (UN 2015), and in the Central African Republic (UN 2015), among many others cases.

The extent of suffering generated by sexual violence against men in conflict zones is increasingly recognized by the international community and especially by the UNHCR, which has issued guidelines in July 2012 on how to identify and support male victims of rape and other forms of sexual violence in conflict settings and displacement situations (UNHCR 2012). The challenges in dealing with that suffering are significant and varied, and pertain mostly to the medical, psychosocial, legal and social consequences for the survivors. But because the suffering induced by wartime sexual violence against men has long been ignored and silenced at the international and national levels, its alleviation has up to very recently not even been an issue considered worth addressing.

É. Féron (✉)